O/0938/25

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NOS.
UK00003935697 AND UK00003935688
IN THE NAME OF WARWICK ECONOMETRICS LTD
TO REGISTER THE FOLLOWING TRADE MARKS:

(SERIES OF 4)

AND

WARWICK ECONOMETRICS

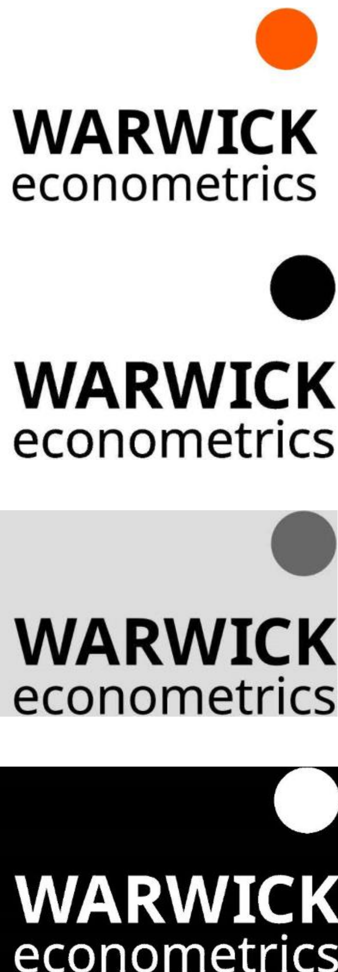
IN CLASSES 9, 35, 36, 41 AND 42

AND

IN THE MATTER OF OPPOSITION THERETO
UNDER NOS. OP000444450 AND OP000444451
BY THE UNIVERSITY OF WARWICK

BACKGROUND

1. On 19 July 2023, Warwick Econometrics Ltd ("the applicant") applied to register the following trade mark (series of 4) shown on the cover page of this decision in the UK:



(The First Application)

2. On 19 July 2023, Warwick Econometrics Ltd also applied to register the following trade mark shown on the cover page of this decision in the UK:

WARWICK ECONOMETRICS

(The Second Application)

3. The applicant applied to register the marks for goods and services in classes 9, 35, 36, 41 and 42.

4. Both trade mark applications were published for opposition purposes on 1 September 2023.

5. On 1 December 2023, Barker Brettell LLP filed 2 Form TM7's ("Notice of Opposition and statement of grounds") on behalf of The University of Warwick ("the opponent") opposing both trade mark applications in full on the basis of sections 5(2)(b), 5(3) and 5(4)(a) of the Trade Marks Act 1994 ("the Act").

6. On 14 December 2023, the Registry served the Form TM7's on the applicant. The deadline for the applicant to file its Form TM8 ("Notice of defence and counterstatement) for both oppositions was 14 February 2024, communicated by the Registry in both of its serving letters. The Registry's letters included the following:

> "Rule 18(1) and 18(3) of the Trade Marks Rules 2008 require that you must file your notice of defence and counterstatement (Form TM8) within **two months** from the date of this letter. Alternatively, if both parties wish to negotiate to resolve the dispute, they may request a "cooling off period" by filing a Form TM9c, which will extend the 2 month period in which to file a Form TM8 by up to a further seven months. Form TM9c is also available on the IPO website (above). Please note both parties must agree to enter into cooling off.
>
> **IMPORTANT DEADLINE: A completed Form TM8 (or Form TM9c) MUST be received on or before 14 February 2024.**
>
> Rule 18(2) of the Trade Marks Rules 2008 states that "where an applicant fails to file a Form TM8 within the relevant period, the application for registration, insofar as it relates to the goods and services in respect of which the opposition is Intellectual Property Office is an operating name of the Patent Office www.gov.uk/ipo directed, shall, unless the registrar otherwise directs, be treated as abandoned." **It is important to understand that <u>if the deadline</u>**

date is missed, then in almost all circumstances, the application will be treated as abandoned." (original emphasis)

7. On 14 February 2024, Basck Limited filed a Form TM9C ("Request for a cooling off period") for both applications on behalf of the applicant, stating that the opponent had also agreed to this request for a cooling off period. On 22 February 2024 for the First Application, and on 27 February 2024 for the Second Application, the Registry wrote to the opponent and the applicant granting the cooling off periods stating:

   "In accordance with Rule 18(4) of the Trade Marks Rules 2008, this period will expire on **16 September 2024**.

