O/0779/26

TRADE MARKS ACT 1994

**IN THE MATTER OF THE UK DESIGNATION
OF THE INTERNATIONAL REGISTRATION
NO. WO0000001838680
IN THE NAME OF
BLACK LIVES MATTER GLOBAL NETWORK FOUNDATION,
INC.
FOR THE TRADE MARK:**

BLACK LIVES MATTER
FOUNDATION

IN CLASSES 9, 10, 14, 16, 18, 21, 24, 25, 35, 36 AND 41

AND

**THE NOTICE OF OPPOSITION THERETO
UNDER NO. OP000458550
BY BLACK LIVES MATTER MOVEMENT LTD**

Background

1. Black Lives Matter Global Network Foundation, Inc. ("the holder") sought protection in the UK for the International Registration no. WO0000001838680 ("the contested mark") in respect of the mark shown on the front page of this decision with a UK designation date of 12 September 2024. The contested mark was accepted and published in the Trade Marks Journal for opposition purposes on 3 October 2025.

2. On 2 December 2025, Black Lives Matter Movement Ltd ("the opponent") filed a Form TM7 to oppose the designation.

<u>Timeline of the subsequent events</u>

3. The Tribunal in its official letter dated 24 December 2025 informed the opponent about the following amendments required for the TM7 to be admissible into the proceedings:

> "**<u>What you need to do</u>**
>
> The following amendments required are in relation to Section A of the TM7 form.
>
> **Question 4 (Representation of the Mark)**
>
> The Registry notes that the opponent has provided a representation of the earlier right number UK00003751705. Having checked the case details for the earlier right the trade mark is protected for a figurative trade mark with the text BLACK LIVES MATTER MOVEMENT EST. 2020. On the form TM7 the trade mark is shown as 'BLACK LIVES MATTER MOVEMENT EST 2020 (Figurative)'.
>
> The opponent is relying on a single claim under section 5(2)(b) of the Trade Marks Act 1994 and it is important that the trade mark be displayed correctly.

I note that you have indicated that the mark is ‘(Figurative)’ in the box provided, however, you are required to provide an accurate and complete representation of the mark in response to this question. Therefore, please review and amend your response.

Please note, this can also be done on a continuation sheet if required.

Question 5 (Goods and Services Relied on)

I note that in response to Question 5 you have set out that you are relying on ‘some’ goods and services from the earlier right UK00003751705.

However, upon review of the information provided in the box. The list correlates with the goods and services that can be found in the opposed IR application.

Therefore, please review and set out a list goods and services from the earlier right (UK00003751705)’s specification.

Question 8 (Goods and Services Opposed)

Under Section 5(2)(b) of the Trade Marks Act 1994, there can be no likelihood of confusion without a finding of similar goods and services. It is noted that the form TM7 indicates that all goods and services in the application that you are opposing are identical or similar to those of the earlier rights under section 5(2)(b).

However, it is considered that there are aspects to the pleaded case which do not appear to have any prospect of success under section 5(2)(b). Your attention is drawn to our recent Tribunal Practice Notice 1/2018 paragraphs 7 to 10 which highlights this requirement.

Please review and make it explicitly clear which goods or services in the application you are opposing are identical or similar to the goods or services covered by each of the earlier rights.

Question 9 (Further Information)

The information provided in the box appears to be missing text. A copy of the TM7 as filed, is attached for your consideration. Please could you refile this page for clarity in proceedings. If you are unable to place all the information in this part of the form, you can use a continuation sheet.

<u>When this needs to be done</u>

You should file an amended Form TM7 and statement of grounds on or before **21 January 2026**. If you choose not to take this action by the date given above, we may decide to strike out (remove) any grounds which are not adequately explained. Depending on the grounds, this may result in your opposition being treated as withdrawn. […]"

4. An amended Form TM7 was received on 21 January 2026. The form remained deficient, and the Tribunal wrote to the opponent again, on 15 February 2026. The letter also set out the deficiencies in the Form TM7 under the following headings: "Representation of earlier right (Section A, Question 4)"; "Goods and services relied on (Section A, Question 5)"; and "Goods and services opposed (Section A, Question 8)". The Tribunal requested that the opponent file an amended form in the following terms:

   "You should file an amended Form TM7 and statement of grounds on or before **02 March 2026**. If you choose not to take this action by the date given above, we may decide to strike out (remove) any grounds which are not adequately explained. Depending on the grounds, this may result in your opposition being treated as withdrawn**.**"

5. The opponent failed to file an amended TM7 by the 2 March 2026 deadline. However, the Tribunal afforded the opponent a further opportunity to file an amended Form TM7 by 19 March 2026, extending the deadline. This deadline was communicated to the opponent via both email and post.

