

O/0515/26

TRADE MARKS ACT 1994

IN THE MATTER OF

REGISTRATION NO.

UK00003982618

IN THE NAME OF

SALAAM BEVERAGES CO LIMITED

FOR THE TRADE MARK



IN CLASS 32

AND

AN APPLICATION FOR RECTIFICATION

UNDER NO. 84946

BY

KUSH DRINKS LTD

Background

1. The trade mark below, UK00003982618, stands registered in the name of Salaam Beverages Co Limited (“the registered proprietor”). It was applied for on 22 November 2023 by Kush Drinks Ltd and completed its registration process on 23 February 2024, in respect of Class 32.



2. On 22 April 2024, Kush Drinks LTD (“the rectification applicant”) filed a Form TM26R with a declaration by Sofiea Khan.
3. At section 5 of the Form TM26R, Ms Khan states the following:

5. You must provide details of the error or omission to be corrected, please complete box below Use a continuation sheet if necessary.

To whom this may concern,

The director of Kush Drinks Ltd, Aykiz Shah, has breached her roles and responsibilities. Sofyan Hussain has had no knowledge or given any consent for the trademarks to be moved to a new company.

It is apparent that Aykiz Shah has caused considerable damage to the company and clearly not acted in the best interest of the company. She has breached her fiduciary duties with a clear dishonest intent. She has not had the best interest of the company, but rather the latter to serve her personal interest.

She has removed Sofyan Hussain as director illegally. She has also removed his shares illegally. And she has also changed the percentage power.

All of these acts are to show that she has majority shareholding, directorship and percentage power to make decision for the company.

4. As the application for rectification was made by a person other than the registered proprietor, it was necessary to notify it in accordance with Rule 44(2) of the Trade Marks Rules 2008 (“the Rules”). This was done by letter to the registered proprietor dated 26 June 2024. The letter directed as follows:

“The registered proprietor is now invited to submit a counterstatement together with evidence or submissions in accordance with Rule 44(2)(b) of the Trade Marks Rules 2008. Therefore, in accordance with Tribunal Practice Notice 3/2008 a period of two months from the date of this letter is allowed for this purpose.

The evidence or submissions should therefore be received on or before **27 August 2024** and in accordance with Rule 64(6) a copy must be sent to the other party.”

5. On 28 June 2024, the Tribunal received an email from an Ayiz Khan. She considered the trademarks at issue to have been legally purchased by Salaam Beverages Co Limited and stated, “I do not know who Sofiea Khan is, and she has no legal rights or authorization to sign and submit any forms on behalf of Kush Drinks Ltd.”
6. The Tribunal then received “witness statements” dated 16 July 2024 from Sofyan Hussain and Amna Shah purported to be in support of the rectification applicant. However, these statements were not properly constituted statements of truth.
7. On 11 October 2024, the Tribunal wrote to the registered proprietor’s representatives as follows:

“Further to the application for rectification filed by Sofiea Khan [being the signatory of the declaration for Kush Drinks LTD], no counterstatement has been filed by the Registered Proprietor. The case is now ready for a decision.

As Rule 44 makes no specific provision either for filing a counterstatement or the consequences of a failure to file a counterstatement, the application will not automatically be treated as undefended. The Hearing Officer is required to make an assessment of the merits of the claim, as well as deciding whether the applicant has sufficient interest to make the application. If the facts asserted by the rectification applicant are not denied, this can be a factor in the decision. In view of there being no counterstatement or evidence from the Registered Proprietor, the case will now be passed to a Hearing Officer who will decide if the application can be upheld based on the TM26R form.”

8. On 15 October 2024, the registered proprietors’ representatives requested copies of all previous official correspondence which they were sent on 1 November 2024.
9. Further to the receipt of the email from Ayiz Khan on 28 June 2024 and the “witness statements” dated 16 July 2024 from Sofyan Hussain and Amna Shah, on 14 January 2025, the Tribunal wrote to Sofiea Khan as follows:

“1. Please confirm on what basis and with what authority you act for Kush Drinks Ltd.

2. Please provide more details and/or evidence in respect of the claim that Ayiz Khan “removed Sofyan Hussain as director illegally. She has also removed his shares illegally. And she has also changed the percentage power.”

3. Please provide more details of the roles held by Sofyan Hussain and Amna Shah in Kush Drinks Ltd.

4. If you wish the statements of Sofyan Hussain and Amna Shah to be considered to be proper witness statements, please re-submit them so that they contain statements of truth.”