   The Registrar, may on request, extend the cooling off period for a further nine months where such request is filed on TM9e and with the agreement of both parties. Please note that the TM9e should be received on or before **16 September 2024**.

   If no such request is made, the TM8 and counter-statement should be filed on or before **16 September 2024** or the application shall, unless the Registrar otherwise directs, be treated as abandoned in whole or part, in accordance with Rule 18(2) of the Trade Marks Rules 2008."

8. On 13 September 2024, Basck Limited filed a Form TM9E ("Request for an extension to the cooling off period"), for both the First and Second Applications stating that the request for a second extension of time for the filing of the Form TM8's is to allow the parties further time to negotiate a settlement of the opposition proceedings. It also confirmed that the other party to these proceedings agrees to the request.

9. On 16 September 2024, the Registry sent official letters to the applicant and the opponent, for both applications, stating:

"I refer to the TM9e dated 13th September 2024 which requested an extension to the cooling off period for a further nine months.

The extension to the cooling off period is allowed. This period will now expire on **16th June 2025**.

Under Rule 18(5) of the Trade Marks Rules 2008 no further extension to the cooling off period is allowed. Therefore, the TM8 and counter-statement are due to be filed on or before **16th June 2025**.

If no TM8 and counter-statement are filed within this period allowed the application shall, unless the Registrar otherwise directs, be treated as abandoned in whole or part, in accordance with Rule 18(2) of the Trade Marks Rules 2008.

If the opponent wishes at any time to terminate the cooling off period they should submit a Form TM9t. The applicant can terminate the cooling off period at any time by filing the Form TM8 and counterstatement."

10. On 16 June 2025, Basck Limited sent an email to the Registry requesting a stay of both opposition proceedings stating:

"We write further to your letter dated 16 September 2024, which granted an extension of the cooling-off period for the above-referenced opposition until 16 June 2025.

The Parties are currently engaged in constructive business-to-business discussions aimed at resolving the matter amicably. These negotiations have progressed positively and additional time is required to formalise a mutually acceptable agreement.

In light of the above, we respectfully request that the UKIPO grants a stay of proceedings to allow the Parties sufficient time to finalise the necessary arrangements.

Accordingly, we jointly request a suspension of the proceedings until 2 September 2025. We also write on behalf of the Opponent but have been unable to get their signature in time. Please see the attached email correspondence for proof of their agreement to a stay of proceedings in addition to acting as proof of our negotiations.

We have attached evidence of our email correspondence regarding these discussions and hope to resolve this matter both quickly and amicably in order to save both parties and the UKIPO time and resources."

11. On 23 June 2025, in both opposition proceedings, the Registry wrote official letters to the applicant, copying in the opponent, stating:

"I acknowledge receipt of your letter dated 16 June 2025 requesting a stay of proceedings until 2 September 2025.

However, please note the official letter dated 16 September 2024 stated:

'Under Rule 18(5) of the Trade Marks Rules 2008 no further extension to the cooling off period is allowed. Therefore, the TM8 and counter-statement are due to be filed on or before 16th June 2025.

If no TM8 and counter-statement are filed within this period allowed the application shall, unless the Registrar otherwise directs, be treated as abandoned in whole or part, in accordance with Rule 18(2) of the Trade Marks Rules 2008.'

Therefore, the Tribunal is unable to consider the stay request and as no TM8 and counterstatement has been filed within the time period set, Rule 18(2) applies. Rule 18(2) states that the application:

"…….shall, unless the registrar otherwise directs, be treated as abandoned."

The registry is minded to deem the application as abandoned as no defence has been filed within the prescribed period.

If you disagree with the preliminary view, you **must** provide full written reasons and request a hearing on, or before, **7 July 2025**. This **must** be accompanied by a Witness Statement setting out the reasons as to why the TM8 and counterstatement are being filed outside of the prescribed period.