6. On 23 March 2026, the Tribunal received correspondence from the opponent stating that it became aware of the Tribunal's letter on 20 March 2026 when its accountant forwarded a scanned copy, while also providing a copy of the certificate of the earlier mark together with web links. However, the opponent failed to file an admissible Form TM7 within the above deadline, and the Tribunal, in its official letter dated 12 May 2026, issued its preliminary view ("PV") to strike out the opposition in its entirety, allowing the parties to challenge the PV by 26 May 2026.

7. On 26 May 2026, the opponent challenged the PV and, as a result, a Case Management Conference ("CMC") was listed for 23 July 2026. The holder also opted to attend. At the CMC, the opponent was represented by Mr Dheemanth Vangimalla of Three New Square, and the holder by Ms Karen Veitch of Lincoln IP.

Case Management Conference

8. The CMC took place before me on 23 July 2026, by way of a telephone conference. As both parties were present at the CMC, I shall summarise the submissions made by the parties.

9. At the outset of the CMC, I addressed the opponent's position, as set out in Mr Vangimalla's skeleton argument, concerning receipt of the Tribunal's letters dated 15 February and 12 March 2026. Mr Vangimalla posited that the opponent did not appear to have received the letter of 15 February 2026. He further stated that the letter of 12 March 2026 appeared to have been sent solely by post, rather than by email to the address provided for correspondence, namely contact@blacklivesmatterlicensing.com, and that the opponent's accountant had forwarded a scanned copy of the letter to the opponent by email at 13:22 on 20 March 2026. In this regard, I clarified that the Tribunal's records showed that the letter of 15 February 2026 had been sent to the opponent by email and that the letter of 12 March 2026 had been sent by both email and post. I also clarified that the Tribunal had received no bounce-back or other notification of non-delivery

in respect of either email. Accordingly, there was no contemporaneous indication in the Tribunal’s records that either email had failed to reach the email address provided by the opponent for correspondence in these proceedings.

10. At the CMC, Mr Vangimalla accepted on behalf of the opponent that the failure to comply with the deadline of 19 March 2026 was a serious and significant breach. He submitted, however, that the second and third stages of the test in *Denton v TH White Ltd* [2014] EWCA Civ 906, [2014] 1 WLR 3926, favoured granting relief, having regard to the reason for the default and all the circumstances of the case.

11. As to the reason for the default, Mr Vangimalla submitted that, so far as the opponent was aware, it had not received the Tribunal’s letter dated 15 February 2026 and had not become aware of the letter dated 12 March 2026 until 20 March 2026, after the deadline had expired. He explained that the latter letter had come to the opponent’s attention when its accountant forwarded a scanned copy. In this respect, Mr Vangimalla stated that the opponent had acted promptly after becoming aware of the letter. In particular, Mr Vangimalla outlined that on 23 March 2026 the opponent had apologised for missing the deadline, explained the circumstances and attempted to respond to the Tribunal’s requirements by providing a certificate relating to the earlier mark and links to the opponent’s products. He further explained that the opponent had honestly believed that the certificate, which identified the goods and services for which the earlier mark was registered, satisfied the Tribunal’s request. As to the scope of the opposition, Mr Vangimalla submitted that Q9 of the original Form TM7 provided a reasonably clear indication of the goods and services challenged by the opponent. He contended that translating that information into a form compliant with the requirements of the Form TM7 would not be difficult.

12. Turning to the wider circumstances, Mr Vangimalla submitted that the opponent was a voluntary service with limited financial resources. He said

that it was important to the opponent that its goods and services in the UK should not be confused with those of the holder and that these matters could be examined fully if the opposition were permitted to proceed. Mr Vangimalla further submitted that allowing the opposition to continue would not prejudice the holder, which would remain able to address the substantive grounds on their merits.