10. On 14 February 2025, Sofiea Khan replied to the above points by email as follows:

“1. My Authority to Act for Kush Drinks Ltd:

I had a multitude of roles in Kush Drinks Ltd of Kush Drinks Ltd [sic]. I am authorized to represent the company in this matter as authorised by Imtiaz Hussain. Supporting documentation is attached ‘Authorization and Delegation of Authority’ contract.

2. Allegations Against Aykiz Shah:

Aykiz Shah's actions regarding Kush Drinks Ltd's directorship and trademarks were unlawful. Specifically: Removal of Sofyan Hussain: Sofyan Hussain was illegally removed as a director and shareholder. There were no company meeting minutes or any other official documentation to support this removal. Evidence of this includes the original company register showing Sofyan Hussain as director. Trademark Transfer: The transfer of the Salaam Cola (Figurative) trademark to Salaam Beverages Co Limited was unauthorized. Evidence of this includes signed statements from both shareholders, Sofyan Hussain and Amna Shah, with statement of truths.

3. Roles of Sofyan Hussain and Amna Shah:

Sofyan Hussain: Sofyan Hussain was a director/shareholder of Kush Drinks Ltd.

Amna Shah: Amna Shah was to liaise with the Turkish Manufacturers (Prolstanbul) for Kush Drinks Ltd.

4. Resubmission of Witness Statements:

I understand the witness statements from Sofyan Hussain and Amna Shah were not compliant. I have reviewed the IPO's requirements and resubmitted their statements with the necessary statements of truth.”

11. Sofiea Khan also supplied supporting documentation in the form of:

- Companies House records
- An unsigned “Business Partnership Agreement” said to have been entered into on 16 February 2024 between Sofyan Hussain, Imtiaz Hussain, Aykiz Shah, and Amna Shah
- WhatsApp messages about the business partnership agreement
- Intellectual Property Office documentation
- WhatsApp messages about the Intellectual Property Office documentation
- Correctly constituted witness statements from Sofyan Hussain and Amna Shah
- A WhatsApp exchange about possible names for a cola company
- Authorisation and Delegation of authority document, drawn up on 14 January 2024 and backdated to 20 November 2023, authorizing Sofiea Khan to perform particular duties on behalf of Kush Drinks Ltd.

12. The Tribunal wrote to the registered proprietor on 10 March 2025, enclosing a copy of the rectification applicant’s documents, and offering it the opportunity of filing submissions and/or evidence in reply within one month. The letter also said the following:

“Furthermore, I note that the mark at issue, together with two other marks, were assigned to SALAAM BEVERAGES CO LIMITED on 8 April 2024 and the Registry was notified of this via a Form TM16, the new owner’s signature being that of Liaqat Shah. The registered proprietor should provide the Registry with a copy of the assignment

document, also within one month of the date of this letter, that is on or before **10 April 2025.**”

13. The registered proprietor responded on 8 April 2025 and when asked to format its evidence in the standard manner did so on 11 June 2025. The documents filed and admitted were as follows:

- Witness statement from Aykiz Shah, former director of Kush Drinks LTD, signed and dated 11 June 2025, together with Exhibit AS1, a “Trademark Assignment Agreement”
- Witness statement from Mohammed Usmaan Sheikh, “a responsible and authorized representative of Salaam Beverages Co Limited”, signed and dated 11 June 2025

14. Some of the documentation that was supplied by the rectification applicant on 14 February 2025 was not in the correct evidential format and some of it was subsequently re-filed on 10 June 2025. Even then, not all of it was laid out correctly and it took some time before the rectification applicant finally filed its evidence in the correct format. This happened on 31 December 2025, and the following documents were admitted:

- Witness statement from Sofiea Khan, signed and dated 31 December 2025
- Exhibits SK1-SK5

15. The rectification applicant sent an email to the Tribunal on 9 March 2026 which I take to be brief submissions in lieu of a hearing, questioning the veracity of Amna Shah’s signature on the Trademark Assignment Agreement, Exhibit AS1. The rectification applicant asked to file further evidence, but the evidence rounds had already concluded on 4 February 2026.