If no response is received the registry will proceed to deem the application abandoned."

12. On 7 July 2025, Basck Limited filed a Form TM8 and accompanying witness statement.

13. In the official letters dated 9 July 2025, sent to both parties, for both of the oppositions, the Registry stated:

"I refer to your correspondence dated 7 July 2025, including:

• a Form TM8 (notice of defence and counterstatement);
• a witness statement and letter providing information as to why the form was filed late and requesting that the registry admit the defence into the proceedings.

After careful consideration of the contents of the papers you have provided it is the Registrar's preliminary view to refuse the late filed TM8 and counterstatement into proceedings."

14. In the same official letters, the parties were given until 23 July 2025 to request a hearing if they wished to challenge the preliminary view.

15. On 23 July 2025, the applicant notified the Registry that they disagreed with the preliminary view and requested a hearing.

16. A hearing was originally scheduled for 18 August 2025, the details of which were sent by the Registry to both parties in an official letter dated 28 July 2025. The opponent's representative notified the Registry that they would not be in attendance. However, on 11 August 2025, Basck Limited requested that the hearing be re-scheduled, to which it was on 5 September 2025. I note that only the applicant was in attendance at the hearing.

PRE HEARING

17. On 3 September 2025, Basck Limited filed skeleton arguments on behalf of the applicant.

18. Upon reading the skeleton arguments, it was noted that paragraph 20 referred to "*Kingsland Global Ltd v BML Properties Ltd* (O/498/21)". However, I was unable to locate this case when searching either the case name or BL number provided. Therefore, on 4 September 2025, the Registry emailed the applicant's representative asking them to clarify what case they were relying on and to provide the correct details for such case.

19. Mr Pitkänen of Basck Limited replied asking the Registry to accept their apologies for any confusion caused by the reference mix up. He attached the case *Hi Life Music Entertainment Limited* (O/498/21) that Basck Limited intended to refer to. A revised skeleton argument was provided following the Registry's request.

THE HEARING

Representation

20. The hearing took place before me, via telephone, on 5 September 2025. The applicant was represented by Mr Bickford-Smith of Basck Limited.

Hearing discussion

21. Mr Bickford-Smith explained that the failure to file the Form TM8's and counterstatements was a result of one of Basck Limited's junior trainees misunderstanding instructions from a previous attorney who had handled the case. Mr Bickford-Smith added that the trainee believed (as is stated in the witness statement of James Pitkänen) that staying the proceedings would resolve the matter and submitting the Form TM8's would not be necessary. Mr Bickford-Smith stated that the trainee was unfortunately of course mistaken, he had misunderstood the procedural position, and this was an honest error arising from an attempt to align the overriding objective of saving costs and time for both parties and the IPO. He also stated that at the end of the cooling off period, the applicant was in negotiations with the other party and they were negotiating in good faith with a belief that a resolution leading to withdrawal was imminent.

22. Mr Bickford-Smith drew my attention to the Music Choice criteria which he stated serves as a helpful analytical framework with regards to when discretion can be exercised in situations like this. He believed that the present scenario is precisely the kind of rare and exceptional case for which Rule 18(2) discretion exists. Mr Bickford-Smith argued that extenuating circumstances warranted relief here "as the error was a good faith misunderstanding of the procedure amidst an almost concluded settlement, not a lack of vigilance or an attempt to gain the system". No explanation was provided as to what Mr Bickford-Smith meant in relation to "gain the system", but from my own understanding, I consider that it is likely to mean that there was no attempt to get around the rules in place by the Registry to gain an advantage.

23. Mr Bickford-Smith stated case law, more precisely the determination made by the Appointed Person in *Praesidiad NV v Tecson Sicherheitssysteme Schweiz GmbH* (BL O/240/20) which recognised that genuine human error, where explained and supported by evidence, can constitute "extenuating circumstances" sufficient to allow late defence. He explained that the present case mirrors that of *Billions London* (O/070/19) as there is no evidence of significant change in the position by the opponent, nor is there any detriment suffered in the short period between the

missed deadline and the filing of the Form TM8's. Mr Bickford-Smith stated the opponent also made no submissions regarding any prejudice as such.

