O/0952/26

TRADE MARKS ACT 1994

IN THE MATTER OF UK REGISTRATION NO. UK00003416393
IN THE NAME OF
TICKETLAB LIMITED

IN RESPECT OF THE FOLLOWING TRADE MARK:

Ticketlab

IN CLASSES 9, 16, 35, 41 & 42

AND

AN APPLICATION FOR THE REVOCATION THEREOF
UNDER NUMBER CA000509257
BY
TEODOR PANTEROV

Background and pleadings

1. The trade mark shown on the cover page of this decision ("the Ticketlab mark") stands in the name of Ticketlab Limited ("the Proprietor"). The details of the mark are as follows:

Ticketlab

UK Registration no. UK00003416393

Filing date: 25 July 2019

Registration date: 18 October 2019

Registered for the following goods and services:

Class 9: Software; Software applications; Software applications for mobile devices; Software applications for use with mobile devices; Software for computers; Computer software for creating dynamic websites; Computer software for use in creating and designing websites.

Class 16: Tickets.

Class 35: Event marketing; Advertising services relating to esports events; Advertising, including promotion of products and services of third parties through sponsoring arrangements and licence agreements relating to international sports' events; Arranging and conducting marketing promotional events for others; Arranging and conducting of marketing events; Arranging and conducting of promotional events.

Class 41: Ticket agency services [entertainment];Ticket reservation and booking services for cultural events; Ticket reservation and booking services for entertainment events; Ticket reservation and booking services for esports events; Ticket reservation and booking services for music concerts; Ticket reservation and booking services for recreational and leisure events; Ticket reservation and booking services for sporting events; Ticket reservation and booking services for theater shows; Ticket

reservation for cultural events; Ticket reservation services (Concert -);Ticket reservation services (Theatre -);Ticketing and event booking services; Booking agencies concert tickets; Booking agencies for theatre tickets; Booking agency service for cinema tickets; Booking agency services for cinema tickets; Booking agency services for theatre tickets; Booking of seats for shows and booking of theatre tickets; Entertainment ticket agency services; On-line ticket agency services for entertainment purposes; Reservation services for concert and theatre tickets; Reservation services for concert tickets; Reservation services for show tickets; Reservation services for theatre tickets; Theatre ticket agency services; Theatre ticket booking services; Theatrical ticket agency services; Arranging and conducting of sports events; Arranging and conducting of sports events for charitable purposes; Arranging and conducting of wine tasting events for educational purposes; Arranging and conducting of wine tasting events for entertainment purposes; Arranging for ticket reservations for shows and other entertainment events; Arranging of cultural events; Arranging of educational events; Arranging of musical events; Arranging of sporting events; Booking of performing artists for events (services of a promoter);Booking of seats for entertainment events; Booking of seats for shows and sports events; Conducting of cultural events; Conducting of educational events; Conducting of entertainment events; Conducting of live entertainment events; Conducting of live esports events; Conducting of live sports events; Conducting of sports events; Dance events.

Class 42: Website design; Website design and development; Website design consultancy; Website design services; Website development services; Website hosting services; Computer website design; Consultancy relating to the creation and design of websites; Consultancy relating to the creation and design of websites for e-commerce; Creating and designing website-based indexes of information for others [information technology services];Creating and maintaining websites; Creating and maintaining websites for cellular phones; Creating and maintaining websites for mobile phones; Creating websites; Creating, maintaining

and hosting the websites of others; Creation and maintenance of websites; Design and construction of homepages and websites; Design and development of homepages and websites; Design and development of software for website development; Design of homepages and websites; Design of websites; Hosting a website for the electronic storage of digital photographs and videos; Hosting of mobile websites; Hosting of websites; Hosting the websites of others; Hosting websites; Hosting websites on the Internet; Programming of software for website development.

2. On 04 August 2025, Teodor Panterov ("the Applicant") filed an application seeking to revoke the contested mark on the grounds of non-use under section 46(1)(a) of the Trade Marks Act 1994 ("the Act"). The Applicant claims non-use in respect of all the Proprietor's goods and services in the five year period following the date on which the contested mark was registered, i.e. 19 October 2019 to 18 October 2024, with an effective date of revocation of 19 October 2024.

3. The Proprietor filed a counterstatement defending its registration in respect of all its goods and services.

4. Only the Proprietor filed evidence in these proceedings. Neither party requested a hearing, and only the Proprietor filed written submissions in lieu of the same. This decision is taken following careful consideration of the papers on file.