13. For the holder, Ms Veitch asserted that the opponent had neither adequately explained its failure to respond within the deadline nor corrected the deficiencies in the Form TM7. She submitted that no irregularity on the part of the Tribunal was alleged and that the email address supplied by the opponent was operational, as the letter of 24 December 2025 had been received and acted upon. Ms Veitch highlighted that the opponent failed to explain why the subsequent emails had been missed. She further added that the accountant's email of 20 March 2026 did not establish when or how the letter of 12 March 2026 had been received and was not supported by witness evidence. In those circumstances, Ms Veitch submitted that this amounted to a failure to maintain adequate arrangements for monitoring official correspondence and a lack of vigilance on the opponent's part.

14. Ms Veitch submitted that the scope of the opposition remained unclear. She pointed to a discrepancy between the original TM7, in which the response to Q8 referred to "clothing and retail", and the amended TM7 filed in January 2026, in which the box for "all goods and services" had been selected. Consequently, the holder remained uncertain as to which of its goods and services were opposed. Further, Ms Veitch submitted that the Tribunal had repeatedly and clearly identified the deficiencies in the Form TM7. She emphasised that the opponent had missed two deadlines and had failed to accurately set out its case on three occasions over a seven month period. Thus, Ms Veitch stressed that this demonstrated a pattern of procedural failure and that an unrepresented party could not be subject to different procedural standards.

15. Ms Veitch disputed Mr Vangimalla's submission that the holder had suffered no prejudice, submitting that the holder, which was also a non-profit organisation, had faced prolonged uncertainty as to the scope of the opposition and delay in the registration of its mark, potentially including goods and services that the opponent did not intend to challenge. She also spoke of the expense incurred by the holder in seeking updates from the Tribunal and in preparing for and attending the CMC. Finally, Ms Veitch submitted that Rule 17 of the Trade Marks Rules ("the Rules") was a statutory provision and that a further exercise of discretion would undermine its consistent application. She contended that the opponent retained the option of bringing invalidation proceedings after registration and that this was the more appropriate course, since it would avoid further delaying registration in respect of any goods and services that were not in fact challenged. She therefore invited the Tribunal to refuse relief and strike out the opposition.

16. In response to Ms Veitch's position that granting relief would set a dangerous precedent, Mr Vangimalla submitted that the Tribunal was required, in furthering the overriding objective, not merely to enforce procedural deadlines but also to deal with cases fairly. Having regard to the circumstances, Mr Vangimalla invited the Tribunal to grant the opponent the limited extension of seven days in which to file an admissible Form TM7 and to permit the opposition to continue.

17. After hearing submissions from both sides, I concluded the CMC but reserved my decision to consider the submissions made by both parties.

Subsequent Amended Form TM7

18. At the CMC, Mr Vangimalla requested that the opponent be allowed seven days in which to file an amended Form TM7. I reserved my decision and did not grant leave for any further amendment at that stage. Nevertheless, on 3 August 2026, after the CMC and without first obtaining the Tribunal's permission, Ms Saphia Maxamed filed a further amended Form TM7 on

behalf of the opponent. In her cover email, she stated that: "*I attach in relation to this Opposition the amended TM7 as requested*." However, it is important to point out that I made no such request of the opponent during the CMC. Moreover, the holder was not included in the email correspondence, and I will return to this point later in my decision.

19. It is my view that the filing of the amended Form TM7 did not, of itself, amend the opponent's statement of case.[1] As leave had not been granted, the form did not become the operative statement of case. Notwithstanding this, I will consider below whether to exercise my discretion under Rule 62(1)(e) of the Rules to admit it into the proceedings.

20. The latest amended form rectified the deficiencies previously identified in relation to the representation of the earlier mark and the goods and services relied upon. It also particularised the goods and services against which the opposition was intended to be directed, namely "*all goods within*" Classes 21, 25 and 35. For completeness, I note that although Q8 refers to the Class 35 specification as "goods", I consider that to be a typographical error and do not regard this, considered in isolation, as creating any material uncertainty concerning the nature of the Class 35 terms opposed.[2] For ease of reference, the opposed goods and services are as follows:

    Class 21: Mugs.