24. My attention was drawn to the case of *Hi Life Music Entertainment Limited* (O/498/21) which Mr Bickford-Smith stated was a very appropriate analogue for this matter. He stated that in *Hi Life Music Entertainment Limited* (O/498/21) the Registry accepted that a misunderstanding by a representative during ongoing settlement negotiations, where the delay was minimal and there was clear evidence of cooperation, justified the exercise of discretion to admit a late Form TM8. Whilst this case was in regard to a cancellation action, Mr Bickford-Smith believed that this was not a material issue given that both matters pertain to the filing of late Form TM8's and both involve procedural issues.

25. Mr Bickford-Smith stated that as the opponent had declined to attend the hearing this was further indication that they do not object to the late filing of the Form TM8's and would prefer to resolve this matter amicably at present without burdening all parties involved.

26. Mr Bickford-Smith added that while the applicant acknowledges that an error was made by its representatives, it is important to note that the consistent delays made by the opponent in responding to communications and its changing of personnel handing the matter, coupled with personnel being on leave in the summer holidays had unfortunately delayed an amicable resolution to this matter. It was argued that the additional risk of error occurring due to delays of the opponent means that is not only feels unjust, but it would be inequitable and disproportionate for the applicants trade mark applications to be treated as abandoned while the opponent simply receives a default judgment in their favour.

27. It was confirmed that the applicant is currently awaiting the final signature of the opponent with regard to the co-existence agreement after which the opposition will be withdrawn.

28. Mr Bickford-Smith submitted that this is an appropriate case for the hearing officer to exercise their discretion under Rule 18(2) and the applications should not be treated as abandoned. In conclusion, Mr Bickford-Smith stated "the applicant

respectively urges that the late filed TM8 to be admitted or proceedings to be stayed for a short period and that the applications not be deemed abandoned. We believe that this outcome would best serve the interests of justice, fairness and procedural proportionality in the particular circumstances of this case". From this statement, it is reasonable to infer that Mr Bickford-Smith believed a stay was still appropriate even though the Registry had made it clear that under Rule 18(5) of the Trade Marks Rules 2008 no further extension to the cooling off period is allowed, and that this hearing was to determine if the Form TM8's could be admitted, not to grant the parties further stays.

29. Following Mr Bickford-Smith's submissions, I informed him that when searching for the case name "*Kingsland Global Ltd v BML Properties Ltd*" I could not find any cases with that name. I asked could he please confirm where the party names came from. Mr Bickford-Smith stated he accidentally searched the wrong case number and that was the name of the case which came up. However, in his skeleton argument, he referenced the correct case number but with the wrong case name (stating that he should have inserted the name *Hi Life Music Entertainment Limited* instead). I reiterated that I could not find a case with the case name *Kingsland Global Ltd v BML Properties Limited* and asked Mr Bickford-Smith if he was saying that he had found that case using the aforementioned names but under a different BL number. Mr Bickford-Smith confirmed this.

30. I then asked Mr Bickford-Smith if artificial intelligence or any form of artificial intelligence, such as Chat GPT, was used to produce the skeleton arguments of both the 3 September 2025 and the corrected skeleton argument of 4 September 2025. Mr Bickford-Smith denied this by simply stating "no".

31. Another point I raised in the hearing was that the applicant's skeleton argument includes a submission at paragraph 26 that there is a mutual party agreement to allow the late admission of the opponent's Form TM8's. I stated that the opponent was not present in the hearing to confirm or deny this and I had no submissions from the opponent prior to the hearing to confirm this statement. I asked Mr Bickford-Smith if the opponent is in agreement with the applicant filing the late Form TM8's. Mr Bickford-Smith confirmed that the opponent is in agreement, and

that he has had discussions about this matter with the opponent. He also stated that the opponent is of the understanding that the applicant would ideally like to file the Form TM8's and that the applicant would refile the applications if that were not the case. Mr Bickford-Smith then confirmed that the opponent was in agreement with the late filing of the Form TM8's twice more when asked. Following this, I stated "obviously you cannot misrepresent the other side's position..", to which Mr Bickford-Smith instantly corrected himself, stating that the opponent had not explicitly agreed to the late filing of the Form TM8's, but that it seems to be implied by the fact that they have agreed that they want to continue negotiating in good faith.