5. The Proprietor was represented by Briffa; the Applicant was self-represented.

6. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Trade Marks Act relied on in these proceedings are derived from an EU Directive. This is why these proceedings continue to make reference to the trade mark case-law of EU courts.

Evidence

7. As mentioned above, only the Proprietor filed evidence in these proceedings. This was in the form of the witness statement of Andrew Riley, the director and founder of the Proprietor, dated 25 January 2026. The witness statement was accompanied by eighteen exhibits (Exhibits AR1 to AR18).

Preliminary issue

US Proceedings

8. The Applicant makes reference to ongoing proceedings before the United States Trademark Trial and Appeal Board in relation to a US trade mark registration. It submits that these related proceedings demonstrate a pattern of behaviour.[1] However, proceedings in other jurisdictions and those against other trade marks have no bearing on the assessment of use to be made in these revocation proceedings. This argument is therefore of no assistance to the Applicant.

Other grounds

9. It is noted that in the form TM26N the Applicant makes reference to section 46(1)(b) of the Act.[2] However, it should be noted that the revocation is based on section 46(1)(a) only. Accordingly, I will say no more regarding section 46(1)(b) of the Act.

Decision

10. Section 46 of the Act is relevant to the revocation proceedings which states:

> "46. - (1) The registration of a trade mark may be revoked on any of the following grounds-
>
> (a) that within the period of five years following the date of completion of the registration procedure it has not been put to genuine use in the

[1] Applicant's Form TM26N, section C, paragraph 7.
[2] Applicant's Form TM26N, section C, paragraph 2.

United Kingdom, by the proprietor or with his consent, in relation to the goods or services for which it is registered, and there are no proper reasons for non-use;

(b) […]

(c) […]

(d) […]

(2) For the purpose of subsection (1) use of a trade mark includes use in a form (the "variant form") differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(3) The registration of a trade mark shall not be revoked on the ground mentioned in subsection (1)(a) or (b) if such use as in referred to in that paragraph is commenced or resumed after the expiry of the five year period and before the application for revocation is made:

Provided that, any such commencement or resumption of use after the expiry of the five year period but within the period of three months before the making of the application shall be disregarded unless preparations for the commencement or resumption began before the proprietor became aware that the application might be made.

(4) […]

(5) Where grounds for revocation exist in respect of only some of the goods or services for which the trade mark is registered, revocation shall relate to those goods or services only.

(6) Where the registration of a trade mark is revoked to any extent, the rights of the proprietor shall be deemed to have ceased to that extent as from-

(a) the date of the application for revocation, or

(b) if the registrar or court is satisfied that the grounds for revocation existing at an earlier date, that date".

11. Section 100 of the Act states that:

"If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it".

12. In *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247, Arnold LJ summarised the law relating to genuine use as follows:

"105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 *P Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bundervsvereinigung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 P *Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C–720/18 and C–721/18 *Ferrari SpA v DU* [EU:C:2020:854].

106. Ignoring issues which do not arise in the present case, such as use in relation to spare parts or second-hand goods and use in relation to a sub-category of goods, the principles may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; Verein at [13]; *Leno* at [29]; *Centrotherm* at [71]; *Reber* at [29].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial raison d'être of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no de minimis rule: Ansul at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].

107. The trade mark proprietor bears the burden of proving genuine use of its trade mark: see section 100 of the 1994 Act and *Ferrari* at [73]-[83]. The General Court of the European Union has repeatedly held that genuine use of a trade mark cannot be proved by means of probabilities or suppositions, but must be demonstrated by solid and objective evidence of effective and sufficient use of the trade mark on the market concerned: see e.g. Case T-78/19 *Lidl Stiftung & Co KG v European Union Intellectual Property Office*

[EU:C:2020:166] at [25]. It has also repeatedly held that the smaller the commercial volume of the exploitation of the mark, the more necessary it is for the proprietor to produce additional evidence to dispel any doubts as to the genuineness of its use: see e.g. Lidl at [33].”

13. In *Awareness Ltd v Plymouth City Council* [2013] RPC 24 Mr Daniel Alexander KC sitting as the Appointed Person said:

> 19. For the tribunal to determine in relation to what goods or services there has been genuine use of a mark during the relevant period, it should be provided with clear, precise, detailed and well-supported evidence as to the nature of that use during the period in question from a person properly qualified to know.
>
> …
>
> 22. … it is not strictly necessary to exhibit any particular kind of documentation but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the tribunal … comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said the public.”