16. The registered proprietor filed written submissions in lieu dated 30 March 2026.


The central allegation from the rectification applicant and the response from the registered proprietor

17. It is alleged that Sofyan Hussain, a director of Kush Drinks LTD, was improperly removed from his position and that his shares were unlawfully taken away such that the voting power within the company was changed. It is further claimed that Sofyan Hussain had no knowledge of the subsequent transfer of the mark to a different company, nor did he consent to it. Sofyan Hussain has filed a witness statement (part of Exhibit SK3) as follows:

Statement Regarding Trademark Sale or Removal

I, Sofyan Hussain, reaffirm Sofiea Khan's statement in the filed TM 26R regarding the sale or removal of all 3 KUSH DRINKS LTD trademarks. I also affirm that I had no acknowledgement of the sale or removal of the said trademarks.

I, Sofyan Hussain believe the facts stated in these verified documents are true. I Sofyan Hussain understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signature: 
Date: 30/01/25

18. By “acknowledgement”, I consider Mr Hussain to mean “knowledge”.

19. It is further claimed that the other shareholder in the company, Amna Shah, also knew nothing of the transfer of the mark to a different company.

20. Aykiz Shah's witness statement for the registered proprietor is reproduced in large part below.

“Unauthorized Trademark Filing and Legal Invalidity

We received a cease-and-desist notice from Salaam Beverages Co. Limited in December 2023, clearly indicating that unauthorized use of their trademarks was ongoing. In good faith, we attempted to resolve this matter amicably. However, the situation was severely undermined by disruptive interference from Mr. Sofyan Hussain, who had permanently relocated to Lebanon and was misleadingly claiming that his position and authority were delegated to third-party individuals, most notably Sofiea Khan, who is an unknown individual to date. These individuals had no proper authority, approval, or authorization from the company’s board or myself to act on behalf of Kush Drinks Limited.

This blatant misconduct, including the unapproved delegation of authority and false representations of Mr. Hussain’s role, significantly impeded our efforts to address the infringement. It is essential to emphasize that any documents or claims suggesting Mr. Hussain or others had authority to act on the company’s behalf prior to his official appointment are outright false, misleading, and designed to deceive.

Mr. Sofyan Hussain, as a 33% shareholder and joint director, did not possess or exercise any delegated authority before his formal appointment on December 10, 2023. All actions taken prior to that date are legally invalid, entirely illegitimate, and constitute deliberate misrepresentation aimed at gaining unwarranted control and influence within the company.

This conduct demonstrates a clear attempt to manipulate corporate governance and undermine the legitimate operations of Kush Drinks Limited for personal gain, with no regard for legal procedures or the company’s interests.

Authority and Corporate Governance

Any attempt by third parties to claim they were acting with delegated authority from Mr. Hussain before his appointment directly contravenes the Companies Act 2006. No such delegations or authorizations were granted or sanctioned by the company's board or me. The purported "Delegation of Authority" document presented by Sofiea Khan has never been seen or approved by me or the company's legal team and is therefore a forgery or misrepresentation.

Such false claims threaten the integrity of corporate governance and could facilitate illegal activities, including the creation of counterfeit products and infringement of third party rights.

Resolution and Sale of the Trademarks

In April 2024, following the unlawful actions and in the best interests of Kush Drinks Limited, the company's board recognizing the severity of the misconduct voted (by a clear 67% majority) to remove Mr. Hussain due to his absence and undue influence exerted through third parties. Subsequently, we resolved the dispute by legally selling the disputed trademarks back to Salaam Beverages Co. Limited who is recognised internationally as the original owner of the salaam soft drinks brand for £31,000. Payment was received in full on June 3, 2024, and all transfer documents were executed in strict accordance with legal requirements.

This transaction was transparent, properly documented, and validated by our legal advisors, ensuring the transfer of rights was lawful and enforceable. There is shown to me marked "*Exhibit AS-1*", a copy of the trademark assignment dated 8th April 2024 assigning the subject mark from Kush Drinks Limited to Salaam Beverages Co. Limited, along with an invoice from Kush Drinks Limited to Salaam Beverages

Co. Limited in respect of the consideration paid for the assignment of the trademarks.”

DECISION

21. Rectification of the register is governed by section 64 of the Trade Marks Act 1994 (“the Act”) which states that:

“(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 and authority to act

22. An applicant for rectification must have a sufficient interest to apply for rectification.

23. I quote from the above extract from Aykiz Shah's witness statement:

"Mr. Sofyan Hussain, as a 33% shareholder and joint director, did not possess or exercise any delegated authority before his formal appointment on December 10, 2023. All actions taken prior to that date are legally invalid, entirely illegitimate, and constitute deliberate misrepresentation aimed at gaining unwarranted control and influence within the company.