POST HEARING

32. Following the hearing on 5 September 2025, the Registry asked the applicant's representative via email to provide a copy of *Kingsland Global Ltd v BML Properties Ltd*. Mr Bickford Smith replied via email on the same date stating:

> "I cannot seem to locate the case unfortunately - while I wasn't 100% certain during the hearing, I believe it appeared in a Google Overview when I searched the original Highlife Entertainment case number (O/498/21) to find the case title, as during the drafting of the skeleton arguments we originally just used the case numbers and the titles were added later. Given these summaries are automatically generated, it likely combined two separate unrelated cases. Please express my sincere apologies to the Hearing Officer for my carelessness with regards to this mistake."

33. I find that Mr Bickford-Smith's above response does not appear to be in line with his previous response to my question as to whether any artificial intelligence was used to form his skeleton arguments. As noted at paragraph 29 above, at the hearing he confirmed that neither artificial intelligence or any form of artificial intelligence, such as Chat GPT was used to produce the skeleton arguments of the 3 September 2025 and the corrected skeleton argument of 4 September 2025.

DECISION

34. The filing of a Form TM8 and counterstatement in opposition proceedings is governed by Rule 18 of the Trade Mark Rules 2008 ("the Rules"). The relevant parts read as follows:

    "18. (1) The applicant shall, within the relevant period, file a Form TM8, which shall include a counterstatement.

    (2) Where the applicant fails to file a TM8 or counterstatement within the relevant period, the application for registration, insofar as it relates to the goods and services in respect of which the opposition is directed, shall, **unless the registrar otherwise directs**, be treated as abandoned."

35. The combined effect of Rules 77(1), 77(5) and Schedule 1 of the Rules mean that the time limit in Rule 18, which sets the period in which the defence must be filed, is non-extensible other than in the circumstances identified in Rule 77(5) which states:

    "A time limit listed in Schedule 1 (whether it has already expired or not) may be extended under paragraph (1) if, and only if –

    (a) the irregularity or prospective irregularity is attributable, wholly or in part, to a default, omission or other error by the registrar, the Office or the International Bureau; and

    (b) it appears to the registrar that the irregularity should be rectified."

36. There is no suggestion that there has been any irregularity on the part of the Registry. Consequently, the only basis on which the applicant may be allowed to defend the opposition proceedings is if I exercise in their favour the discretion afforded to me by the use of the words "unless the registrar otherwise directs" in Rule 18(2).

37. In approaching the exercise of discretion in these circumstances, I take into account the decisions of the Appointed Person in *Kickz AG v Wicked Vision Limited* (BL O-035-11) and *Mark James Holland v Mercury Wealth Management Limited* (BL O-050-12) i.e. I have to be satisfied that there are extenuating circumstances which justify the exercise of the discretion in the applicant's favour.

38. In *Music Choice Ltd's Trade Mark* [2005] RPC 18, the Court indicated that a consideration of the following factors (underlined below) is likely to be of assistance in reaching a conclusion as to whether or not discretion should be exercised in favour of a party in default. That is the approach I intend to adopt, referring to the parties' submissions to the extent that I consider it necessary to do so.

The circumstances relating to the missing of the deadline including reasons why it was missed and the extent to which it was missed;

39. As noted above, the stipulated deadline for the filing of the applicant's Form TM8's and counterstatements for both oppositions was 16 June 2025. The Form TM8's and counterstatements were filed by the applicant on 7 July 2025. Therefore, the deadline was missed by 21 days. The applicant's explanation as to why the deadline was missed was that on 15 June 2025 both the applicant and the opponent mutually agreed to a stay of the opposition proceedings in order to continue settlement discussions. The applicant states that both parties believed an amicable resolution was within reach without wasting time and resources of both parties and the UKIPO. The applicant understood that a formal extension of the cooling off period beyond 16 June 2025 was not possible under the Rules, however, the applicant was under the genuine impression that a request for a stay of proceedings (submitted on 16 June 2025) was distinct from a request to extend the cooling-off period, and that requesting a stay of proceedings did not require prior filing of the Form TM8.

