



Information Rights

bbc.co.uk/foi bbc.co.uk/privacy

Mr Clive Rogers

Via email: request-437285-9abed957@whatdotheyknow.com

06 November 2017

Dear Mr Rogers

Freedom of Information Act 2000 – RFI20171475

Thank you for your request under the Freedom of Information Act ('the Act') of 09th October 2017, seeking:

Various BBC trademark programme titles are being used to promote a number of different live restaurant and other events, including 'Fawlty Towers', 'Absolutely Fabulous', 'Blackadder', 'Dr Who', 'Allo Allo', 'Only Fools' and many others. The events are promoting BBC programmes and these are BBC programme titles, which are identical to the words of the protected registered trademarks paid for by the BBC license fee payer. The BBC is the sole owner of registered and unregistered rights in relation to these words in these programme titles, which are protected under UK trademark law and to protect them from unauthorised exploitation. The various websites which promote these events are clearly exploiting the commercial potential of your BBC trademarks, which are protected under UK trademark law. One of the promotions for the 'Fawlty Towers' restaurant event is displayed on various websites including those below and issues a threatening warning message in relation to your BBC programme and protected registered title. The unnamed person responsible for this 'Fawlty Towers' promotion claims various rights in relation to the use of the BBC protected registered trademark words, 'Fawlty Towers', which it promotes. Whoever is responsible has clearly been well aware that the words 'Fawlty Towers' are the only intellectual property used in the promoted title of this restaurant event. As you will see at the links listed below, the unnamed person responsible for issuing the threatening message in respect of your 'Fawlty Towers' trademark, is promoting your registered 'Fawlty Towers' trademark commercially and exploiting it by using it for email addresses as well as domain names.

The 'Fawlty Towers' web page and the rights it claims, are in relation to BBC UK registered trade mark "Fawlty Towers" (No. 00002067258).

<http://www.torquaysuitetheatre.com/legal.html>

<http://www.interactivetheatre.com.au/legal/index.html>

legalatfawltytowers.net

<https://trademarks.ipso.gov.uk/ipso-tmcase/page/Results/1/UK00002551209>

<http://fawltytowers.net/media-resources/>

1. As the BBC is the sole exclusive registered owner of these various identical trademarks promoting these restaurant events, please would you provide the name of the person responsible who is claiming rights and has issued the threatening message in respect of your BBC trademark, Fawlty Towers?

2. On the web page displaying the threatening message, the words 'Fawltly Towers' are the only intellectual property used in the promoted title of this restaurant event. This appears to be a third party. How can a third party claim rights in a threatening court action in relation to the use of the words 'Fawltly Towers', when this is a BBC owned and protected registered trademark? Is this how the BBC controls use of its protected registered trademarks? Which of the BBC departments is responsible for the authorisation of this 'Fawltly Towers' promotion and exploitation of your trademarks for these various promotions?

Response

Under section 1(1) of the Act, I can confirm that the BBC does not hold your requested information.

However on this occasion we would like to volunteer the following information. In regards to question 1 the names of the companies responsible for the websites you have listed is freely available elsewhere. In each case it is indicated on the website in question. Furthermore unfortunately we were not able to get this link to work: legalatfaultytowers.net

In relation to question 2 we assume you are referring to the following passage:

"Faulty Towers The Dining Experience" attracts substantial goodwill and reputation which we wish to protect. IWPL and FTTDE have successfully taken and will continue to take legal action against third parties who pass themselves off as being IWPL/FTTDE/"Faulty Towers The Dining Experience" or in some way endorsed by us. Competitors should undertake not to in any way shape or form give the impression or otherwise suggest that they are in any way related to IWPL or FTTDE.

IWPL and its related companies ("IWPL") cannot enforce the BBC's rights in the BBC's registered trade mark number 00002067258. However, IWPL may be able to take legal action in its own right in relation to any third parties who pass off their shows or their companies as being related to or endorsed by IWPL. The BBC has had no involvement in any such legal action taken by IWPL.

Neither IWPL nor the websites you have listed are licensed, endorsed or authorised by the BBC.

Appeal Rights

If you are not satisfied that we have complied with the Act in responding to your request, you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review and including your reference number. If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliff House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone 0303 123 1113 or <https://ico.org.uk>.

Yours sincerely,

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BBC Legal

