

**O/1052/25**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF THE FOLLOWING TRADE MARK REGISTRATION NO.**

**UK00913069943:**

**AMSCAN**

**IN THE NAME OF SUMMER HOUSE EUROPE LIMITED**

**IN CLASSES 16, 21, 25 AND 28**

**AND**

**APPLICATION NO. 85007 TO RECTIFY THE REGISTER**

**BY NEW AMSCAN PC, LLC**

## **Background and pleadings**

1. The mark shown on the cover page of this decision was registered in the name of Summer House Europe Limited (“the registered proprietor”). It was applied for on 9 July 2014 and was registered on 3 November 2014. It is registered in respect of the following goods:

Class 16 - Paper napkins; paper towels; paper doilies; paper place mats; table cloths of paper; paper table covers; paper baking cups; wrapping paper; paper party decorations; paper garlands; paper banners; name cards; paper party bags; party bags made of plastic; party stationery; invitation cards; announcement cards; greetings cards; gift cards; envelopes; paper ribbons; rosettes of paper; paper badges.

Class 21 - Drinking mugs; plastic cups; drinking glasses; beverage stirrers; household utensils; drinking straws; ornaments made of china; ornaments made of ceramics; paper plates; paper cups; serving trays; trays for domestic purposes.

Class 25 - Fancy dress costumes; sashes for wear.

Class 28 - Toys; noisemakers [toys]; decorations and ornaments for Christmas trees; paper party hats; balloons; confetti; inflatable toys; piñatas; novelties for parties; party favours; streamers [party novelties]; crackers [party novelties]; party games; toy masks; costume masks; carnival masks.

2. On 12 May 2025, New Amscan PC, LLC (“the rectification applicant”) filed a Form TM26R with a declaration by Mike Walsh, of CMS Cameron McKenna Nabarro Olswang LLP on behalf of the rectification applicant claiming that the register should be rectified in accordance with section 64 of the Trade Marks Act 1994 (“the Act”) because the current owner of the trade mark, Summer House Europe Limited, is not the rightful owner of the mark.

3. As the application for rectification was made by a person other than the registered proprietor, it was necessary to serve the application on the proprietor in accordance with rule 44(2) of the Trade Marks Rules 2008 (“the Rules”). Accordingly, on 11 June

2025, the Registry served the Form TM26R and its statement of grounds on the proprietor, setting a deadline of 11 August 2025 to file a counterstatement and evidence or submissions.

4. The rectification applicant is represented by CMS Cameron McKenna Nabarro Olswang LLP and the registered proprietor (the owner of the contested mark) is represented by Williams & Co.

## **EVIDENCE**

5. The rectification applicant filed evidence from Mike Walsh of their legal representative. This evidence includes the following:

- a. Letter to UKIPO dated 9 May 2025 setting out that the mark has been incorrectly recorded by the UKIPO as having been assigned to Summer House Europe Limited when the rectification applicant believes that no such assignment should have taken place. The rectification applicant states as follows:

“We have reviewed the Form TM16 recently filed with the UKIPO by ‘Peter Fitzpatrick’ of Baaj Capital LLC (“Baaj”). The UKIPO should note that Summer House Europe Limited (“SHEL”) and Baaj are closely connected companies, with both SHEL and Baaj ultimately being controlled by the same individual, ‘Jaswinder Singh’, who is the sole shareholder and ‘person with significant control’ of SHEL, and one of two directors and person with significant control of Baaj.

The Form TM16 states under section 9, that authorisation to change the register is given by a ‘GARY PANON’ on behalf of the “Old Owner”, Amscan International Limited (“AIL”). The Form TM16 is purportedly signed by this same individual, ‘GARY PANON’. The Form TM16 has seemingly been filed in an abuse of process, since it purports to have been authorised by ‘Mr Gary Charles PANONS’ (note the correct spelling of this surname), who is a director of a company related to AIL. However, yesterday

our client spoke directly with Mr Gary Charles Panons who confirmed as follows:

- (i) he did not sign the aforementioned Form TM16 supplied to the UKIPO, nor did he authorise the transfer of UKTM No. 00913069943 to SHEL; and
- (ii) he does not have the necessary authority to execute documents on behalf of AIL.

Accordingly we have evidence that the Form TM16 was filed on behalf of Baaj in an abusive and misleading manner to persuade the UKIPO to transfer title in the AMSCAM Mark to Baaj, when in fact this company has no rightful ownership interest in the AMSCAN Mark”.