    Class 25: Clothing, namely, tops and bottoms; shirts; t-shirts; tank tops; hoodies; sweatshirts; sweatpants; jackets; headwear.

    Class 35: Promoting public interest in and awareness of topics of interest to those in the fields of activism and community organizing in the Black community; online retail store services connected with the

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[1] A statement of case is a formal document that sets out a party's case. They are often also called "pleadings." A statement of case includes a TM7/notice of opposition and statement of grounds. See Tribunal Practice Notice 4/2000.

[2] I also note that the opponent refers expressly to "*Class 35 Online retail store <u>services</u> connected with the sale of apparel, headwear*" (my emphasis) in its statement of grounds, and I have therefore taken that passage into account.

sale of apparel, headwear, face masks, jewelry, bags, bottles, mugs, pillows, blankets, lapel pins, flags, magnets, stickers, mobile device grips, and electronic gift cards.

21. I note that in the continuation sheet under the ‘Q9’ heading the opponent refers to the holder’s goods and services in the following terms:

> “The Application covers the goods Clothing, namely tops, bottoms, shirts, T-shirts, tank Tops, hoodies, sweatshirts, sweatpants, jackets, headwear, “Class 35” Online retail store services connected with the sale of apparel, headwear, which are identical to the goods in the Mark and currently trading online retail including Amazon.”

However, I consider the above statement to be inaccurate as the opposition is also directed against Class 21 “*mugs*”, Class 35 promotional services and “*online retail store services connected with the sale of […] face masks, jewelry, bags, bottles, mugs, pillows, blankets, lapel pins, flags, magnets, stickers, mobile device grips, and electronic gift cards*” covered by the designation. However, the opponent in Q9 refers only to Class 25 goods and Class 35 “*retail services connected with apparel and headwear*”. In addition, the opponent does not make clear whether the opposition as to the contested online retail services is limited accordingly or is intended to cover the full range of retail services in the holder’s specification. As a result, I consider this to be a discrepancy, where the opponent failed to set out clearly the basis of the opposition in relation to the full range of goods and services as identified in Q8.

22. In addition, the pleading regarding the likelihood of confusion is expressed only by reference to the contested goods without addressing the contested services, which reads as follows:

> “As the Application is highly similar to the Mark, there is almost guarantee likelihood of confusion on the part of the British Public as consumers currently buying these goods on Amazon. The public and

consumers are likely to assume that the goods provided under The Application originate from from or associated with us." (sic)

23. The opponent also concludes by requesting that the "*[…] the Application should be refused […].*" However, I highlight that the opposition is directed only against all the goods and services in Classes 21, 25 and 35. Consequently, the designation could not be refused in its entirety on the basis of the opposition as pleaded. Although that imprecise request for relief would not, by itself, render the form inadmissible, it contributes to the shortcomings concerning the intended basis of the opposition.

24. I note that this was not the opponent's first attempt to correct its form. Although the amended Form TM7 corrected the deficiencies previously identified, Q9 did not provide clear and complete pleadings in relation to all of the holder's goods and services said to be opposed and the likelihood of confusion thereof. Thus, it would not be appropriate for the Tribunal or the holder to infer that reasoning directed to clothing and related retail services was also intended to apply to Class 21 "*mugs*" and the rest of the terms in Class 35. I also consider it inappropriate for the Tribunal to limit the opposition itself by selecting in Q8 only those goods and services expressly addressed in Q9. As a result, the holder would remain uncertain as to the basis of the opposition. In light of the above, the latest amended form will not allow the proceedings to move forward or put the opponent in any better position.

25. I also take into account that the further amended Form TM7 was not copied to the holder, and no confirmation that it has been so copied was provided in accordance with section 1.10 of the Manual of trade marks practice ("the

Manual").[3] This is contrary to the Tribunal's published practice concerning correspondence and statutory forms in inter partes proceedings. I consider that it was particularly material in this present case for the holder to be copied into the opponent's email as the filing sought, in substance, to replace the opponent's statement of case after the CMC and after I had reserved my decision. The holder was entitled to be informed of the proposed amendment and to have an opportunity to address it before any decision was made to admit it. In particular, I note that, at the CMC, Ms Veitch submitted that the holder had not been copied into the opponent's correspondence with the Tribunal since December 2025 and had consequently been required to contact the Tribunal for updates. Thus, this appears not to be an isolated instance, as the opponent's failure to copy the holder when filing the August form was consistent with that earlier course of conduct.