14. In *Dosenbach-Ochsner Ag Schuhe Und Sport v Continental Shelf 128 Ltd,* Case BL O/404/13*,* Mr Geoffrey Hobbs QC (as he then was) as the Appointed Person stated that:

"21. The assessment of a witness statement for probative value necessarily focuses upon its sufficiency for the purpose of satisfying the decision taker with regard to whatever it is that falls to be determined, on the balance of probabilities, in the particular context of the case at hand. As Mann J. observed in *Matsushita Electric Industrial Co. v. Comptroller- General of Patents* [2008] EWHC 2071 (Pat); [2008] R.P.C. 35:

> '[24] As I have said, the act of being satisfied is a matter of judgment. Forming a judgment requires the weighing of evidence and other factors. The evidence required in any particular case where satisfaction is required depends on the nature of the inquiry and the nature and purpose of the decision which is to be made. For example, where a tribunal has to be satisfied as to the age of a person, it may sometimes be sufficient for that person to assert in a form or otherwise what his or her age is, or what their date of birth is; in others, more formal proof in the form of, for example, a birth certificate will be required. It all depends who is asking the question, why they are asking the question, and what is going to be done with the answer when it is given. There can be no universal rule as to what level of evidence has to be provided in order to satisfy a decision-making body about that of which that body has to be satisfied.'

22. When it comes to proof of use for the purpose of determining the extent (if any) to which the protection conferred by registration of a trade mark can legitimately be maintained, the decision taker must form a view as to what the evidence does and just as importantly what it does not *'show'* (per Section 100 of the Act) with regard to the actuality of use in relation to goods or services covered by the registration. The evidence in question can properly be assessed for sufficiency (or the lack of it) by reference to the specificity (or lack of it) with which it addresses the actuality of use."

15. What I take from this case law is that there is no requirement to produce any specific form of evidence, but that I must consider what the evidence as a whole shows me

and whether on this basis I can reasonably be satisfied on the balance of probabilities that there has been genuine use of the mark.

16. Proven use of a mark which fails to establish that "the commercial exploitation of the mark is real" because the use would not be "viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services protected by the mark" is not, therefore, genuine use.

Evidence of use

17. In its notice of defence, the Proprietor has claimed that use has been made of all of the goods and services for which the mark is registered. I must consider whether, or the extent to which, the evidence shows genuine use of the mark in relation to those goods and services.

18. The witness statement of Andrew Riley provides the following estimated turnover figures for the years 2020 to 2024:[3]

Year	Estimated turnover
2024	£36,672
2023	£27,458
2022	£7,329
2021	£1,864
2020	£14,029

19. The estimated figures show that the Proprietor had an annual turnover of between £1,864 and £36,672 during the relevant period. However, as the turnover figures have not been broken down it is not clear how much of the turnover relates to the specific goods and/or services offered by the Proprietor.

20. Exhibits **AR1** and **AR2** provide details of a domain registration for 'ticketlab.co.uk'. The documents show that the domain was registered on 12 November 2011 and that its current status is 'active'. I note the domain is registered in the name of Andrew Riley, with a company name listed as Ticketlab. Mr Riley states that the

[3] Witness statement of Andrew Riley, paragraph 18.

website is used as an online ticketing platform.[4] While noted, the registration of a website is not the same as evidence of the website actually being used. No analytics have been provided to show the scale, frequency or geographical reach of visitors to the website.

21. Exhibit **AR3** provides an extract from the Ticketlab website showing its first 'test event', which was published on their website on 12 June 2012. I note this event falls seven years prior to the relevant period. The website displays the Ticketlab mark at the top of the page.

22. Exhibit **AR4** provides an extract from the Ticketlab website dated 30 October 2012, retrieved via the digital archive platform 'WayBack Machine'. I note this falls seven years prior to the relevant period. The Ticketlab mark is displayed at the top of the page. The website describes Ticketlab as a 'technologically-advanced and customisable online event registration and ticketing application'.

23. Exhibit **AR5** provides an extract from the Ticketlab website, dated 12 August 2013, retrieved via the WayBack Machine. I note this document falls six years prior to the relevant period. The page, which bears the Ticketlab mark, shows details of tickets on sale for 'Up Down And Across' an event which took place in London on 11 May 2013.