- b. Letter to Mr Jaswinder Singh and Mr Dalwinder Singh dated 8 May 2025 stating as follows:

“We act for Ad Populum LLC (“AP” or our “client”) in respect of its intellectual property affairs. We understand that you are both responsible for the operation of the UK entity, Baaj Capital LLC (“BCL”), as Designated Members of this limited liability partnership. We write further to AP’s letter to BCL dated 8 April 2025 (the “AP Letter”), in which AP put BCL on notice of AP’s purchase (via the newly-formed entity, New Amscan PC, LLC, which is wholly-owned by AP) of the intellectual property assets of Party City Holdco, Inc. (hereinafter, the “Party City Transaction”). Attached to the AP Letter were copies of (i) the relevant Sale Order from the United States bankruptcy court in concern approving the Party City Transaction, and (ii) two schedules to the Asset Purchase Agreement for the Party City Transaction which detail the specific intellectual property rights that AP acquired from Party City Holdco, Inc. as part of the Party City Transaction. Copies of the AP Letter and its attachments are

provided again at Annex 1 to this letter. For the purposes of this letter, the trade marks appearing at Annex 1 to this letter which feature the word element 'AMSCAN', or are otherwise associated with the AMSCAN brand, are called the "Amscan Marks".

#### Our client's rights

You will be familiar with our client from both the AP Letter, and your previous dealings with our client – including but not limited to the transaction last year (with an effective date of 12 September 2024) pursuant to which BCL (via your owned entity, Christys By Design Limited) sold all business assets relating to the CHRISTYS BY DESIGN business, including all intellectual property assets, to our client (via its wholly owned entity, CBD Acquisition Pte. Ltd.).

Our client is a global leader in the pop culture merchandise and costume industry. Our client owns a significant stable of well-known brands in this industry which, as detailed in the AP Letter, following the Party City Transaction now includes the AMSCAN and PARTY CITY brands – together with a very significant worldwide portfolio of intellectual property rights associated with these brands, including the Amscan Marks. As the legal owner of these brands (amongst various others) and the associated intellectual property rights, AP has the legal right to take enforcement action in respect of any unauthorised use of its intellectual property – including any unauthorised use on the Amazon marketplace.

[...]

#### The AIL Website

Our client is also aware that you are operating the website accessible at [www.amscan.co.uk](http://www.amscan.co.uk) (the "AIL Website"), which makes extensive use of the AMSCAN brand name and the

Amscan Marks – both of which are now owned by AP. The Terms and Conditions of the AIL Website state that the website is operated by an entity called ‘Amscan International Limited’ (with UK Company No. 12831709), which is a company previously known as ‘JDS49 Limited’ and in respect of which Mr Jaswinder Singh has at all times been the sole director. Our client also understands that you are operating a large warehouse facility in Milton Keynes, UK (likely in connection with the AIL Website), which also bears the AMSCAN brand name and the Amscan Marks. Whilst our client is aware that BCL acquired the business and assets of ‘Amscan International Limited’ in July 2024 (UK Company No. 01126979, hereinafter “Original AIL”) as part of a transaction which also saw the business and assets of three other entities also in financial distress purchased by BCL (hereinafter called the “BCL Transaction”), our client understands that the BCL Transaction did not include an assignment of any intellectual property rights in the AMSCAN brand (since no such intellectual property rights in the AMSCAN brand were owned by Original AIL, so none could be assigned to BCL in the BCL Transaction). UK Trade Mark No. 913069943 for ‘AMSCAN’ (the “943 Mark”) Our client has also been made aware that, in relation one of the registered trade marks that it purchased during the Party City Transaction, specifically the 943 Mark, you applied to the UKIPO on 25 April 2025 to update the trade mark register to reflect ‘Summer House Europe Limited’ (“SHEL”) as the new owner of the 943 Mark in place of the existing registered proprietor, being Original AIL. Jaswinder Singh is the sole director and person with significant control of SHEL. The UKIPO has provided us with a copy of the Form TM16 used to record the change of owner of the 943 Mark which purports to have been signed by a ‘Gary Panon’ on behalf of the former owner, Original AIL. We note that a ‘Gary Charles PANONS’ [emphasis added to indicate the misspelling of this surname on the Form TM16] is a director of Wonder Group Bidco Limited, which is the majority shareholder of Amscan

Holdings Limited, which in turn was the majority shareholder of Original AIL.

Our client has now spoken directly with Mr Gary Panons, who has confirmed to our client that (i) he has no knowledge of the aforementioned Form TM16 and did not sign the document nor otherwise authorise the transfer of 943 Mark, and (ii) in any event, he has no authority to execute documents on behalf of Original AIL. This is a concerning development that confirms that the Form TM16 was filed with the UKIPO by you without the necessary authorisation, and in an abuse of process – seemingly with the intention of misleading the UKIPO. We intend to share a copy of this letter with both the UKIPO and the administrators of Original AIL, alongside a request that they urgently investigate the matter (and that the administrators provide us with a copy the underlying signed assignment agreement for the BCL Transaction).

