

IN THE MATTER OF THE TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00003966292 FOR THE FOLLOWING TRADE MARK IN CLASSES 5 AND 10 IN THE NAME OF OSCARTECH UK LTD:

OscarTech UK

AND IN THE MATTER OF OPPOSITION NO. OP000445418 BY BIOTRONIK AG

AND IN THE MATTER OF AN APPEAL FROM THE DECISION OF EMMA REES (O/0904/25) DATED 29 SEPTEMBER 2025

DECISION

Introduction

1. This is an appeal by OscarTech UK Ltd (the “**Appellant**”) from a decision of Emma Rees (O/0904/25) concerning the opposition by Biotronik AG (“**Respondent**”) to the Appellant’s application for trade mark number UK00003966292 in classes 5 and 10 (the “**Application**”) for:

OscarTech UK

Background

2. The Application was filed on 11 October 2023 and published for opposition purposes on 27 October 2023.
3. On 22 January 2024 the Respondent opposed the Application under section 5(2)(b) of the Trade Marks Act 1994 (the “**Act**”), relying on its earlier mark UK00801531307 for OSCAR for certain goods and services in classes 10 and 44. The opposition was directed against all of the goods in the Application. The Applicant filed a counterstatement denying the claims.
4. Neither party filed evidence or requested a hearing. The Respondent filed submissions in lieu.
5. On 29 September 2025, the Hearing Officer held that the opposition based on section 5(2)(b) of the Act had succeeded, and the Application should be refused for all goods (the “**Decision**”). She ordered that the Appellant pay the Respondent the sum of £700 by way of contribution to the Respondent’s costs.

6. On 22 October 2025, the Appellant filed a Notice of Appeal to the Appointed Person against the Decision under section 76 of the Act.

Subsequent events

7. On 15 January 2026, the Appellant informed the Appointed Persons Secretariat Manager that it wished to withdraw its appeal.
8. The parties were directed to file submissions on costs on or before 23 January 2026. Neither party filed submissions.

Decision

9. Accordingly the Decision stands and the Application should be refused for all goods.

Costs

10. For the costs below, the Hearing Officer's order that the Appellant pay the Respondent the sum of £700 stands. For the costs of the appeal, no order is made as to costs.
11. I therefore order that the Appellant must pay the Respondent £700 within 21 days of this decision.

Antony Craggs
Appointed Person
02 February 2026

Representation

Applicant/Appellant: Litigant in person

Opponent/Respondent: Sonder & Clay IP Ltd