

O/0202/26

SUPPLEMENTARY DECISION

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NOS. UK00003868717, UK00003868712 AND
UK00003868724**

**IN THE NAME OF NICKEY GOWER
FOR THE FOLLOWING TRADE MARKS:**



POP DIGITAL

POP FIGURES

IN CLASSES 9, 28 AND 35

AND CONSOLIDATED OPPOSITIONS THERETO

UNDER NOS. 442592, 442593 AND 442594

BY FUNKO, LLC

SUPPLEMENTARY DECISION

1. On 22 December 2025, I issued a substantive decision (“the Substantive Decision”) in these proceedings which concerned three consolidated oppositions brought by Funko, LLC (“Funko”) against applications made by Nickey Gower.¹

2. That decision, in part, concerned a claim brought under section 5(4)(b) of the Trade Marks Act 1994 (“the Act”) which was directed at the first application listed on the cover page of this decision only (being UKTM no. 3868717). Funko relied upon the following work for the purposes of its opposition under that ground:



3. At paragraph 123 of the Substantive Decision, I stated as follows:

“123. The parties are in agreement that the work relied upon is not completely original. This is because the work relied upon, which was created by Mr Jamotillo on 8 July 2021 in the US (he was employed by the opponent at the time), was based upon an earlier device mark which was created in 2020.”

3. This statement is correct insofar as it states that the parties agree that the work relied upon under the 5(4)(b) ground was not completely original. However, they disagreed as to why. Whilst Mr Gower’s position was as recorded in paragraph 123 of the Substantive Decision, Funko claimed that the work was not completely original because it was based upon their own earlier trade mark, which appears as follows:

¹ BL O/1194/25



4. This decision is issued to correctly record Funko's position in this regard.

Dated this 12th day of March 2026

S WILSON

For the Registrar