

O/0503/26

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK REGISTRATION  
NOs. UK00003452699 AND UK00917949347  
IN THE NAME OF DING LEI:

**Gritin**

IN CLASS 11

AND

**Gritin**

IN CLASSES 9 AND 25

AND

APPLICATION NO. 85012  
TO RECTIFY THE REGISTER  
BY SHENZHEN TENG XUN ZHAN YI TECHNOLOGY CO., LTD

## **Background & Pleadings**

1. With Form TM16 dated 15 March 2025, the UK trade mark no. UK00003452699 and the comparable mark no. UK00917949347 shown on the cover page of this decision were assigned from Shenzhen Teng Xun Zhan Yi Technology Co., Ltd to Ding Lei (“the proprietor”) for the following goods:

### **UK00003452699**

**Class 11:** Light bulbs; Electric lamps; Lamps; Bicycle lights; Pocket torches, electric; Safety lamps; Fairy lights for festive decoration; Miners' lamps; Electric lights for Christmas trees; Searchlights; Flashlights [torches]; Halogen stage lighting fixtures; Electric fans for personal use; Showers; Bath fittings.

### **UK00917949347**

**Class 9:** Covers for tablet computers; computer peripheral devices; data processing apparatus; chronographs [time recording apparatus]; transmitters [telecommunication]; Modems; covers for smartphones; cases for smartphones; protective films adapted for smartphones; connectors [electricity]; audio- and video-receivers; Loudspeakers; selfie sticks [hand-held monopods]; tripods for cameras; 3D spectacles; couplers [data processing equipment]; Transponders; readers [data processing equipment]; Pedometers; Counters; meters; pocket calculators; goggles for sports; magnifying glasses [optics]; batteries, electric; battery chargers; chargers for electric batteries; sockets, plugs and other contacts [electric connections]; Electric terminal lugs; converters, electric; wires, electric; In-ear headphones; earbuds.

**Class 25:** Sleep masks; sweat-absorbent socks; Socks; Neckties; Scarves; scarfs; Turbans; galoshes; goloshes; inner soles; Insoles; bathing caps; waterproof clothing; Girdles; gloves [clothing]; non-

slipping devices for footwear; shower caps; Shawls; beach clothes; tee-shirts; sports jerseys; sports singlets; Corselets; corsets [underclothing]; bath robes; clothing; clothing for gymnastics; beach shoes; caps [headwear]; Coats; cyclists' clothing; knitwear [clothing].

2. On 27 June 2025, Amber Global Finance Limited filed an application to rectify the register (Form TM26R) on behalf of Shenzhen Teng Xun Zhan Yi Technology Co., Ltd (“the applicant”). Also, two copies of power of attorney, dated 26 June 2025 were provided along with Form TM26. These authorise Mr Yuanjing Ma to act for the applicant to do the following:

*to act for us in matters Infringement and illegal transfer of the trademark “UK00003452699”*

*This authorisation shall include the appointment as domestic representative.*

*The representative/s may grant sub-authorisation in individual cases and receive payments on my/our behalf.*

i)

*to act for us in matters Infringement and illegal transfer of the trademark “UK00917949347”*

*This authorisation shall include the appointment as domestic representative.*

*The representative/s may grant sub-authorisation in individual cases and receive payments on my/our behalf.*

ii)

3. The representative stated in the Form TM26R that the transfer of the registered marks was unauthorised. In addition, in his correspondence dated 27 June 2025, Mr Ma stated that:

“Both trademarks were unlawfully transferred on **15 March 2025**, without the knowledge, consent, or authorization of the trademark owner. No assignment or transfer agreements were signed, and no third party was authorized to act on behalf of the owner in this regard.”

4. As the application for rectification was made by a person other than the registered proprietor, it was necessary to serve the application to the proprietor, in accordance with Rule 44(2) of the Trade Marks Rules 2008

("the Rules"). Accordingly, on 18 August 2025, the Registry served the Form TM26R to the proprietor, stating that:

"Under Rule 62(1) of The Trade Marks Rules 2008, the Registrar directs that the proprietor should confirm whether it intends to defend these proceedings. If so, a valid UK address for service on Form TM33 should be filed within a period of one month from the date of this letter, that is, on or before **18 September 2025**.