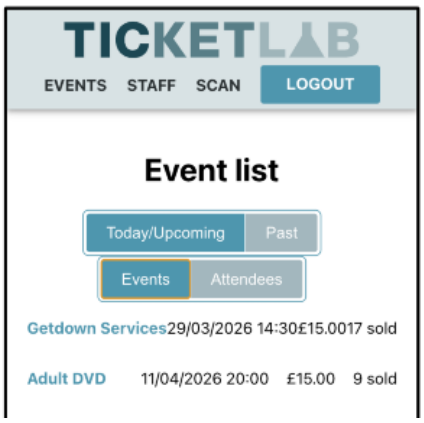
24. Exhibit **AR6** provides an extract from the Ticketlab website offering event information and ticket sales for 'Swinging Christmas at the Old Kirk' an event held in Kirkcaldy on 20 December 2025. The document itself is undated but I note that the date of the event falls after the date the application for revocation was made.

25. Exhibit **AR7** provides an email dated 15 December 2025 sent from Ticketlab, clearly displaying the Ticketlab mark. The email contains a ticket costing £0.00 to 'WFCH Community Football (Coach Kwame & Coach Connor)', an event which took place on 19 December 2025. I note that the date of the event, and the date the email was sent both fall after the date the application for revocation was made.

[4] Witness statement of Andrew Riley, paragraph 8.

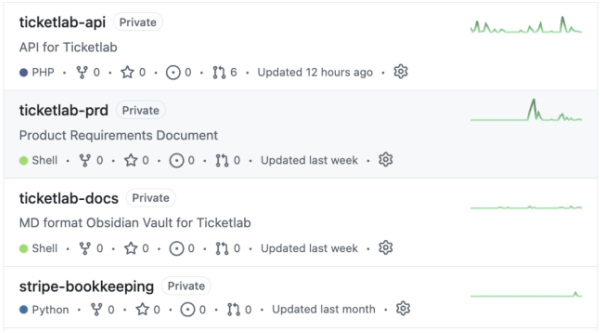
26. Exhibit **AR8** provides details of sales made through the Ticketlab website on 16 December 2025. I am able to discern from the document that seventeen successful transactions took place on that date, with transaction values ranging between £5.50 and £85.60. However, I note that the transactions all took place after the date the application for revocation was made.

27. Exhibit **AR9** provides a screenshot from a mobile application which Mr Riley states is used for event admissions and scanning of tickets. The application clearly shows the Ticketlab mark, however, I note that the events shown are dated 29 March 2026 and 11 April 2026, both of which fall after the date the application for revocation was made, as shown below:

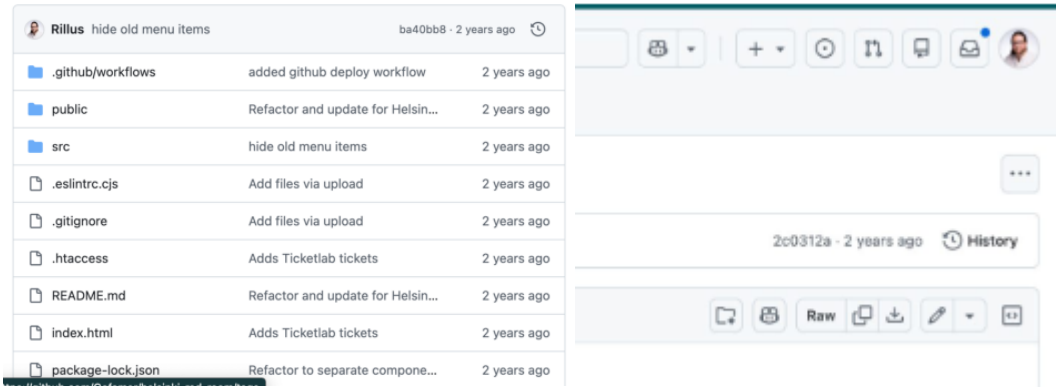


In view of this, I am unable to discern with any certainty whether the application was available during the relevant period. Further to this, no evidence has been filed in relation to the number of clients who used this application at events or the geographical reach of such use.

28. Exhibit **AR10** provides a list of software projects undertaken under the Ticketlab mark in a range of programming languages, including Python and TypeScript. The document itself is undated, and the projects listed only provide the date they were most recently updated, as shown in the extract below:



29. Exhibits **AR11** and **AR12** provide details of an application developed for a third party which integrates the Ticketlab event technology. Mr Riley states that these applications have been in use since at least 2012.[5] The documents show creation dates of '2 years ago'. However, as they are undated, it is not clear whether the use falls within the relevant period. Examples of this are shown below:



30. Exhibit **AR13** provides an extract from the Google search engine showing a search for 'ticketlab Waltham forest'. Mr Riley states this demonstrates search engine optimisation services provided on behalf of their clients. The extract is undated. However, the content refers to events between 26 October 2025 and 16 November 2025, all of which post-date the filing of the revocation action.

