

BL O/0445/26

TRADE MARKS ACT 1994 (& THE TRADE MARKS (INTERNATIONAL REGISTRATION) ORDER 2008 (as amended))

IN THE MATTER OF APPLICATION NUMBER UK00004290021

IN THE NAME OF Timi Adegunwa

TO REGISTER THE FOLLOWING TRADE MARK IN CLASSES 35 and 41:



Background

1. On 05 November 2025, Timi Adegunwa (“the applicant”) applied to register the above figurative mark in respect of the following goods:

Class 35: Advertising and marketing services; brand consultancy; business management consultancy; promotional services; production of advertising materials; social media marketing; event promotion; publicity and public relations services; arranging and conducting marketing campaigns; consultancy and advisory services relating to marketing, communications, and brand identity; online promotion of cultural and heritage projects; business management of artists, influencers, and cultural personalities.

Class 41: Cultural education services; organisation of cultural, artistic and heritage events; production of digital and audiovisual content featuring culture, art, history and heritage; publishing of online and printed magazines, journals and newsletters relating to culture and heritage; provision of workshops, training and mentoring in the fields of digital media, cultural entrepreneurship and heritage preservation; consultancy and advisory services relating to cultural promotion and education; arranging of exhibitions, seminars and conferences; providing online non-downloadable videos, images and multimedia content promoting cultural identity, heritage and creativity.

2. On 11 November 2025 the Intellectual Property Office (“IPO”) issued an examination report in response to the application. In that report, an objection was raised under Section 3(5) and 4(1)(b) of the Trade Marks Act 1994 (“The Act”):

Section 3(5) and 4(1)(b)

The application is not acceptable in Classes 35 and 41 as there is an objection under Section 3(5) and 4(1)(b) of the Act. This is because mark applied for contains an image of a crown which closely resembles a protected Royal Crown.

Section 3(5) of the Act states:

A trade mark shall not be registered in the cases specified, or referred to, in section 4 (specially protected emblems).

Section 4(1) states:

A trade mark which consists of or contains

(b) a representation of the Royal crown or any of the Royal flags, shall not be registered unless it appears to the registrar that consent has been given by or on behalf of Her Majesty or, as the case may be, the relevant member of the Royal family.

3. The examiner stated that the objection under Section 3(5) and 4(1)(b) could be overcome by obtaining consent from the Lord Chamberlain's office:

The objection relating to Section 3(5) and 4(1)(b) can be overcome by obtaining consent from the relevant authority.

Consent should be obtained via:

*The Lord Chamberlain
Buckingham Palace
London
SW1A 1AA*

trademarks@royal.uk

4. In line with standard IPO procedure, a period of two months was allowed for the applicant to respond.
5. On 22 December 2025, the applicant wrote in to provide an amended representation of the mark with the crown device removed. However, no new image was attached.
6. On 22 December 2025, the examiner responded to the applicant to state:

Under s.39(2) of the Trade Marks Act 1994, it is not permitted to make any changes to a mark once it has been applied for, except for the correction of obvious errors, and then only when the correction would not substantially affect the identity of the trade mark. The amendment you have proposed, that being to change the crown element, is not permitted, as it does not constitute the correction of an obvious error, and this amendment would substantially affect the identity of the trade mark.

7. The examiner thus maintained the objection and, in line with IPO procedure, provided a period of two months to respond.
8. On 26 March 2026, the examiner had not received a response, and the application was duly refused under Section 37(4) of the Trade Marks Act 1994.
9. On 27 March 2026, the applicant wrote to the examiner to request a statement of grounds and stated that a form TM5 (Request for a statement of reasons for

registrar's decision) has been enclosed. The examiner replied on 01 April 2026 to inform the applicant that no TM5 form was attached to the letter and to please send the form to forms@ipo.gov.uk. On 27 April 2026 the TM5 form was received.

