

BL-0-0623-23

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION No. 3769559
SHAHI NAAN KEBAB IN CLASS 43
BY FRANCISCO ANTONIO NOVAS DESCHAMPS
("Applicant")

AND

AND IN THE MATTER OF
OPPOSITION NO 600002469
BY SHEKIO ASLAM
("Opponent")

AND

AND IN THE MATTER OF AN APPEAL TO THE
APPOINTED PERSON BY THE APPLICANT
AGAINST A DECISION OF Ms L FAYTER
DATED 10 JANUARY 2023

DECISION

1. This was to have been an appeal by the Applicant against decision No. BL 0/0021/23 of Ms L Fayter acting as a Hearing Officer for the Registrar of Trade Marks. By this decision Ms Fayter upheld "Fast Track" opposition No. 600002469 brought by the Opponent under S. 5 (2) (b) of the Trade Marks Act 1994. Application No. 3769559 was rejected in full.
2. The Applicant lodged an appeal dated 31 January 2023. The Appointed Person Secretariat ("APS") wrote to the Parties by email setting a Remote Hearing date of 30 June 2023 at 10.30am. The Opponent did not respond but the Applicant confirmed their intention to attend.
3. In the event, the Applicant did not appear at the time appointed for the hearing. At my request the APS attempted to contact the Applicant by telephone, text, voicemail and

email using the contact details given but no reply was received. An internet enquiry revealed a landline number for what appeared to be the Applicant's business premises but when called this was found to be out of service. A website apparently belonging to the Applicant's business also appeared to have been taken down.

4. Having waited until 10.55 am for the Applicant to appear, I brought the proceedings to a close.
5. In view of the Applicant's failure to appear at the Hearing, and no prior request having been made for me to reach a decision based on the papers before me, I dismiss the appeal.
6. The appeal having been dismissed, application no. 3769559 stands refused as per Ms Fayter's Decision.
7. Ms Fayter ordered the Applicant to pay the Opponent £100 in costs, this sum to be paid within 21 days of the conclusion of the appeal proceedings. That order stands.
8. As regards the costs of this appeal, the Opponent took no part in the proceedings, so I make no further order.

Philip Harris
Appointed Person
30 June 2023