

O/0702/25

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

IN RESPECT OF:

CONSOLIDATED PROCEEDINGS

IN THE MATTER OF APPLICATION NO. 3888021

BY CHAMELEON COLLECTIVE INC.

AND

THE OPPOSITION THERETO UNDER NO. 441666

BY COLLECTIVE

AND

IN THE MATTER OF UK REGISTRATION NO. 3668194

IN THE NAME OF COLLECTIVE

AND

**THE APPLICATION FOR A DECLARATION OF THE INVALIDITY
THEREOF UNDER NO. 506546**

BY CHAMELEON COLLECTIVE INC.

1. On 4 July 2025, I issued my decision in the consolidated Opposition No. 441666 and Cancellation No. 506546. This decision has the reference number BL O/0615/25.

2. On 17 July 2025, the representative for Chameleon contacted the Registry stating that the parties had reached a coexistence agreement on 30 June 2025 and that, under the terms of that agreement, they both agreed to withdraw the cancellation and the opposition. Chameleon's representative then said that on the same day it had filed a request to withdraw the cancellation, and so was surprised to receive a decision in the matter, rather than a confirmation that the cancellation had indeed been withdrawn.

3. The Registry investigated the matter and it came to light that the request had not been uploaded to the correct electronic file and so I had therefore been unaware of it when I came to issue my decision. I wrote to the parties on 21 July 2025 to inform them that this had happened and to ask Collective whether it had also filed a request to withdraw its opposition.

4. Collective responded on 22 July 2025, stating that, under the terms of the agreement, it was to file its request when Chameleon's request to withdraw the cancellation had been actioned.

5. Rule 74 of The Trade Marks Rules 2008 is as follows:

“(1) Subject to rule 77, the registrar may authorise the rectification of any irregularity in procedure (including the rectification of any document filed) connected with any proceeding or other matter before the registrar or the Office.

(2) Any rectification made under paragraph (1) shall be made-

(a) after giving the parties such notice; and

(b) subject to such conditions,

as the registrar may direct.”

6. I wrote to the parties on 25 July 2025 informing them that I deemed that the filing of the request to withdraw the cancellation on the wrong file, and my ignorance of it, was a procedural irregularity capable of correction under this Rule and that I would shortly

issue a supplementary decision to correct the irregularity. I also informed the parties that had I been aware of Chameleon's request, I would not have issued the decision on 4 July 2025 and, given the nature of the proceedings, the Registry would have written to Collective to ascertain whether it wished to continue with the opposition.

7. This supplementary decision corrects the procedural irregularity in respect of Cancellation No. 506546, which is withdrawn. The parts of Decision No. BL O/0615/25 relating to the cancellation are disapplied. These are paragraphs 7-11, 13-20, 22-52 and 81.

8. Collective has a period of **5 days** from the date of this decision to file a request to withdraw the opposition. I will then issue a further supplementary decision.

Dated this 29th day of July 2025

Clare Boucher

**For the Registrar,
Comptroller-General**