

O/0419/25

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

IN THE MATTER OF APPLICATION NO. 3715651  
IN THE NAME OF JOINT APPLICANTS JB WEBB-BENJAMIN AND KRYOTECH  
LTD.  
IN RESPECT OF THE SERIES OF TWO TRADE MARKS

**meta / Meta**

IN CLASS 9

AND

THE OPPOSITION THERETO UNDER NO. 431139  
BY META PLATFORMS, INC.

## Background

1. On 29 March 2023, I issued a decision in the above opposition proceedings, under no. BL O/0313/23. The decision issued found that the opposition filed against the UK trade mark application no. 3715651 was successful in its entirety. However, the decision issued was provisional, due to the fact that the marks relied upon by the opponent in the proceedings had not yet been registered. The earlier marks that were relied upon are set out below:

a. META (UK application no. 3735385)

b.  Meta (UK application no. 3737981)

2. At paragraph 70 of the decision referred to above, I explained as follows:

*“The opposition has been successful in its entirety. However, as previously set out, the marks relied upon are not yet registered and are subject to opposition proceedings in the UK. If the pending opposition proceedings against the earlier marks are successful, the earlier marks upon which the success of this opposition relies may not achieve registration in the UK. If this happens, the earlier marks will not constitute valid earlier rights within the meaning of section 6 of the Act. As such, this is a provisional decision, which will be made final only once the earlier rights have become registered within the UK. Should no registration or partial registration only be achieved, an assessment of the impact that has on this provisional decision will be considered at that stage. In any case, a supplementary decision confirming the final outcome of this opposition will be issued once the outcome of the oppositions against the earlier marks is known. An appeal deadline will be set when the supplementary decision is issued.”*

3. It has now been brought to my attention by the present representative for the opponent, that the applications relied upon in these proceedings were registered in their entirety on (in both cases) 31 January 2025. This was due to the oppositions originally filed against these applications being withdrawn by the opposing third party. This is confirmed in supplementary decision no. O/0041/25. The result of this is that decision no. BL O/0313/23, to which this

supplementary decision relates, may now be made final, without any additional considerations or alterations required.

4. I therefore direct that decision no. BL O/0313/23 be made final, and subject to any successful appeal, application no. 3715651 against which the opposition was directed be refused in its entirety.

### **Costs**

5. At paragraph 71 of decision no. BL O/0313/23, I set out as follows:

*“I consider that the opponent’s success within this opposition will, if made final, entitle them to scale costs in accordance with Tribunal Practice Notice 2/2016. However, as this decision is yet to be made final, there will be no award of costs made at this time. Costs will be awarded along with the issuance of the supplementary decision.”*

6. I now therefore make an award of costs in favour of the opponent Meta Platforms, Inc. and in accordance with Tribunal Practice Notice 2/2016 as follows:

Official fee:	£100
Preparing and filing the TM7 and considering the TM8:	£250
Preparing and filing evidence:	£500
Preparing for and attending a hearing:	£700
<b>Total:</b>	<b>£1550</b>

7. I therefore order joint applicants JB Webb-Benjamin and Kryotech Ltd. to pay Meta Platforms, Inc. the sum of £1550. 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.
8. The appeal period will run from the date of this supplementary decision.

**Dated this 9<sup>th</sup> day of May 2025**

**R. Le Breton**

**For the Registrar**