The nature of the opponent's allegations in its statement of grounds;

40. The oppositions are brought under sections 5(2)(b), 5(3) and 5(4)(a) of the Act. There is nothing to suggest that the oppositions are without merit.

The consequences of treating the applicant as defending or not defending the opposition;

41. If the applicant is permitted to defend both oppositions, the proceedings will continue with the parties given an opportunity to file evidence and the matters will be determined on their merits. However, if the applicant is not allowed to defend, its applications will be treated as abandoned and the applications will lose their filing dates of 19 July 2023.

Any prejudice caused to the opponent by the delay;

42. In its skeleton argument, the applicant submitted that there is no material prejudice to the opponent if the late Form TM8's are admitted, whereas the prejudice to the applicant if they are not submitted would be "extreme". The applicant submitted that any minimal inconvenience caused by the schedule being slightly prolonged is not comparable to the irreversible prejudice the applicant would suffer if its applications were lost entirely without a hearing. Mr Bickford-Smith stated that he believed that granting relief can also be seen as avoiding prejudice to the opponent in a broader sense. He stated that the opponent would gain an unjust advantage if the applications were deemed abandoned despite the opponent's own willingness to delay proceedings for settlement and as a result there is no prejudice of substance to the opponent in allowing this matter to go forward to a decision on the merits. The opponent has not made any written submissions in respect of this.

Any other relevant considerations such as the existence of related proceedings between the parties;

43. There do not appear to be any other relevant considerations.

CONCLUSIONS

44. In reaching my decision, I bear in mind that the deadline for filing a Form TM8 is a statutory one, with the applicant having been made fully aware of the consequences of failing to comply by way of correspondence from the Tribunal. I

recognise that if the discretion is not exercised in the applicant's favour, the application will be treated as abandoned and the applicant will lose the filing dates for their marks. I further recognise that it may be that the applicant will simply re-file their applications and that these may, once again, be opposed by the opponent resulting in opposition proceedings arising at some point in the future. However, as the loss of priority and possibility of further proceedings on much the same basis is often the consequence of a failure to comply with the non-extensible deadline to file a Form TM8, these are not factors that, in my view, are particularly compelling, at least not in isolation. I must consider the specific circumstances at hand.

45. Trade mark appeal authorities have established that it is only in cases where there are 'extenuating circumstances', or 'compelling reasons' that the Registrar is able to exercise his discretion to admit into proceedings a Form TM8 filed outside the stipulated period. I bear in mind that the applicant's representative was aware of the stipulated deadline of 16 June 2025 to file the Form TM8's and counterstatements but instead requested a stay of proceedings on 16 June 2025, only filing the necessary Form TM8's and counterstatements three weeks later following the Registry's official letter dated 23 June 2025. Mr Bickford-Smith stated in the hearing that the Form TM8's were ready to be filed on 16 June 2025. Given this, it is unclear why the Form TM8's were not filed by the deadline, and why they were then filed 2 weeks following the official letter dated 23 June 2025 (meaning that as a whole the Form TM8's were filed 3 weeks after the official deadline had passed). If the Form TM8's were ready to be filed on 16 June 2025, the applicant's representative could have filed them together with the stay request satisfying the deadline's specified in the Registry's official letter dated 16 September 2024. Mr Bickford-Smith stated in the hearing that the trainee misunderstood the procedural position, and this was an honest error arising from an attempt to align the overriding objective of saving costs and time for both parties and the IPO. However, if the Form TM8's were ready to be filed on 16 June 2025, it raises the question as to why the Form TM8's were not filed to align to the overriding objective of saving costs and time for both parties.

