

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

September 6, 2023

Cancellation No. 92078340

Festivals of Speed, LLC

v.

The Goodwood Estate Company Limited

By the Trademark Trial and Appeal Board:

On September 1, 2023, Respondent filed the parties' renewed 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.

I. Registration No. 6132392

Respondent filed a voluntary surrender without prejudice of its Registration No. 6132392 under Section 7(e) of the Trademark Act, with Petitioner's written consent.

In view thereof, Registration No. 6132392 will be cancelled in due course by the Commissioner for Trademarks.

II. Registration No. 5557758

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; ear muffs; **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 complies with the requirements of Trademark Rule 2.173, and is limiting in nature. Moreover, Respondent has provided the required fee and declaration, and Petitioner consents to the amendment. Accordingly, the amendment is **approved**. See Trademark Rule 2.133(a).

The amendment will be forwarded to the Post Registration Branch of this Office for entry of the amendment in accordance with Section 7(e) of the Trademark Act.¹

III. Withdrawal of Cancellation

The contingency in Petitioner's withdrawal having now been met, the petition to cancel is **dismissed without prejudice**.

¹ A copy of the Board's order granting the amendment, and Respondent's declaration, will be forwarded electronically for uploading to the record of the registration.