31. Exhibit **AR14** provides a poster of events taking place in Walthamstow, East London, between 06 July 2017 and 27 July 2017. I note this document falls two years prior to the relevant period. The poster displays the Ticketlab mark at the bottom of the page and provides a website address for ticket purchases. No

[5] Witness statement of Andrew Riley, paragraph 13b.

information has been provided in evidence regarding the number of posters produced or the geographical reach of those posters, although I consider it reasonable to infer this is local to the Walthamstow area.

32. Exhibit **AR15** provides a copy of a social media post made by Ticketlab on 'X' publicising tickets being on sale for an event at Blackpool Central Library. I am able to discern from this document that the post was made on 13 February 2024 for an event due to take place on 'May 5th'. I note the post was shared four times and 'liked' six times. No information or analytics have been filed regarding Ticketlab's social media reach or number of followers. Therefore, whilst it is acknowledged that the post received 'likes' indicating that it was viewed six times, the source of those views and likes has not been indicated and the geographical location of those who viewed and liked the post is unknown.

33. Exhibit **AR16** provides details of transactions made via ticketlab.co.uk between 01 June 2023 and 28 June 2023. The document shows that nine successful transactions took place in this period, with values ranging from £0 to £130.20. No information has been provided regarding what the payments are for, nor their geographical reach.

34. Exhibit **AR17** provides a certificate from Companies House stating that the striking off action against Ticketlab Limited was discontinued. The document is dated 27 June 2023.

35. Exhibit **AR18** provides extracts from Ticketlab's current website, showing events taking place in 2026. Page 1 of this exhibit clearly shows the Ticketlab mark. However, the events shown all post-date the filing of the revocation action.

Form of the mark

36. Before I move on to assess whether the Proprietor has shown genuine use of its mark during the relevant period, I must first consider whether the use of the mark shown in the evidence constitutes use of the mark as registered.

37. The Proprietor's registration is in respect of the word mark 'Ticketlab'. Where the evidence contains examples of the mark in use as registered, this will clearly be use upon which the Proprietor can rely. For the avoidance of doubt, this would also include slight variations to the mark, which do not alter its distinctive character.

38. In this regard, I note that the Proprietor's evidence also includes the following variations to the mark as registered:





39. I remind myself that section 46(2) of the Act enables the Proprietor to rely on use of a mark "in a form differing in elements which do not alter the distinctive character of the mark in the form in which it was registered". With regard to the above marks, I acknowledge that where a registered mark is shown in a different colour, with differing capitalisation, or is used with additional matter, this may still constitute acceptable use of the mark as registered, where the registered element continues to act independently as an indicator of origin.[6]

40. Accordingly, I am of the view that use of the marks shown above constitute use of acceptable variants of the mark as registered. Firstly, the different colours and capitalisation used make no material difference to the distinctive character of the mark as registered. Secondly, where extra matter is included, namely the test tube and flask incorporated into the word 'Ticketlab' to replace the letters 'i' and 'a', I consider the word is still clearly recognisable. I therefore consider it is the word 'Ticketlab' which will continue to be perceived as indicative of the origin of the goods and services at issue. In accordance with *Colloseum*, this is use of the mark as registered. Consequently, I find that use of the above marks is use upon which the Proprietor can rely.

[6] *Colloseum Holdings AG v Levi Strauss & Co. and Lactalis McLelland Limited v Arla Foods AMBA*.

Genuine use

Assessment of Evidence

41. Whether the use shown in the evidence is sufficient to constitute genuine use will depend on whether there has been real commercial exploitation of the mark, in the course of trade, sufficient to create or maintain a market for the goods and services at issue during the relevant five-year period. In making my assessment, I must consider all relevant factors, including:

    • the scale and frequency of the use shown;
    • the nature of the use shown;
    • the goods and services for which use has been shown;
    • the nature of those goods and services and the market(s) for them; and
    • the geographical extent of the use shown.

