

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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ey/KGC

August 23, 2023

Cancellation No. 92078340

*Festivals of Speed, LLC*

*v.*

*The Goodwood Estate Company Limited*

**Kevin G. Crennan, Interlocutory Attorney:**

On August 21, 2023, Respondent filed the parties' stipulated motion to voluntarily surrender Registration No. 6132392, amend Registration No. 5557758, and dismiss the cancellation without prejudice, contingent upon entry of the voluntary surrender and amendment. 30 TTABVUE.

By the proposed amendment, Respondent seeks to amend the identification of goods and services in Registration No. 5557758 as follows (additions in bold; deletions struck-through):

FROM

International Class 9: Downloadable electronic publications in the nature of magazines, brochures, newsletters provided on-line from databases, from the internet, or from any other communications network including wireless, cable, or satellite in the fields of motorsports, ~~golfing, horse racing, country estate leisure pursuits, and historic buildings~~; apparatus for recording, transmission or reproduction of sound or images; ~~blank magnetic data carriers, blank recording discs; blank carriers and storage media, namely, records, circuits, discs, wires, tapes, film, cassettes, cartridges, fibres, and cards, bearing or for~~

~~use in bearing sound, video, data, images, recordings, games, graphics, text, programs, or information; software and programs and downloadable programs and computer programs for use in entertainment, training, and education, in the nature of online classes in the fields of motorsports, golfing, horse racing, country estate leisure pursuits, and historic buildings; electronic sports training and activity simulators; vehicle drive training and flight simulators; downloadable publications in the nature of magazines, brochures, newsletters provided on-line from databases, from the Internet, or from any other communications network including wireless, cable, or satellite in the fields of motorsports, golfing, horse racing, country estate leisure pursuits, and historic buildings; virtual reality systems, comprising virtual reality software for playing computer games, virtual reality headsets, virtual reality glasses; computer chips; time and date stamping machines; parts and fittings for all the aforesaid goods~~

International Class 25: Clothing, namely, robes, coats, gloves, shoes, headbands, neckties, overalls, overcoats, pants, scarves, shirts, skirts, sweaters; footwear; headwear, namely, hats and caps all for use in sports and leisure pursuits; ear muffs; ~~mountaineering boot liners~~

International Class 35: Advertising and promotion of educational, cultural, and entertainment events, namely, motorsports events, ~~golfing events, horse racing events, country estate leisure pursuits events, and historic buildings events~~

International Class 41: ~~Education services, namely, providing classes and seminars in the fields of social, political, and economic interest; providing of training in the field of motorsports; entertainment services in the nature of horse shows and racing, motor vehicle driving exhibitions, motor racing exhibitions, air shows, flying competitions; organizing sporting and cultural activities for education or entertainment purposes, namely, motorsports, horse racing, country estate leisure pursuits, and historic buildings events; training in the field of motorsports; providing facilities for holding sports events, festivals, and concerts; movie and film production services and television production services; provision of recreational and sporting facilities; publishing of books and magazines; entertainment services in the nature of personal appearances by movie stars and sports celebrities; organization and arrangement of events for entertainment purposes, namely, sporting events, races, sports competitions, shows, game shows, award ceremonies, sports tournaments, awards ceremonies, photography, motor racing and flying contests, art festivals, art galas, parties, dances, balls, sports meets, concerts, recitals, roadshows, displays for entertainment, art and food fairs, musical performances; organizing cultural, entertainment, and recreation services in the nature of horse shows and racing, motor vehicle driving exhibitions, motor~~

~~racing exhibitions, air shows, flying competitions; organizing entertainment, cultural, and educational club services in the nature of horse shows and racing, motor vehicle driving exhibitions, air shows, flying competitions; holiday camp services in the nature of sports or entertainment services, namely, horse shows and racing, motor vehicle driving exhibitions, motor racing exhibitions, air shows, flying competitions; operating lotteries and raffles; booking seats for entertainment events and shows; providing games via the Internet and computer networks; news syndication reporting; educational services in the nature of classes in outdoor education in the fields of horse shows and racing, motor vehicle driving and racing, air shows, flying competitions; offering racing circuits and race tracks for lease, hire, or rent; provision of race, racing, and show facilities; arranging the rental, hire, and leasing of educational, training, cultural, entertainment and sporting equipment, services and facilities for use in education, training, cultural, entertainment and sporting events and activities, namely, motorsports, golfing, horse racing, country estate leisure pursuits, and historic buildings; information, advice, and consultancy relating to the aforesaid~~

TO

International Class 9: Downloadable electronic publications in the nature of magazines, brochures, newsletters provided on-line from databases, from the internet, or from any other communications network including wireless, cable, or satellite in the fields of motorsports; software and programs and downloadable programs and computer programs for use in entertainment, training, and education, in the nature of online classes in the fields of motorsports; downloadable publications in the nature of magazines, brochures, newsletters provided on-line from databases, from the Internet, or from any other communications network including wireless, cable, or satellite in the fields of motorsports; **all of the foregoing relating to or to promote automobile racing and exhibition events held outside the U.S.**

International Class 25: Clothing, namely, robes, coats, gloves, shoes, headbands, neckties, overalls, overcoats, pants, scarves, shirts, skirts, sweaters; footwear; headwear, namely, hats and caps all for use in sports and leisure pursuits; **all of the foregoing relating to or to promote automobile racing and exhibition events held outside the U.S.**

International Class 35: Advertising and promotion of educational, cultural, and entertainment events, namely, motorsports events **held outside the U.S.**

International Class 41: providing games via the Internet and computer networks; news syndication reporting; **all of the foregoing relating to or to**

**promote automobile racing and exhibition events held outside the U.S.**

The amendment, however, was (1) not accompanied by the proper fee under Trademark Rule 2.6; and (2) not verified or supported by a declaration under Trademark Rule 2.20. *See* Trademark Rules 2.6(a)(11), 2.133(a), 2.173(b).

In addition, “ear muffs” appears in International Class 25, but this wording is omitted in the motion. Thus, it is unclear whether the parties intend to delete “ear muffs” from the identification.

Accordingly, Respondent is allowed **thirty (30) days** from the date of this order to submit the required fee and declaration in support of the amendment, failing which said amendment will be given no further consideration.<sup>1</sup>

Proceedings are otherwise **suspended**.<sup>2</sup>

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<sup>1</sup> Respondent may submit the required fee and declaration by utilizing ESTTA and selecting the option “Motion to Amend Registration (Requires a Fee and Declaration)” on the pick list for Discovery/Trial motions.

Filers may call the Board with questions about filing at (571) 272-8500 or (800) 786-9199 (toll free) from 8:30 a.m. until 5:00 p.m. (Eastern Time). TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 110.04 (2023).

<sup>2</sup> Until the Board receives the required fee and declaration in support of the amendment to Registration No. 5557758, action on the voluntary surrender of Registration No. 6132392 is **deferred**. Notwithstanding, the voluntary surrender, which may not be withdrawn, is accompanied with Petitioner’s written consent. *See* Trademark Rules 2.134(a), 2.172; *see also* TBMP § 602.02(a).