For all of the above reasons, our client believes that BCL (i) is making unauthorised use of the AMSCAN brand name and trade mark rights recently acquired by AP (including but not limited to use on the AIL Website), and (ii) has no legal basis for objecting to AP's reorganisation of its seller accounts/stores on the Amazon marketplace or making a request to the UKIPO for a change of ownership of the 943 Mark. Should you believe that, notwithstanding the points detailed above, BCL does in fact have a legitimate interest in or to the AMSCAN brand name (and any of the intellectual property rights related thereto including but not limited to the 943 Mark), then you should provide details of the same to this firm by way of a reply to this letter as a matter of urgency, and in any event by no later than close of business on 22 May 2025."

- c. Letter to Mr Jaswinder Singh (Baaj Capital) dated 8 April 2025 from the Assistant General Counsel of Ad Populum, LLC stating as follows:

“I serve as the Assistant General Counsel for Ad Populum, LLC (“Ad Populum”). One of our business associates at Amazon recently informed us that Baaj Capital had apparently reached out to Amazon and opposed our rights as the new owner of the Amscan brand. I’m sure this is just a misunderstanding, so we wanted to reach out to provide you with a notice of our rights.

On March 7, 2005, New Amscan PC, LLC (“New Amscan”), a newly-formed Delaware limited liability company owned by Ad Populum, acquired substantially all of the intellectual property assets of Party City Holdco, Inc., with approval from the bankruptcy court as part of the chapter 11 reorganization. I am attaching the Sale Order from the bankruptcy court, as well as the intellectual property schedules from the transaction.

As the new owners of the Amscan and Party City intellectual property (the “IP”), we are taking measures to avoid consumer confusion or mistake as to the ownership of the IP by anyone other than New Amscan, its rightful owner. Further, we want to avoid any unauthorized use of the IP in a way that would imply affiliation, connection, or association of the IP with a third party, or as to the origin, sponsorship, or approval by Ad Populum or New Amscan of any such unauthorized use. Such unauthorized use would constitute trademark infringement.

As I noted above, we assume that our business associate at Amazon misunderstood the statements made by Baaj Capital and that this has been a simple misunderstanding. That said, as you are now clearly on notice of our rights in and to the IP, any unauthorized use of the IP going forward would constitute a direct and willful violation of our intellectual property rights and would be subject to increased penalties in an intellectual property infringement lawsuit.”

- d. Court Order from the United States Bankruptcy Court Southern District of Texas dated 26 February 2025 approving and authorising the sale of certain Party City Holdco Inc. debtors' assets to New Amscan PC, LLC as the purchaser of those assets. The Order states:

“Upon the motion (the “Motion”) of Party City Holdco Inc. (the “Seller”) and its affiliated debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “Debtors”) for entry of an order (the “Sale Order”) (a) authorizing and approving entry into and performance under the terms and conditions of that certain Asset Purchase Agreement, dated as of January 24, 2025, by and among the Seller and New Amscan PC, LLC (the “Purchaser”), substantially in the form attached to this Sale Order as Exhibit 1 (as amended, supplemented, restated, or otherwise modified from time to time, the “Purchase Agreement”), 2 the Amendment to which is attached hereto as Exhibit 1-1, and all other transaction documents necessary and desirable to consummate the sale of the Purchased Assets (collectively with the Purchase”.

- e. Exhibit 1.1(b)(i) of Bankruptcy Court Order shows that the owner of the AMSCAN trade mark is Amscan International Limited:

27.	UNITED KINGDOM	AMSCAN	16, 21, 25, 28	REGISTERED	3069943	UK00913069943	7/9/2014	11/3/2014	Amscan International Limited
-----	----------------	--------	----------------	------------	---------	---------------	----------	-----------	------------------------------

Evidence of the Registered Proprietor

6. The registered proprietor filed a TM8 in defence of the TM26R and made the following counterstatement:

“It is accepted that the original TM16 was prepared by, and submitted by Peter Fitzpatrick of Baaj (“Baaj”) Capital LLC. It is also accepted that Baaj and Summer House Europe Limited (“SHEL”) are closely connected companies.