10. Having received a request for a statement of reasons for the registrar's decision, I am now obliged to set out the reasons for the decision.

The Law

11. The relevant sections of The Act read as follows:

3. (5) A trade mark shall not be registered in the cases specified, or referred to, in section 4 (specially protected emblems).

4. (1) A trade mark which consists of or contains —

(a)...

(b) a representation of the Royal crown or any of the Royal flags,

(c)...

(d)...

shall not be registered unless it appears to the registrar that consent has been given by or on behalf of Her Majesty or, as the case may be, the relevant member of the Royal family.

Decision



12. As the application did not come before me as a hearing, I must make my decision on the basis of the papers on file and the relevant published guidance.

13. The Registrar's practice in relation to Section 4 is set out in the Manual of Trade Marks Practice ("the Manual"). The passage concerning use of Royal Crowns states:

"If a mark includes a device of the Royal Crown, or a closely resembling image, an objection is appropriate under sections 3(5) and 4(1)(b)."

14. It is clear from the wording of Section 4(1)(b) and the above guidance that I must consider whether the mark before me consists of or contains a representation of a Royal crown, or an image which would so closely resembles that of a Royal Crown.

15. The mark presented for examination contains an image of a Royal Crown that is nearly identical to a conventional representation of a Royal Crown shown below:

Representations of the Royal Crown notified by the Lord Chamberlain's Office	The Crown contained within the mark applied for
	

16. While I note that the Crown contained within the mark applied for is not identical to those notified by the Lord Chamberlain's Office, in my view it is nevertheless highly similar in overall appearance and particular design features. While the quality of the Crown within the mark is less clear, it depicts the Cross Patty and Fleur-de-lys, a similar rounded Arch with representations of pearls, jewellery along the Band, and the Cross. In my opinion, the representation of the Crown in the application so nearly resembles the depiction of the Royal Crown as notified by the Lord Chamberlain's Office as to bring it within the scope of section 4(1)(b). I think it is also worth pointing out that the Guidance in the Manual includes guidance published by the Lord Chamberlain's Office in relation to Crowns which would NOT infringe the particular representations of Royal Crowns and thus it was open to the applicant, at the time of filing, to select a Crown which would not have given rise to an objection by the IPO.
17. It is therefore my view that the mark contains a prescribed emblem under Section 4(1)(b). I note that while there are other elements within the mark, it is clear from the wording of Section 4(1)(b) above that a trade mark shall not be registered if it contains a representation of a Royal Crown. Thus, in this case I do not believe it is necessary to consider the use of the Royal Crown in the wider context of the mark, it is sufficient for the objection that it simply contains a Royal Crown.
18. Under Section 4(1)(b) there is an obligation on the part of the applicant to provide an indication of consent from the Lord Chamberlain, as representative of the Royal family, to use emblems which fall within the remit of Section 3(5) and 4(1)(b). Details on how to seek this consent were provided to the applicant by the examiner within the examination report of 11 November 2026.
19. No such consent has been provided in this case, nor am I aware that any contact has been made to seek consent. Therefore, I can only assume that either consent has not been sought, or alternatively, if it has been sought then in all likelihood it has been refused.

20. It is my understanding that the applicant intends to file a new application for an updated figurative mark on the basis of this decision. I would therefore highlight that my decision relates only to the present application and that any subsequent applications will be assessed on their own merits and in accordance with the applicable law.
21. Finally and for the sake of clarity I would endorse the examiner's opinion during the process of this application that there were no legal grounds upon which the application could have been amended to remove the original depiction of the Royal Crown.

Conclusion

22. Having assessed the mark applied for and taking into account the law, for the above reasons it is my view that the mark offends Section 3(5) and 4(1)(b) of the Act. In reaching my decision, I have considered all of the papers on file. The application is therefore refused under Section 3(5) and 4(1)(b) for all the services claimed.

Dated this 26th day of May 2026

**Dominic Watts
For the Registrar
The Comptroller-General**