

O/0253/26

TRADE MARKS ACT 1994

**IN THE MATTER OF TRADE MARK REGISTRATION
NO. UK00906874747
IN THE NAME OF CHELSEA GLOBAL WHOLESALE LTD:**

EOS

IN CLASS 3

AND

**APPLICATION NO. 84971
TO RECTIFY THE REGISTER
BY WELLA INTERNATIONAL OPERATIONS SWITZERLAND SÀRL**

Background & Pleadings

1. On 16 October 2024, the comparable mark shown on the cover page of this decision was assigned from Wella International Operations Switzerland Sàrl to CHELSEA GLOBAL WHOLESale LTD (“the proprietor”) for the following goods:

Class 3: Preparations for body and beauty care, namely preparations for cleaning, conditioning and embellishing of the hair.

2. The comparable mark was created from a Community Trade Mark (now a European Union trade mark) registration numbered 06874747 (“EUTM”). Under Article 54 of the Withdrawal Agreement between the UK and EU, comparable UK trade marks were automatically created for all EUTMs registered as at the end of the Implementation Period of 31 December 2020 (“IP Completion Day”). Being a comparable mark, UK trade mark number 9006874747 is recorded on the UK Trade Mark Register and has the same legal status as if it had been applied for and registered under UK law. Consequently, it has retained its original filing and registration dates of 29 April 2008 and 25 May 2010, respectively.
3. On 27 November 2024, Wella International Operations Switzerland Sàrl, (“the applicant”) filed a Form TM26R claiming that the Register should be rectified in accordance with section 64 of the Trade Marks Act (“the Act”) because the ownership of the mark had been changed without its knowledge, which appears to be related to fraudulent activity.
4. As the application for rectification was made by a person other than the registered proprietor, it was necessary to serve the application to the proprietor, in accordance with Rule 44(2) of the Trade Marks Rules 2008 (“the Rules”). Accordingly, on 12 June 2025, the Registry served the Form TM26R to the proprietor, setting a deadline of 12 August 2025 to file a counterstatement and evidence or submissions.

5. Although the proprietor was invited to file a counterstatement, it chose not to do so. Even though the application to rectify is not contested, I must still be satisfied that the Register does stand in error, before I can allow any rectification.
6. The applicant is represented by Dennemeyer & Associates SRL, and the proprietor is unrepresented.

Preliminary Issue

7. I note that on 13 December 2024, an unsigned Form TM26R was filed by Isa Soker for the proprietor, stating that:

“As a result of our review, we have determined that the transfer process was carried out incorrectly, and we request the cancellation of the transaction.”

8. On 17 December 2024, the UK IPO Recordals informed the proprietor that the unsigned Form TM26R could not be accepted for consideration in the following terms:

“I am not able to consider the form because it is unsigned at Section 6.

Please also confirm whether you are requesting that the owner **CHELSEA GLOBAL WHOLESALE LTD** is removed from this trade mark and **Wella International Operations Switzerland Sàrl** is reapplied.

If you are not requesting the above, please clarify what you mean by your request in Section 5 of your form. Please also send any evidence or documentation required to support your request.

Please send an amended form and any documentation [...] so it can be logged and considered.”

9. As no amended form or clarification was subsequently submitted by the proprietor, I consider that the proprietor's Form TM26R cannot be deemed valid or admissible, having no impact on this decision.

Evidence

10. By way of evidence to support the application for rectification, the applicant has provided the joint witness statement of Emmanuelle Eyraud, Senior Director of the applicant, and Radi Nabulsi, the Vice-President of the applicant, dated 11 March 2025 and accompanied by Exhibits 1-3. The relevant points from the witness statement and exhibits are as follows:
 11. Exhibit 1 consists of a copy of the certificate of registration from Office for Harmonization in the Internal Market (now EUIPO), of the contested mark dated 25 May 2010, which is registered as a Community Trade Mark (EUTM) in the name of Wella AG. While I note that the cover letter of the certificate is in German, the certificate itself is also provided in English.
 12. On page 2 of Exhibit 2, there is a copy of the official EUIPO letter dated 31 May 2017, which confirms the transfer of ownership of the contested mark to HFC Prestige International Holding Switzerland Sàrl. In addition, Exhibit 2 includes a EUIPO renewal certificate in German of the contested mark dated 21 February 2018.
 13. Further, page 12 of Exhibit 2 contains an official letter dated 28 July 2021 from the UK IPO Recordals. While the applicant considers this to be the official letter confirming the transfer from HFC Prestige International Holding Switzerland Sàrl to the applicant, I note that this is incorrect. According to our records, the Form TM16 was filed on 23 April 2021,¹ and the official letter from the UK IPO Recordals was issued on 10 August 2021, confirming the transfer of the contested mark from HFC Prestige International Holding Switzerland Sàrl to the applicant.