Mr Fitzpatrick had no prior experience of completing Form TM16. A clerical error was made on the part of Mr Fitzpatrick when completing the Form TM16 in that the incorrect company was pleaded in Section 4 and the incorrect person with authority was pleaded in Section 9. This was purely an administrative oversight and was not intended to mislead. Mr Fitzpatrick genuinely believed this information to be true.

The IPR assignment is in the name of JDS49 Limited, therefore the original transfer should have been in the name of this entity (now called Amscan International Limited) as opposed to Summer House Europe Limited.

We have completed an amended TM16 which represents the correct position.

The authority to assign is provided by James Richard Clark who was appointed as one of the administrators of AUK Realisations 2024 limited, formerly known as Amscan International Limited”.

The registered proprietor has not provided any additional evidence in respect of proof of ownership of the mark.

## **DECISION**

7. The power to rectify the register is set out in section 64 of the Act:

“64. - (1) Any person having a sufficient interest may apply for the rectification of an error or omission in the register: Provided that an application for rectification may not be made in respect of a matter affecting the validity of the registration of a trade mark.

(2) An application for rectification may be made either to the registrar or to the court, except that

(a) if proceedings concerning the trade mark in question are pending in the court, the application must be made to the court; and

(b) if in any other case the application is made to the registrar, he may at any stage of the proceedings refer the application to the court.

(3) Except where the registrar or the court directs otherwise, the effect of rectification of the register is that the error or omission in question shall be deemed never to have been made.

(4) The registrar may, on request made in the prescribed manner by the proprietor of a registered trade mark, or a licensee, enter any change in his name or address as recorded in the register.

(5) The registrar may remove from the register matter appearing to him to have ceased to have effect.”

### *Sufficient Interest*

8. The rectification applicant must have sufficient interest to apply for a rectification. The rectification applicant, who is owned by Ad Populum, purchased the intellectual property rights from the liquidated Amscan International Limited. The rectification applicant was therefore the former proprietor of the trade mark before the transfer of ownership was recorded. As such, I am prepared to accept the rectification applicant has sufficient interest to bring these proceedings.

### *Are the claimed errors capable of correction?*

9. The reference in section 64(1) to errors or omissions in the register is to be interpreted more broadly than the putting right of simple clerical errors and can extend to questions of ownership.

10. This approach of rectifying errors or omissions over and above those that are clerical in nature has been adopted and maintained in a number of Tribunal decisions.<sup>1</sup>

---

<sup>1</sup> In the Bendy Toys Limited case (BL O-336-01), paras 17-22, the Hearing Officer analysed the question of jurisdiction in the context of section 64(1) and found it should be broadly interpreted, particularly in cases where there is no other means of redress

11. There are questions in this case as to the validity of the paperwork that was filed to effect the change of name and whether the person who completed the paperwork was authorised to surrender the mark. As such, the matter at hand is not just a question of a purely clerical error, but I am content that the errors in question would be capable of correction through the rectification process if I was to accept the rectification application.

### *Key actions*

12. On 25 March 2025, a TM16 was filed with the Registry resulting in a change of ownership from Amscan International Limited to Summer House Europe Limited. The effective date of assignment was 16 July 2024.

13. In a letter dated 8 April 2025, Ad Populum, LLC confirm that New Amscan PC, LLC are a newly formed company who are owned by Ad Populum, and New Amscan PC, LLC acquired all of the intellectual property assets of Party City Holdco, Inc. as confirmed in the Court Order from the United States Bankruptcy Court Southern District of Texas dated 26 February 2025 (above). Exhibit 1.1(b)(i) shows that the mark is owned by Amscan International Limited, and the rectification applicant, who is owned by Ad Populum, purchased the intellectual property rights from the liquidated Amscan International Limited.

14. New Amscan PC, LLC filed a TM26R dated 12 May 2025 to rectify the register.

15. A TM8 was filed on 28 July 2025, within which the registered proprietor submitted that a clerical error was made when completing the Form TM16 in that the incorrect company was pleaded in Section 4 and the incorrect person with authority was pleaded in Section 9.

---

(such as via section 46 or section 47 of the Act). The Tribunal continued to take the approach of correcting errors or omissions over and above clerical mistakes in subsequent cases, for example BL O/283/02, BL O/284/02, BL O/040/05 and BL O/408/11.

## **CONCLUSION**

16. As the registered proprietor has admitted that a clerical error was made when completing the Form TM16, the rectification has succeeded.

17. The register will be rectified to record Amscan International Limited as the proprietor, as was the position prior to the filing of the contested Form TM16.

## **COSTS**

18. No request for costs has been made and I make no order in this regard.

**Dated this 12<sup>th</sup> day of November 2025**

**LA Bailey**

**For the Registrar**

**The Comptroller-General**