26. For the reasons detailed above, notwithstanding the absence of prior leave being granted, I refuse to exercise my discretion under Rule 62 to allow the amended Form TM7 filed on 3 August 2026 to stand as the opponent's amended statement of case and to be admitted into the proceedings. For the avoidance of doubt, and in light of this refusal, the August form has not replaced the amended Form TM7 filed on 21 January 2026. The deficiencies in the opponent's January form, which were identified in the Tribunal's letter dated 15 February 2026, therefore remained unresolved.

[3] In particular, the Manual states that: "The rules require the Tribunal to send copies of the forms commencing an action to the other party; the same is true of any defence filed. […] <u>To ensure fairness and transparency of proceedings, it is imperative that any correspondence, including forms, sent to the Tribunal are copied to the other side and contain confirmation that it has been so copied. Failure to indicate copying and failure to copy is detrimental to the other side and to the resources of the Tribunal and its ability to allot resources to other users fairly. Copying of correspondence also applies to statutory forms</u>. […]. If parties persistently fail to copy correspondence and documents to the other side, this will be regarded as unreasonable behaviour and there may be cost implications at the conclusion of the proceedings." (emphasis added)

Relevant Authorities

27. Section 38 of the Act states as follows:

> “**38 Publication, opposition proceedings and observations.**
>
> (1) When an application for registration has been accepted, the registrar shall cause the application to be published in the prescribed manner.
>
> (2) Any person may, within the prescribed time from the date of the publication of the application, give notice to the registrar of opposition to the registration.
>
> The notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.
>
> […]
>
> (2B) A notice of opposition may be directed against part or the totality of the goods or services in respect of which the contested mark is applied for. […]”

28. As outlined at 1.8 of the Manual, the Tribunal adheres to the same overriding objective as the court for dealing with cases justly. This is set out in rule 1.1 of the Civil Procedure Rules 1998 (as amended) and includes, so far as is practicable:

> “(2) (a) Ensuring that the parties are on an equal footing
>
> (b) Saving expense
>
> (c) Dealing with the case in ways which are proportionate –
>
>> (i) to the amount of money involved (ii) to the importance of the case (iii) to the complexity of the issues and (iv) to the financial position of each party
>
> (d) Ensuring that it is dealt with expeditiously and fairly and

(e) Allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases."

29. Rule 17 states:

"**Opposition proceedings: filing of notice of opposition; section 38(2) (Form TM7)**

17.—(1) Subject to Rule 17A, any notice to the registrar of opposition to the registration, including the statement of the grounds of opposition, shall be filed on Form TM7.

[…]

(5) Where the opposition is based on a trade mark which has been registered, there shall be included in the statement of the grounds of opposition a representation of that mark and—

(a) the details of the authority with which the mark is registered or protected;

(b) the registration number of that mark;

(c) the goods and services in respect of which –

(i) that mark is registered, and

(ii) the opposition is based;"

30. Further, Rule 62 of the Rules, so far as is relevant, provides:

"62.—(1) Except where the Act or these Rules otherwise provide, the registrar may give such directions as to the management of any proceedings as the registrar thinks fit, and in particular may —

(a) require a document, information or evidence to be filed within such period as the registrar may specify;

[…]

(e) allow a statement of case to be amended;

[…]

(3) When the registrar gives directions under any provision of these Rules, the registrar may—

(a) make them subject to conditions; and

(b) specify the consequences of failure to comply with the directions or a condition."

31. Tribunal Practice Notice ("TPN") 2/2011 states**:**

"**Case management of inter partes proceedings: efficient, fair and less costly resolution of disputes before the Trade Marks Tribunal**

1. There is a public interest in resolving disputes before the Tribunal efficiently and within a predictable timescale. Swift and effective determination of cases not only creates certainty for third parties but reduces the burden of litigation and the accompanying costs for the parties involved. Furthermore, drawn-out proceedings which become unnecessarily complicated or sidetracked affect the resources which the Tribunal is able fairly to allocate to other users. The Trade Mark Rules 2008 empower the Tribunal[fn omitted] to give case management directions (rule 62)."