Please note that a valid address for service is an address in the United Kingdom, Gibraltar or the Channel Islands as set out in Rule 11(4).

Under Rule 62(3), the consequences of failing to comply with the above will be that the Registrar may treat the proprietor as not objecting to correction of the error or omission, and will proceed to consider the merits of the application for rectification."

5. On 16 December 2025, the Registry issued its view "*to treat the proprietor as not objecting to correction of the error or omission, and will proceed to consider the merits of the application for rectification*", with a deadline of 16 January 2026 for the proprietor to object to the preliminary view and request a hearing.
6. On 6 May 2026, the Registry informed the parties by way of official letter that the case was passed for a substantive decision, as the proprietor did not defend the application for rectification nor filed a valid UK address for service.
7. Although the proprietor was invited to file a counterstatement and a UK address for service, it chose not to do so. Even though the application to rectify is not contested, I must still be satisfied that the register does stand in error, before I can allow any rectification.
8. The applicant is represented by Amber Global Finance Limited, and the proprietor is unrepresented.

## **Preliminary Matter**

9. The evidence attached to the Form TM26R was not in the form of a witness statement. I note that it is common practice in the Registry proceedings to give evidence in the form of a witness statement in which exhibits are clearly identified and referenced. Even though the Registry did not request that the applicant re-file the documents in the required format, I do not consider this omission to be fatal to the applicant's case. I note that the applicant's statement of case accompanying the Form TM26R contains a statement of truth verified by Mr Ma, who was authorised via a power of attorney to act on behalf of the applicant in these proceedings.

## **Evidence**

10. Together with the Form TM26R, the applicant filed:
- two copies of power of attorney, both dated 26 June 2025, with which the Applicant authorised Yuanjing Ma to act on its behalf in these proceedings;
  - a copy of the official letter dated 13 March 2020 from the UK IPO, which includes the registration certificate for trade mark no. UK00003452699; and
  - an original and translated copy of the applicant's 'Business License' dated 25 December 2023,<sup>1</sup> issued by 'Shenzhen Administration for Market Regulation'.

## **Decision**

11. The rectification of the register is governed by section 64 of the Act, which states:

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<sup>1</sup> I note that the applicant filed a duplicate copy with its Form TM26R for the comparable mark no. UK000917949347.

“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**

12. The applicant must have a sufficient interest to apply for rectification.<sup>2</sup>

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<sup>2</sup> In *'Kerly's Law of Trade Marks and Trade Names'* (17th Ed, Chapter 5, section 5, paras 37-38), it is stated that a person having a sufficient interest equates to a “person aggrieved” under the 1938 Act and that “anyone in the trade concerned had sufficient locus to apply”. Kerly’s considers it “likely that a similar standard will be applied under s.64”.

Re. trade mark no. UK00003452699

13. Based on the registration certificate provided with the applicant's Form TM26R, the mark was filed on 19 December 2019 by the applicant and entered in the register on 13 March 2020. With Form TM16 dated 1 November 2023, the applicant recorded the change of ownership of the mark at hand to Jiujiang Haodawei Network Technology Co., Ltd before the mark was assigned back to the applicant with Form TM16 dated 25 March 2024. The applicant was therefore the former proprietor of the trade mark prior to the transfer of ownership being recorded.

Re. comparable mark no. UK00917949347

14. First, I note that the comparable mark was created from the European Union trade mark ("EUTM") registration number 17949347. Under Article 54 of the Withdrawal Agreement between the UK and EU, comparable UK trade marks were automatically created for all EUTMs registered as at the end of the Implementation Period of 31 December 2020. Being a comparable mark, UK trade mark number UK00917949347 is recorded on the UK Trade Mark register and has the same legal status as if it had been applied for and registered under UK law. Consequently, it has retained its original filing and registration dates of 3 September 2018 and 22 December 2018, respectively.
15. Although the applicant has not provided me with a copy of the registration certificate for the comparable mark, I note that such information is retained in the EUIPO Registry, which is the relevant Registry in this case. After reviewing the EUIPO's database, the EUTM was filed and registered by the applicant in these proceedings. With Form TM16 dated 9 October 2023, the applicant recorded the change of ownership of the mark to Jiujiang Haodawei Network Technology Co., Ltd, before the mark was assigned back to the applicant with Form TM16 dated 25 March 2024. The applicant was therefore the former proprietor of the trade mark prior to the transfer of ownership being recorded.