¹ Together with the Form TM16 is a deed of assignment that is dated 15 April 2021.

14. I also note that the applicant provided duplicate copies within Exhibit 2 and Exhibit 3 for the following:

- Form TM26R dated 13 December 2024, filed by Isa Soker.
- A 2018 renewal certificate of the contested mark in German.
- A copy of the applicant's Form TM26R filed on 27 November 2024.

Decision

15. The rectification of the Register is governed by section 64 of the Act, which states:

“64. - (1) Any person having a sufficient interest may apply for the rectification of an error or omission in the register:

Provided that an application for rectification may not be made in respect of a matter affecting the validity of the registration of a trade mark.

(2) An application for rectification may be made either to the registrar or to the court, except that—

(a) if proceedings concerning the trade mark in question are pending in the court, the application must be made to the court; and

(b) if in any other case the application is made to the registrar, he may at any stage of the proceedings refer the application to the court.

(3) Except where the registrar or the court directs otherwise, the effect of rectification of the register is that the error or omission in question shall be deemed never to have been made.

(4) The registrar may, on request made in the prescribed manner by the proprietor of a registered trade mark, or a licensee, enter any change in his name or address as recorded in the register.

(5) The registrar may remove from the register matter appearing to him to have ceased to have effect.”

Sufficient interest

16. The applicant must have a sufficient interest to apply for rectification. The applicant was the former proprietor of the trade mark before the transfer of ownership was recorded. I therefore accept that the applicant has sufficient interest.

Is it an error capable of correction?

17. Where an application is filed to record the assignment, the information provided on the form is taken at face value. The registrar does not investigate or otherwise seek to establish the legality of the claim regarding a change of ownership unless, as in this case, the recordal of the change of ownership is subsequently challenged.
18. When the proprietor filed the Form TM16, they ticked the box that indicated that an assignment had taken place. Therefore, on this basis, for the assignment to be effective, it must be in writing and signed by the assignor (or their representative). The form is signed under the name of Lamia Baker. In the Form TM16, Ms Baker has been ticked as the “old owner” and not as the “old owner’s recorded representative”. However, the applicant in its Form TM26R and witness statement highlighted that it had no knowledge of this assignment, stating that “*Wella does not have an employee named Lamia Baker*”. Whilst I note that Dennemeyer & Company Limited is the legal representative of the applicant, the applicant specified in its Form TM26R that “*Lamia is the Managing Director of Dennemeyer & Company Limited, Woking, and she did not submit or*

authorize this request.” Thus, the applicant highlights that no valid assignment agreement exists between the applicant and the proprietor.

19. I also bear in mind that the Form TM16 is not a deed of assignment, and the Form itself carries a warning to parties completing it that it is not a substitute for a deed of assignment. Put simply, the Form TM16 is the notification to the Registry that an assignment has already taken place so that the Register may be updated. When the ownership is challenged, it is incumbent on the proprietor to show that the contested mark was transferred to them under a valid assignment. Section 24(3) of the Act is as follows:

“An assignment of a registered trade mark, or an assent relating to a registered trade mark, is not effective unless it is in writing signed by or on behalf of the assignor or, as the case may be, a personal representative.”

20. However, I have no evidence before me to show that a proper assignment has taken place. Without this evidence, I consider that I am bound in finding that the contested trade mark cannot have properly changed ownership to the proprietor. Therefore, on this basis, I accept that the assignment of the trade mark signed by Lamia Baker was made without authority.
21. Consequently, I accept that the register does stand in error. That error was that the assignment could not have legally been made. In my view, it is right that the error be corrected.

Conclusion

22. The application for rectification succeeds. I direct that the register be rectified and that the name of CHELSEA GLOBAL WHOLESALE LTD shall be removed as the proprietor of UK trade mark number 9006874747 and that the proprietorship of the contested mark reverts back into the name of

Wella International Operations Switzerland Sàrl, as was the position prior to the filing of the contested Form TM16.

Costs

23. No request for costs has been made, and I make no order in this regard.

Dated this 24th day of March 2026

**Dr Stylianos Alexandridis
For the Registrar,
The Comptroller General**