32. TPN 1/2018 states:

"If the amendment requires the other party to file an amended counter statement or additional evidence, an award of costs to cover this may be made.

Examination of pleadings based on earlier marks

1. The purpose of pleadings is to set out the party's legal case with sufficient clarity so that the other side can make an informed decision

about whether to defend their trade mark, and in which respects. The pleadings filed in trade mark oppositions and invalidation proceedings do not always meet this standard.

2. The registrar has a duty to ensure that the system is fair to both parties and that, so far as is reasonably practical, those without legal representation and/or of limited means, are given equal access to justice.

[…]

Failure to Follow Directions

11. Failure to comply with directions under Rule 62 may have the following consequences:

[…]

(iv) where there is a serious risk of unfairness to, or oppression of, the other party, directions will be made subject to the condition (per Rule 62(3) that failure to comply with them will result in the opposition/application being struck out in whole or in part.”

Considerations

33. I note the deficiencies in the opponent’s amended Form TM7, which was filed on 21 January 2026, and that this was the opponent’s second attempt at filing an admissible Form TM7. However, this amended form remained inadmissible due to various deficiencies, including issues with the registered and opposed goods in Q5 and Q8, respectively. The outstanding deficiencies were identified in the Tribunal’s letter dated 15 February 2026. In addition, on 12 March 2026, the opponent was given a further opportunity to file an amended Form TM7. I note that the Tribunal’s letters expressly warned the opponent that failure to comply could result in inadequately explained grounds being struck out and, depending on the effect of that action, the opposition being treated as withdrawn. The opponent therefore had clear notice of the consequences of continued

non-compliance. Nevertheless, the opponent's response of 23 March 2026 (which could be said to be its third attempt to resolve matters) did not include the required amended Form TM7, and no further amended form had been filed by the date of the CMC. Even though the opponent filed a further amended Form TM7 on 3 August 2026 (which could be said to be its fourth attempt to resolve matters), rectifying the above issues, that form introduced new discrepancies in Q9 and the basis of the opposition. As a result, this amended form has not been admitted into the proceedings.

34. Turning to the CMC, Mr Vangimalla primarily relied on Civil Procedure Rules 3.9 and the three-step test in *Denton*. However, I note that the Civil Procedure Rules do not directly govern proceedings before the Registrar. I also keep in mind the comments of Mr Hobbs QC (as he then was), sitting as the Appointed Person, in *Tescon* Trade Mark (BL O/240/20), who stated in paragraph 42 that:

> "(1) the Civil Procedure Rules do not apply to proceedings before the Registrar of Trade Marks: see, for example, *Nursing and Midwifery Council v Harrold* [2015] EWHC 2254 (QB) at paragraph [11] per Hamblen J; the 'Denton principles' are directed to, and only strictly applicable to, the courts of England and Wales: see *BPP Holdings Ltd v Commissioners for HMRC* [2017] UKSC 55 at paragraph [24] per Lord Neuberger PSC;
>
> (2) how strict an approach should be taken to non-compliance with time limits is not a question to which one answer is necessarily better or worse than another; a balance has to be struck between two interests which weight on opposite sides; it is recognised that it is for specialist tribunals, particularly those (as would include the Registrar) whose jurisdiction extends to the whole of the United Kingdom, to strike that balance and, in doing so, to develop their own procedural jurisprudence: see *Green v Meers Ltd* [2018] EWCA Civ 751 at paragraphs [40] to [42] per Underhill LJ; […]".

35. Although *Tescon* concerned the late filing of Form TM8, I consider that the position regarding CPR 3.9 and the so-called *Denton* principles is materially the same in the present proceedings. Whilst the *Denton* principles are not directly applicable to proceedings before the Registrar, the points raised by Mr Vangimalla in this regard, namely the nature of the default, the explanation offered, the surrounding circumstances, as well as their context, are nevertheless relevant to the current assessment. Consequently, I will consider these in full below.