16. In light of the foregoing, I accept that the applicant has sufficient interest to bring these proceedings.

**Is it an error capable of correction?**

17. Where an application is filed to record the assignment, the information provided on the Form TM16 is taken at face value. The Registry does not investigate or otherwise seek to establish the legality of the claim regarding a change of ownership unless, as in this case, the recordal of the change of ownership is subsequently challenged.
18. I also bear in mind that the Form TM16 is not a deed of assignment, and the Form itself carries a warning to parties completing it that it is not a substitute for a deed of assignment. Put simply, the Form TM16 is the notification to the Registry that an assignment has already taken place so that the register may be updated. When the ownership is challenged, it is incumbent on the proprietor to show that the contested mark was transferred to them under a valid assignment. Section 24(3) of the Act is as follows:

“An assignment of a registered trade mark, or an assent relating to a registered trade mark, is not effective unless it is in writing signed by or on behalf of the assignor or, as the case may be, a personal representative.”

19. When the proprietor, Ding Lei, filed the Form TM16 on 15 March 2025, they ticked the box that indicated that an assignment had taken place. Therefore, on this basis, for the assignment to be effective, it must be in writing and signed by the assignor or their representative.
20. Firstly, the Form TM16 is signed under the name of Ding Lei, and Jiang Hong has been ticked as the “old owner’s recorded representative”. Although I note that, according to the Business License dated 25 December 2023, Jiang Hong appears to be the legal representative of the applicant before the ‘Shenzhen Administration for Market Regulation’, this

does not reflect who the applicant's recorded representative was before the Registry when Form TM16 was filed. The Registry records indicate that the representative of the applicant was 'IBE Avocat – Isabelle Bertaux', who was appointed via form TM33 dated 1 November 2023, and that this appointment remained in effect until 25 June 2025. On 26 June 2025, Jiang Hong signed Form TM33 to change the representative to Amber Global Finance Limited, but the change was not actioned because the applicant was not the recorded owner at the time the Form TM33 was filed. For the avoidance of doubt, I should point out here that the applicant's latest Form TM33 was filed after the proprietor's Form TM16. Therefore, it follows that at the time the proprietor filed the Form TM16, IBE Avocat – Isabelle Bertaux was the "old owner's recorded representative", not Jiang Hong.

21. Secondly, I have no evidence before me to show that a proper assignment has taken place. Without such evidence, I consider that I am bound to find that the contested trade mark could not have legitimately changed ownership to the proprietor. Further, the applicant, in its Form TM26R and correspondence, reproduced in paragraph 3 of this decision, asserted that this assignment was unauthorised. Therefore, it is clear that the applicant firmly maintains that there is no valid assignment agreement between itself and the proprietor.
22. Thirdly, although the proprietor was given the opportunity to file a defence and a further opportunity to request a hearing, no such responses were received.
23. In light of these considerations, I accept that the assignment of the trade mark signed by Ding Lei was made without authority and that the register does stand in error. That error was that the assignment could not have legally been made. In my view, it is right that the error be corrected, particularly as I acknowledge that the proprietor does not appear to challenge this position.

## **Conclusion**

24. The application for rectification succeeds. I direct that the register be rectified and that the name of Ding Lei shall be removed as the proprietor of UK trade mark no. UK00003452699 and the comparable mark no. UK00917949347 and that the proprietorship of the contested mark reverts back into the name of Shenzhen Teng Xun Zhan Yi Technology Co., Ltd, as was the position prior to the filing of the contested Form TM16.

## **Costs**

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

**Dated this 12<sup>th</sup> day of June 2026**

**Dr Stylianos Alexandridis**  
**For the Registrar,**  
**The Comptroller General**