This conduct demonstrates a clear attempt to manipulate corporate governance and undermine the legitimate operations of Kush Drinks Limited for personal gain, with no regard for legal procedures or the company's interests.

Authority and Corporate Governance

Any attempt by third parties to claim they were acting with delegated authority from Mr. Hussain before his appointment directly contravenes the Companies Act 2006. No such delegations or authorizations were granted or sanctioned by the company's board or me. The purported "Delegation of Authority" document presented by Sofiea Khan has never been seen or approved by me or the company's legal team and is therefore a forgery or misrepresentation."

24. The "Authorization and Delegation of Authority" document in question was part of the initial document bundle sent in by Sofiea Khan and copied to the registered proprietor. It was not part of the final admitted version of the

rectification applicant's evidence. However, given that the registered proprietor has commented on it, I have reviewed the document.

25. The document is addressed to Sofiea Khan and states that Sofiea Khan is authorised to perform duties on behalf of Kush Drinks Ltd which include “**Administrative and Regulatory Compliance:** Filing and submitting all necessary paperwork, documents, and reports to relevant regulatory bodies and authorities.” It says that Sofiea Khan will work under the direction of Imtiaz Hussain who is authorised to act on behalf of Sofyan Hussain “while I am absent”. The document also says that “This agreement for services also applies retroactively to work already completed by Rayyan Enterprise Ltd. for Kush Drinks Ltd. since 20th November 2023.” It is dated 14 January 2024 but is said to be “**Effective From:** 20th November 2023”. It is signed by the three parties – Sofyan Hussain, Sofiea Khan and Imtiaz Hussain – as of 20 November 2023. However, there is an irregularity in the document: given that the document was drawn up on 14 January 2024, the signatures should have been as of that date.

26. Kerly's *Law of Trade Marks and Trade Names* (17th Ed, Chapter 5, section 5, paras 37-38) says 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”.

27. The rectification applicant is a previous owner of the mark, Kush Drinks LTD. Sofiea Khan considers herself authorised to represent the rectification applicant in this matter and has submitted paperwork to that effect. Sofyan Hussain considers himself to be a wronged former shareholder and director of the rectification applicant.

28. While I note the registered proprietor's evidence about Sofiea Khan's credentials and Sofyan Hussain's conduct (and I also note that the delegation of authority document should have been signed as of 14 January 2024) both of them – Sofiea Khan and Sofyan Hussain – could be said to be aggrieved

persons. However, there is a fundamental problem with the rectification application dated 22 April 2024. It is in the name of Kush Drinks LTD. The rectification applicant's Exhibit SK2 consists of Companies House records that confirm that Sofyan Hussain's appointment as a director was terminated on 8 April 2024 and that his shares were transferred to Aykiz Shah on that date. The distribution of shares on that date changed from Aykiz Shah 34/Amna Shah 33/Sofyan Hussain 33 to Aykiz Shah 67/Amna Shah 33/Sofyan Hussain 0.

29. Given the above evidence, Sofyan Hussain was not an officer of Kush Drinks LTD on 22 April 2024 and therefore had no authority to depute Sofiea Khan to apply for rectification in the name of Kush Drinks LTD on that date (nor would he have had the authority to make such an application himself in the name of Kush Drinks LTD on that date). Whatever authority to act Sofiea Khan had from Sofyan Hussain, whether directly or via Imtiaz Hussain as an intermediary (and I note that the registered proprietor questions whether Sofiea Khan was so authorised anyway), ceased on 8 April 2024.
30. The question of whether Mr Hussain was lawfully removed as an officer of Kush Drinks LTD is not a matter for the Tribunal. Rather, it is concerned with the ownership of the trade mark. To sum up, according to the official record of Kush Drinks LTD (as recorded on the Companies House register), Mr Hussain ceased to be an officer of the company on 8 April 2024 and, consequently, had no capacity to act for the company after that date, nor would any person claiming to act upon his authority. Therefore, neither Mr Hussain nor Ms Khan were authorised to act on behalf of Kush Drinks LTD in challenging the ownership of the trade mark by way of an application for rectification filed on 22 April 2024.
31. The consequence of this state of affairs is that the rectification application in the name of Kush Drinks LTD is invalid and as such I direct that the register remains as it currently stands.

Costs

32. No request for costs has been received, and I make no costs award.

Dated this 17th day of June 2026

John Williams

For the Registrar