46. Fundamentally, the applicant's argument is based on their misunderstanding of the UKIPOs procedures, which resulted in them requesting a stay of the proceedings

instead of filing their Form TM8's which were already prepared. Whilst I also acknowledge misunderstandings and human error can occur, I find this is hardly a compelling reason, especially as Basck Limited are professional representatives. Nevertheless, the Registry's official letter dated 16 September 2024, made it very clear that failure to file the Form TM8 by the deadline would result in the applications being treated as abandoned in accordance with Rule 18(2) of the Trade Mark Rules 2008. Therefore the consequences of not submitting their Form TM8's by this deadline was made abundantly clear. Moreover, I do not agree with Mr Bickford-Smith's reasoning that this case is analogous to *Hi Life Music Entertainment Limited* (O/498/21). The facts differ in that the proprietor's representative in *Hi Life Music Entertainment Limited* mistakenly believed that the proceedings in question had been stayed at the same time as other cancellation proceedings which related to the same parties. In *Hi Life Music Entertainment Limited* the Registry was also notified of the proprietor's change of representatives but no official letter was sent to the parties until 2 months later when the deadline for filing the Form TM8 had passed. Therefore, the Registry concluded that the proprietor representative's actions were compounded by the change of representatives and the delay in communicating this change by the IPO. It was for these reasons that the Registry exercised their discretion in *Hi Life Music Entertainment Limited*, and I note that these factors are not present in the applicant's current case. I also bear in mind that in *Tescon* (O/240/20), Mr Hobbs stated that the lawyers human error of incorrectly recording the deadline was not a compelling reason or extenuating circumstance.

47. Further guidance is provided in paragraph 7 of Tribunal Practice Notice 2/2011 which states "Staying proceedings for further negotiations at the end of the cooling-off period effectively circumvents the maximum period allowed for cooling off. Consequently, once parties have exited cooling-off and the proceedings have been joined (by the filing of the defence), the Tribunal will not permit an immediate stay of proceedings for further negotiations unless a) the parties can state a date, within the next month or so, by which time agreement is expected or b) the parties have agreed to mediation". Basck Limited as professional representatives should be aware of this Tribunal Practice Notice.

48. I bear in mind that at paragraph 20 above, part of the applicant's argument was that the failure to file the Form TM8's was attributed to a junior trainee who misunderstood the instructions from a previous attorney who handled that case. Mr Bickford-Smith stated that the trainee believed that staying the proceedings would resolve the matter and that submitting the Form TM8's would not be necessary. However, Mr Bickford-Smith did not provide any evidence as to what procedures were put in place when an employee leaves the firm or work is handed over to an alternative employee. He confirmed that the trainee has received additional training with regards to this matter and he has stepped in to handle the cases going forward. Therefore, based on the limited submissions before me, I find that Basck Limited did not have correct procedures in place to ensure the continual supervision and continuity of matters when an employee left the firm. This is not a compelling reason or an extenuating circumstance to allow the admission of the late filed Form TM8's and counterstatements.

49. The filing of a Form TM8 is a relatively simple task, capable of being successfully carried out, irrespective of whether an applicant is represented or not. The deadline for filing a Form TM8 is a statutory one, and applicants (and their representatives) are made fully aware of the consequences if they fail to comply.

50. Accordingly, whilst I am sympathetic to the applicants' position, taking all of the above into account, I find no single reason or combination of reasons sufficient to constitute extenuating circumstances or compelling reasons to enable me to exercise my (limited) discretion under Rule 18(2).

51. Both of the applicant's late filed Form TM8's and counterstatements are therefore not admitted into proceedings and consequently the oppositions against the applications at hand are deemed undefended. The applications will, subject to any appeal, be treated as abandoned.

COSTS

52. Given that the outcome of this decision has terminated the proceedings, the opponent is entitled to a contribution towards its costs, based on the scale published in the Tribunal Practice Notice 1/2023. In the circumstances, I award the

opponent the sum of £800 as a contribution towards the costs of proceedings. The sum is calculated as follows:

Official fee (x2)	£400
Preparing the statement of case (x2)	£400
Total	**£800**

53. I therefore order Warwick Econometrics Ltd to pay The University of Warwick the sum of £800. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 3rd day of October 2025

N BARRATT
For the Registrar