

O/0807/26

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

CONSOLIDATED PROCEEDINGS

IN THE MATTER OF UK REGISTRATION NUMBERS 3572085 and 3570572
IN THE NAME OF CUPCLUB LIMITED
FOR THE TRADE MARKS:



CLUBZERØ

CLUBZERØ



(AS A SERIES OF FOUR)

AND

CLUBZERØ

AND

THE APPLICATIONS FOR DECLARATIONS OF INVALIDITY THERETO
UNDER NUMBERS 504389 AND 504390
BY ABEL & COLE LTD

BACKGROUND

1. On 11 August 2026, I issued a decision in these proceedings, published under BL O/0714/26 (“my decision”).
2. It has been drawn to my attention that my decision contained an error, which this supplementary decision rectifies.

AMENDMENTS

3. My decision contained an error in paragraph 82, which read:

“82. The Cancellation Applicant’s claim under section 5(4)(a) succeeds in relation to the following services:

The stylised registration (UK00003572085)

Class 35: Retail services in relation to reusable consumer packaging; development of concepts for circular economy.

Class 37: Cleaning containers for reuse by consumers; washing and sanitisation service in respect of reusable packaging containers.

Class 39: Collection and transport of recyclable consumer packaging; collection and transportation of reusable consumer packaging; collection and transportation of reusable consumer packaging materials; collection, management, distribution and transportation of bins for depositing reusable packaging; delivery and distribution of reusable containers; delivery and distribution of containers for household use; delivery and distribution of food and beverage containers; delivery and distribution of reusable containers for household use; delivery and distribution of reusable consumer packaging; packaging services; reusable container rental services; collecting containers for reuse by consumers.

The word only registration (UK00003570572)

Class 35: *Retail services in relation to reusable consumer packaging; development of concepts for circular economy.*

Class 37: *Cleaning of containers for reuse by consumers; washing and sanitisation services in the respect of the reusable packaging containers.*

Class 39: *Collection and transport of recyclable consumer packaging; collection and transportation of reusable consumer packaging; collection and transportation of reusable consumer packaging materials; collection, management, distribution and transportation of bins for depositing reusable packaging.”*

4. At paragraphs 16 to 18 of my decision, I dealt with the confusion surrounding the pleadings in these consolidated proceedings. I decided to proceed on the basis of the terms that were originally challenged by the Cancellation Applicant, under the respective grounds. In my section 5(4)(a) outcome, I erroneously omitted some of the terms that were originally challenged by the Cancellation Applicant. This means that my paragraph 82 should read:

“82. The Cancellation Applicant’s claim under section 5(4)(a) succeeds in relation to the following services:

The stylised registration (UK00003572085)

Class 35: *Retail services in relation to reusable consumer packaging; development of concepts for circular economy.*

Class 37: *Cleaning containers for reuse by consumers; washing and sanitisation service in respect of reusable packaging containers.*

Class 39: *Collection and transport of recyclable consumer packaging; collection and transportation of reusable consumer packaging; collection and*

transportation of reusable consumer packaging materials; collection, management, distribution and transportation of bins for depositing reusable packaging; delivery and distribution of reusable consumer packaging; packaging services; collecting containers for reuse by consumers.

The word only registration (UK00003570572)

Class 35: Retail services in relation to reusable consumer packaging; development of concepts for circular economy.

Class 37: Cleaning of containers for reuse by consumers; washing and sanitisation services in the respect of the reusable packaging containers.

Class 39: Collection and transport of recyclable consumer packaging; collection and transportation of reusable consumer packaging; collection and transportation of reusable consumer packaging materials; collection, management, distribution and transportation of bins for depositing reusable packaging; delivery and distribution of beverage containers; delivery and distribution of household containers; delivery and distribution of reusable consumer packaging; packaging services; collecting containers for reuse by consumers.”

5. The error in paragraph 82 of my decision carried over to the conclusion in paragraph 83 in that it did not account for the difference between the terms that were successfully challenged under sections 5(2)(b) and 5(4)(a). Paragraph 83 of my decision read:

“83. The applications for declarations of invalidity under numbers 504389 and 504390 have succeeded and, subject to any successful appeal against this decision, the contested marks are invalid for the services listed in the previous paragraph.”

6. My paragraph 83 should read:

“83. The applications for declarations of invalidity under numbers 504389 and 504390 have succeeded and, subject to any successful appeal against this decision, the contested marks are invalid for the services listed below:

The stylised registration (UK00003572085)

Class 35: Retail services in relation to reusable consumer packaging; development of concepts for circular economy.

Class 37: Cleaning containers for reuse by consumers; washing and sanitisation service in respect of reusable packaging containers.

Class 39: Collection and transport of recyclable consumer packaging; collection and transportation of reusable consumer packaging; collection and transportation of reusable consumer packaging materials; collection, management, distribution and transportation of bins for depositing reusable packaging; delivery and distribution of reusable containers; delivery and distribution of containers for household use; delivery and distribution of food and beverage containers; delivery and distribution of reusable containers for household use; delivery and distribution of reusable consumer packaging; packaging services; reusable container rental services; collecting containers for reuse by consumers.

The word only registration (UK00003570572)

Class 35: Retail services in relation to reusable consumer packaging; development of concepts for circular economy.

Class 37: Cleaning of containers for reuse by consumers; washing and sanitisation services in the respect of the reusable packaging containers.

Class 39: Collection and transport of recyclable consumer packaging; collection and transportation of reusable consumer packaging; collection and transportation of reusable consumer packaging materials; Collection,

management, distribution and transportation of bins for depositing reusable packaging; delivery and distribution of beverage containers; delivery and distribution of household containers; delivery and distribution of reusable consumer packaging; packaging services; collecting containers for reuse by consumers.”

7. These errors are plainly an irregularity in procedure and capable of being corrected under Rule 74 of the Trade Marks Rules 2008. Consequently, I give the parties notice that paragraphs 82 and 83 of my decision will be amended as stated above and will apply as though they had originally appeared in my decision as they appear in this supplementary decision.

COSTS

8. The costs award made in my decision remains unchanged.

APPEAL PERIOD

9. In light of the amendments communicated in this decision, specifically that they relate to the terms to be invalidated, I consider it appropriate to reset the appeal period. Therefore, the appeal period in respect of these proceedings begins from the date of this supplementary decision.

Dated this 4th day of September 2026

MRS E FISHER

For the Registrar