

O/0601/26

TRADE MARKS ACT 1994

IN THE MATTER OF THE FOLLOWING TRADE MARK REGISTRATION NO.

UK00003990812:

CREATISMO

IN CLASS 26

IN THE NAME OF SHIPPER LTD

AND

APPLICATION NO. 85019 TO RECTIFY THE REGISTER

BY CREATISMO LTD

Background and pleadings

1. The trade mark "CREATISMO" has a filing date of 12 December 2023 and was registered on 15 March 2024 for: *tapes for use in making hems; webbing tapes; cords for clothing; embroidery laces* in class 26.
2. On 23 July 2025, Umer Abdullah filed a Form TM16¹ to record a change of ownership from CREATISMO LTD to SHIPPER LTD ("the registered proprietor"). Mr Abdullah's Form TM16 gave the method of transfer as "Assignment" and the "Date of transfer of ownership" as 3 July 2025.
3. On 1 August 2025 Shahid Azeem filed an application to rectify the register (Form TM26R) on behalf of CREATISMO LTD ("the applicant") claiming that the register should be rectified in accordance with section 64 of the Trade Marks Act ("the Act").
4. At section 5 of the Form TM26R, Mr Azeem stated the following:

5. You must provide details of the error or omission to be corrected, please complete box below Use a continuation sheet if necessary.

I, the applicant, object to the recordal of the change of ownership of UK Trade Mark Registration No. UK00003990812 for the mark "CREATISMO" in favour of Shipper Ltd. This transfer was made without my knowledge, authorisation, or consent. I am the rightful proprietor of the trademark and have not signed or agreed to any assignment or transfer of ownership to Shipper Ltd or any third party. The change of ownership constitutes an unauthorised alteration of the UKIPO register and must be corrected. I request that the erroneous change be reversed and the rightful ownership be restored in my name which is "CREATISMO LTD".

5. Given that the application for rectification was made by a person other than the registered proprietor, it was necessary to serve the application on the proprietor in accordance with rule 44(2) of the Trade Marks Rules 2008. Accordingly, on 16 September 2025, the Registry served the Form TM26R on the proprietor, setting a deadline of 17 November 2025 to file a counterstatement and evidence or

¹ Application to record a change of ownership.

submissions.

6. Although the proprietor was invited to file a counterstatement, it chose not to do so.
7. Both parties are unrepresented.

Preliminary issue

8. I note that on 11 August 2022, the proprietor filed a Form TM22 notice to surrender a registered trade mark; however, the Registry did not process the form on account of the ongoing rectification action.

DECISION

9. The power to rectify the register is set out in section 64 of the Act:

“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

10. 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.² There appears to be no proceedings concerning the trade mark ongoing in the court.

Is it an error capable of correction?

11. The reference in section 64(1) to errors or omissions in the register is to be interpreted more broadly than the putting right of simple clerical errors and can extend to questions of ownership.
12. This approach of rectifying errors or omissions over and above those that are clerical in nature has been adopted and maintained in several Tribunal decisions.³
13. There are questions in this case as to the validity of the paperwork that was filed to reflect the change of ownership; and whether the person that completed the paperwork was authorised to transfer the mark. Accordingly, this is not merely a clerical error. However, if I were to accept the rectification application, I need to be satisfied that the errors identified would be capable of correction through the rectification process.
14. Where an application is filed to record the assignment, the information provided on the Form TM16 is taken at face value. The Registrar does not investigate or otherwise seek to establish the legality of the claim to change ownership unless the recordal of

²Kerly's *Law of Trade Marks and Trade Names* (17th Ed, Chapter 5, section 5, paras 37-38) says that a person having a sufficient interest equates to a “person aggrieved” under the 1938 Act and that “anyone in the trade concerned had sufficient locus to apply”. Kerly's considers it “likely that a similar standard will be applied under s.64”.

³ In the *Bendy Toys Limited* case (BL O-336-01), paras 17-22, the Hearing Officer analysed the question of jurisdiction in the context of section 64(1) and found it should be broadly interpreted, particularly in cases where there is no other means of redress (such as via section 46 or section 47 of the Act). The Tribunal continued to take the approach of correcting errors or omissions over and above clerical mistakes in subsequent cases, for example BL O/283/02, BL O/284/02, BL O/040/05 and BL O/408/11.

change of ownership is challenged. When the ownership is challenged, it is incumbent on the proprietor to show that the mark was transferred to the proprietor 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.”

15. 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).
16. 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. Instead, the Form TM16 is the notification to the Registry that an assignment has already taken place so that the register may be updated. The Form TM16 was signed under the name of Umer Abdullah, on behalf of SHIPPER LTD, as the new owner; and Shahid Azeem, on behalf of CREATISMO LTD, as the old owner. However, Mr Azeem has stated on the Form TM26R that the transfer was made without his knowledge, authorisation or consent. In the absence of any evidence to substantiate the proper assignment of the contested registration, there is nothing to support a finding that the assignment was legitimate. I find that the trade mark cannot have properly changed ownership to the registered proprietor.
17. In view of the foregoing, I am prepared to accept that the register was updated as to the name of the registered proprietor in error and that it is right that the error be corrected. The proprietor has not established the existence of a legally effective assignment, despite what was indicated in the Form TM16.

CONCLUSION

18. The application for rectification has succeeded.
19. The register will be rectified to record CREATISMO LTD as the proprietor, as was the

position prior to the filing of the contested Form TM16.

COSTS

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

Dated this 13th day of July 2026

**Catrin Williams
For the Registrar**