

**O/0374/25**

**TRADE MARKS ACT 1994**

**SUPPLEMENTARY DECISION**

**IN RESPECT OF:**

**CONSOLIDATED PROCEEDINGS**

**IN THE MATTER OF TRADE MARK REGISTRATIONS**

**UK00003499851, UK00003499848 AND UK00003506859**

**IN THE NAME OF Q DEVELOPMENT AG**

**AND**

**APPLICATIONS 505957, 505958 AND 506081**

**BY ARQUIA BANK, S.A.**

**FOR DECLARATIONS THAT THE AFOREMENTIONED TRADE MARK  
REGISTRATIONS ARE INVALID**

1. On 22 October 2024, I issued my decision (BL O-1006-24) in respect of the consolidated invalidation actions CA505957, CA505958 and CA506081.
2. Following email correspondence from Arquia Bank, S.A, the Cancellation Applicant (“the CA”), it came to light that the registrations contested in the abovementioned consolidated actions had been surrendered on 10 April 2024.
3. On 22 November 2024, I wrote to the parties to inform them that:
  - following the filing of a Notice to surrender a registration (“Form TM22”), the normal procedure is for the Registry to write to the parties to provide an opportunity for the CA to elect to continue with, or withdraw, the proceedings;
  - due to an oversight, the Registry had omitted to send out the necessary letters, and that this omission amounted to a procedural irregularity;
  - the Registry was minded to make the presumption that the proceedings would have continued, irrespective of the surrenders;
  - the parties were invited to file comments on or before **7 December 2024**.
4. On 4 December 2024, the CA filed comments by email, which were copied to Q Development AG, the Registered Proprietor (“the RP”), according to which it argued that to continue the proceedings would be ‘incorrect, unjust and inconsistent’. It was submitted that the CA should be afforded the opportunity to confirm whether it wished to continue the invalidation proceedings, or withdraw them, following the surrender of the contested registrations.
5. On 13 December 2024, I wrote to the parties to confirm that, following receipt of the CA’s email correspondence of 4 December 2024, it was the Preliminary View of the Registry that it would be appropriate to allow the CA the retrospective opportunity to indicate whether it would have elected to withdraw the instant consolidated proceedings, had the Registry provided the opportunity

for it to do so at the appropriate time. A deadline of 4 January 2025 was set for the parties to file comments, should they disagree with the Preliminary View.

6. Neither party filed comments. The Registry therefore wrote to the parties, on 27 February 2025, inviting the cancellation applicant to indicate whether it intended to withdraw the applications.
7. On 28 February 2025, the CA filed email correspondence according to which it requested the withdrawal of all of the consolidated cancellation actions, given the surrender of the registrations in suit.
8. The RP did not file comments.
9. This supplementary decision corrects the procedural irregularities, noted above at [3], by way of confirming that, by reason of the retrospective election of the CA to withdraw the consolidated proceedings, actions CA505957, CA505958 and CA506081 are withdrawn, and decision BL O-1006-24 is, therefore, disapplied.

**Dated on this day 24<sup>th</sup> April 2025.**

**N. Rhea Morris**

**For the Registrar**