36. I note that the Tribunal repeatedly requested the opponent to address the outstanding issues concerning the representation of the earlier mark, the goods and services of the earlier mark relied upon, and the goods and services in the designation against which the opposition was directed. It is my view that the amended Form TM7 filed by the opponent on 21 January 2026 was not filed in accordance with Rule 17(5) of the Rules, nor did it provide sufficient clarity as is required in line with TPN 1/2018. Thus, I consider that these deficiencies are substantive in this case, as they pertain directly to the scope and the basis of the opposition, which had to be set out clearly in the Form TM7, enabling the other side to make an informed decision about whether to defend its designation, and in which respects.

37. I am conscious that the Tribunal has a duty to ensure that proceedings are dealt with efficiently and fairly, and that, in certain circumstances, it will use its discretion to set time periods as it deems necessary. It is my view that the opponent has been afforded adequate guidance and opportunities by way of the respective correspondence on the correct manner of filing Form TM7 by the stipulated deadlines. In particular, the official letters from the Tribunal dated 24 December 2025, 15 February 2026, and 12 March 2026 consistently and clearly set out the outstanding requirements to enable the opponent to file an admissible form. Importantly, I note that, in its letter dated 12 March 2026, the Tribunal, acting of its own volition, granted a seven-day extension for the filing of an amended form, thereby extending

the deadline to 19 March 2026 and offering the opponent a further opportunity to remedy matters.

38. I have considered the opponent's explanation that it did not receive the letter of 15 February 2026 and became aware of the letter of 12 March 2026 only when its accountant forwarded a postal copy on 20 March 2026. I reiterate here that the Tribunal's records show that both letters were sent by email to the correspondence address provided by the opponent and that no bounce-back or other notification of non-delivery was received. However, the opponent provided no witness evidence or a sufficient explanation why those emails were not received. I acknowledge that even though the opponent missed the deadline, it did respond on 23 March 2026, filing a copy of the certificate for the earlier mark and website links. However, this response did not include the amended Form TM7 as specifically requested in the Tribunal's prior correspondence. Therefore, the materials submitted were insufficient to address the shortcomings in the amended Form TM7, particularly the ambiguity concerning the goods and services relied upon and opposed.

39. While I note that there has been an obvious lack of understanding of the opposition proceedings on the part of the opponent, particularly prior to the recent appointment of Mr Vangimalla in the proceedings, I am mindful of the decision of Geoffrey Hobbs QC (as he was then) in *BOSCO* (BL O/399/15) where, sitting as the Appointed Person, he maintained that:

> "18. It continues to be the position in civil proceedings in the High Court that: '[…] if proceedings are not to become a free-for-all, the court must insist on litigants of all kinds following the rules. In my view, therefore, being a litigant in person with no previous experience of legal proceedings is not a good reason for failing to comply with the rules': *R (Hysaj) v Secretary of State for the Home Department* [2014] EWCA Civ. 1633 at paragraph [46] per Moore-Bick LJ, Vice President of the Court of Appeal, with whom Tomlinson LJ and King LJ agreed. In the same vein, it was observed in *Nata Lee Ltd v Abid* [2014] EWCA

Civ. 1652 at paragraph [53] per Briggs LJ with whom Moore-Bick LJ, Vice-President of the Court of Appeal, and Underhill LJ agreed, that: '... the fact that a party (whether an individual or a corporate body) is not professionally represented is not of itself a reason for the disapplication of rules, orders and directions, or for the disapplication of the overriding objective which now places great value on the requirement that they be obeyed by litigants. In short, the CPR do not, at least at present, make specific or separate provision for litigants in person. There may be cases in which the fact that a party is a litigant in person has some consequence in the determination of applications for relief from sanctions, but this is likely to operate at the margins'.

19. The same approach should, in my view, be adopted in relation to the need for compliance with rules, orders and directions in Registry proceedings under the 1994 Act and the 2008 Rules."

40. Although it is appreciated that legal proceedings can be somewhat daunting to the unrepresented party, the opponent took the decision to file an opposition claim and, in my view, could reasonably have expected that a certain amount of subsequent correspondence and engagement with the Tribunal would be necessary. It is my firm view that the Tribunal's letters sent to the opponent have been drafted in the clearest possible terms and that the nature of the Tribunal's requests do not necessarily require legal expertise. In any event, the opponent is, like any prospective opponent, represented or otherwise, free to seek legal advice if it so chooses, as it ultimately did before the CMC in this case.

