

BL O/1191/23

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

IN THE MATTER OF

THE LATE FILING OF NOTICE OF OPPOSITION AND STATEMENT OF GROUNDS

IN RELATION TO:

TRADE MARK APPLICATION NO. 3905955

BY MR. SARFRAZ MUNEER

TO REGISTER THE TRADE MARK:

TOPSTYLE COLLECTION

IN CLASS 17

AND

THE OPPOSITION THERETO

UNDER NO. 442539

BY NAEEM RASOOL

BACKGROUND

1. On 21 November 2023, I issued a substantive decision in the above identified proceedings¹ in which I upheld the Registry's preliminary view that the opponent's Form TM7 was not to be admitted as a formal opposition against the application. In that decision, I stated:

Costs

25. Given that the outcome of this decision has terminated the proceedings, I must consider the matter of costs. As the applicant has not instructed professional representatives, they are entitled to make a request for an award of costs, including accurate estimates of the number of hours spent on a range of given activities relating to attending the hearing. However, I note that the applicant has not been provided with a cost proforma. As a result, I am unable to deal with the issue of costs at this stage.

26. Accordingly, a copy of the cost proforma will be provided to the applicant upon the issuance of this decision. The applicant is hereby invited to file a completed cost proforma to the Tribunal within 14 days of the date of this decision. Once this is received, I will issue a supplementary decision dealing with the issue of costs.

27. In the event that the applicant fails to file a costs proforma within 14 days of the date of this decision, I still propose issuing a supplementary decision dealing with the issue of costs.”

2. Accordingly, the applicant was provided with a copy of the costs proforma by the Tribunal alongside the issuance of my substantive decision. However, the applicant did not file a completed copy of the costs proforma before the deadline given, or indeed at all.

¹ BL O/1101/23

DECISION

3. As the applicant has been successful, ordinarily it would be entitled to an award of costs. However, it has not provided a completed cost proforma, notwithstanding the invitation from the Tribunal to do so. On this basis, no costs are awarded.

Dated this 18th day of December 2023

Sam Congreve

For the Registrar