

O/1037/23

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION ON COSTS

IN THE MATTER OF APPLICATION NO. 3808275

IN THE NAME OF
DC COMICS (PARTNERSHIP)

TO REGISTER THE FOLLOWING TRADE
MARK:

BLACK ADAM

IN CLASS 32

AND

IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 436377
BY SOCIEDAD ANONIMA DAMM

BACKGROUND

1. On 25 October 2023, I issued a decision in respect of the above identified proceedings.

2. In relation to costs, I stated:

“63. The applicant has been successful and is entitled to a contribution towards its costs. Awards of costs in proceedings commenced on or after 1 July 2016 and before 1 February 2023 are governed by Annex A of Tribunal Practice Notice (‘TPN’) 2 of 2016. I have made an appropriate reduction for the cost of the applicant filing evidence as it did not fully assist me in reaching my decision. With that in mind, I award the applicant the sum of **£700** as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Preparing a statement and considering the other side’s statement:	£200
Preparing and filing evidence:	£200
Filing written submissions:	£300

64. I therefore order SOCIEDAD ANONIMA DAMM to pay the sum of **£1000** to DC Comics (partnership). The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.”

3. By way of an email, dated 1 November 2023, from Barker Brettell LLP, it was brought to my attention that there was a discrepancy between paragraph 63 and 64 in relation to costs.

4. The relevant rule contained within the Trade Marks Rules 2008 (as amended) (the Rules) which provides guidance for the Registrar in such circumstances is as follows:

74.— (1) Subject to rule 77, the registrar may authorise the rectification of any irregularity in procedure (including the rectification of any document filed) connected with any proceeding or other matter before the registrar or the Office.

(2) Any rectification made under paragraph (1) shall be made—

(a) after giving the parties such notice; and

(b) subject to such conditions, as the registrar may direct.

5. I therefore regard the above error as an irregularity in procedure and capable of being corrected under Rule 74(1) of the Trade Marks Rules 2008.

6. I give notice to the parties that paragraph 64 will be amended to the version shown below and apply as though that paragraph had appeared in the original version of the decision:

“64. I therefore order SOCIEDAD ANONIMA DAMM to pay the sum of **£700** to DC Comics (partnership). The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.”

Dated this 3rd day of November 2023

Catrin Williams

For the Registrar