

O/1070/25

SUPPLEMENTARY DECISION ON COSTS

TRADE MARKS ACT 1994

IN THE MATTER OF

APPLICATION NO. 3790243

IN THE NAME OF RUSTY EGAN PRODUCTIONS LIMITED

TO REGISTER

VISAGE

AS A TRADE MARK IN CLASSES 9, 16, 41

AND

OPPOSITION THERETO UNDER NO. 600002620

BY

TANYA HARRINGTON, AMANDA LLOYD & GEORGE ROBINSON

Background

1. In my provisional decision issued under BL number O/1036/24 ("**my decision**"), dated 1st November 2024, Tanya Harrington, Amanda Lloyd, and George Robinson ("**the Opponents**") were partially successful in the opposition 600002620 to the registration of trade mark application number 3790243 ("**the Contested Mark**") by Rusty Egan Productions Limited ("**the Applicant**"). On 18 March 2024, Rusty Egan Productions Limited filed a cancellation action number 507164 against UK 3440429 which constituted the basis for opposition 600002620. On 9th October 2025, the cancellation action was deemed withdrawn. As the UK 3440429 mark remains a valid earlier mark for my decision, I can now provide my supplementary decision on costs.

Outcome and costs

2. In my decision I found that the opposition under section 5(2)(b) succeeds in part and the application, subject to any appeal, will be refused for the following goods and services in classes 9 and 41 for which I found similarity or identity, namely:

Class 9: photographic, cinematographic, optical, apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; data processing equipment and computers; compact discs, records, pre-recorded audio and video tapes; pre-recorded compact discs and records; computer programs; computer games; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs.

Class 41: entertainment; sporting and cultural activities; presentation of live musical performances; production of musicals, concerts and films; provision of musical compositions; organisation of musical performances; management of live shows and live performances; video tapes, disc and cassette recordings.

3. The application may proceed to registration for the goods in class 9 and class 16 as well as for the services in class 41 for which the opposition has failed as listed below:

- Class 9 Scientific, nautical, surveying, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines; fire-extinguishing apparatus.
- Class 16 Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks; books, magazines, journals, posters, photographs, postcards, greeting cards, song books, sheet music, wall charts.
- Class 41 Education; providing of training; provision of recording studio facilities, music publishing services.

4. From the above it appears clear that the parties obtained a similar degree of success, therefore, each party should bear its own costs.
5. The appeal period for both this supplementary decision and my decision, dated 1st November 2024, will begin to run from the date of this supplementary decision.

Dated this 18th day of November 2025

Andrea Rossi

For the Registrar