41. I have also taken into account Mr Vangimalla's submission that the opponent is a voluntary service with limited financial resources. However, no evidence was provided to establish that its limited resources caused or materially contributed to the failure to file an admissible form. In addition, I take into account Ms Veitch's submission that the holder is itself a non-profit organisation. In any event, I must emphasise that both parties should be afforded procedural fairness, irrespective of their financial

circumstances. Consequently, I attribute limited weight to this particular factor.

42. Further, Mr Vangimalla stated at the CMC that the opponent could file an admissible Form TM7 within seven days. The latest amended form was filed on 3 August 2026, more than seven days after the CMC, and without leave having been granted. Moreover, as explained earlier in this decision, the statement of grounds still did not provide a clear and complete case corresponding to all of the goods and services said to be opposed, and the form would still have been deemed inadmissible.

43. The Tribunal must ensure that the proceedings are fair to both parties. While the opponent had not elected to be legally represented prior to the CMC, I am mindful of the guidance in TPN 1/2018 and consider that the opponent has been given equal access to justice. I note Mr Vangimalla's submissions that Q9 of section A of the original Form TM7 provided a sufficiently clear indication of the goods and services against which the opposition was directed and converting that information into a compliant Form TM7 would not be difficult. However, I agree with Ms Veitch that it was not for the holder to examine other answers in the form and seek to infer the intended scope of the opposition. As explained in *SKYCLUB*, BL O/044/21, under section 5(2)(b), "*an Opponent has a fully pleaded claim based on the completion of the boxes on Form TM7 alone.*"[4] It was therefore for the opponent to identify, clearly and consistently, in the relevant parts and boxes of the Form TM7, the goods and services relied upon and opposed.

44. I consider Mr Vangimalla's argument that allowing the opposition to continue will not prejudice the holder. Even though I acknowledge that the involvement of the holder was minimal up until the point of the CMC, I am conscious that during the time between the first inadmissible Form TM7 being filed in December 2025 and the date of the CMC, the holder has

[4] At paragraph 22.

suffered inconvenience and uncertainty as to the scope of the opposition and the progress of the designation, as well as the cost implications, including those incurred in seeking updates (where the opponent had failed to copy correspondence to the holder) and preparing for and attending the CMC. On the other hand, I recognise that striking out the opposition deprives the opponent of having its present case determined on its merits. However, it is my view that the opponent's ability to seek invalidation of the designation at a future stage mitigates that prejudice.

45. Further, I take into account the length of time that has passed since the proceedings were first initiated, with consideration to the lack of certainty that proceedings would indeed move forward swiftly should a further period of time be allowed (the opponent having exhibited a pattern of failing to comply with the directions of the Tribunal), while keeping in mind the necessity of equality between the parties, and allowing that the Tribunal has a duty to allocate its resources fairly. Lastly, I note that there is also a public interest in resolving disputes efficiently and within a predictable timescale in order to provide certainty not only for the parties involved but also for the general public. Accordingly, I consider that the PV to strike out the opposition should be upheld.

46. For completeness, as explained earlier, the amended Form TM7 filed on 3 August 2026 contains deficiencies that would need to be rectified, and so admitting it would not resolve the procedural issue that gave rise to the PV. Consequently, I reiterate here that I decline to exercise my discretion under Rule 62 to admit the August form, and I do not allow the opponent a further attempt to file an amended Form TM7.

Outcome

47. Having taken into account the parties' submissions, and for the reasons given above, I maintain the preliminary view to strike out the opposition in its entirety. Subject to any successful appeal, the designation can proceed to be granted protection in the UK.

Costs

48. Given that the outcome of this decision has terminated the proceedings, the holder is entitled to a contribution towards its costs, based on the scale set out in TPN 1/2023. In the circumstances, as the holder attended the CMC but did not file a skeleton argument, I find it appropriate to issue the holder with a contributory cost award of £300.

49. I therefore order Black Lives Matter Movement Ltd to pay to Black Lives Matter Global Network Foundation, Inc. the sum of £300. This sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 26th day of August 2026

Dr Stylianos Alexandridis
For the Registrar,
The Comptroller General