42. An assessment of genuine use is a global assessment, which includes looking at the evidential picture as a whole, not whether each individual piece of evidence shows use by itself. It is possible for an accumulation of evidence to show use, even if individual items of evidence would on their own be insufficient proof: see *New Yorker SHK Jeans GmbH & Co. KG v OHIM*, Case T- 415/09, paragraph 53. However, where there is no use of the mark in respect of the goods and services as registered, it follows there has been no genuine use of the mark: *Dosenbach-Ochsner Ag Schuhe Und Sport v Continental Shelf 128 Ltd*, Case BL O/404/13, paragraph 22.

43. Case law does not specify particular types of documentation that must be adduced in evidence. When considering the evidence, I am entitled "to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive": (see *PLYMOUTH LIFE CENTRE*, BL O/236/13, paragraph 22). However, I remind myself that I must evaluate all the evidence submitted in an overall assessment, and that although pieces of evidence may be insufficient by themselves, they may contribute to proving use in combination.

44. Accordingly, the burden is on the Proprietor to prove that it has used its mark within the relevant period on the goods and services for which use is claimed. Therefore, it was the Proprietor's responsibility to provide proof that the mark was used in the UK during the five-year relevant period. In my analysis above, I have highlighted numerous shortcomings in the evidence. I must now assess whether the evidence is sufficient to constitute genuine use in relation to these goods and services.

45. In its statement of grounds, the Applicant submits that the filing of micro-entity accounts, lack of employees and Companies House filings (which confirm that the company was struck off the Register in 2023, and later restored), collectively demonstrate that use has not been made of the mark.[7] I note that the Proprietor has responded to these comments both in its written submissions and evidence.[8] This evidence includes a certificate dated 27 June 2023 confirming that the striking off action was discontinued; this exhibit was unchallenged by the Applicant.

46. The Proprietor submits that micro-entity accounts and the absence of employees do not indicate that the subject registration has not been put to genuine use in the UK. I agree. This decision will consider whether there has been genuine use of the mark, based upon the evidence that has been filed. In reaching this decision I shall bear in mind that there is no de minimis rule - even minimal use may qualify as genuine use if it is use warranted, in the economic sector concerned, to maintain or create market shares for the relevant goods.[9] Conversely, I also bear in mind that even proven commercial use may not be sufficient for a finding of genuine use.[10]

47. Firstly, I will consider the evidence of use of the mark in relation to the class 9 goods. The Proprietor's evidence provides extracts which demonstrate a Ticketlab website and Ticketlab mobile application were created. However, as these documents are either undated or post-date the filing of the revocation action, they are of little assistance to the Proprietor. No information has been provided regarding turnover

[7] Applicant's Form TM26N, section C, paragraph 4.
[8] Witness statement of Andrew Riley and corresponding Exhibit AR17, and Proprietor's written submissions in lieu, paragraph 15.
[9] *Naazneen Investments Ltd v OHIM*, Case T-250/13 at [49].
[10] At [115(8)].

resulting specifically from goods in this class. Further to this, I have no evidence before me regarding the scale, reach, or frequency of which the Proprietor made goods in this class commercially available to others during the relevant period.

48. In relation to the Proprietor's class 16 goods, they submit that exhibit AR7 provides evidence of use for tickets which may be printed by the customer. However, the fact that a ticket may be printed by the end user does not, in itself, constitute use for tickets as goods in class 16.

49. In relation to the Proprietor's class 35 services, I have no evidence before me to suggest that the Proprietor provided services concerned with arranging or conducting marketing or promotional events for others during the relevant period.

50. In relation to the services in class 41, no evidence has been provided to demonstrate that the Proprietor has used the Ticketlab mark in relation to arranging or conducting events, nor the booking of performing artists for events. The evidence does show that there has been some use of the Ticketlab mark in relation to online ticket sales. However, much of the evidence is undated, falls outside the relevant period or post-dates the filing of the revocation action, meaning it is of little evidential value. The evidence which is related to use within the relevant period is very scant.

51. The evidence shows nine successful transactions made via the website in June 2023. While the transactions do not identify the goods and/or services for which payment was made, or their geographical reach, the Proprietor relies upon them as evidence of sales via their class 41 services.[11] No evidence has been provided to demonstrate the number of transactions throughout the rest of the relevant period, or the revenue accumulated from such sales.

52. Finally, I turn to consider the evidence of use of the mark in relation to the class 42 services. I am able to discern from the Proprietor's evidence that the Ticketlab website has been active since 2011. However, when discounting those exhibits which are undated, or dated outside of the relevant period, I have no evidence

[11] Witness statement of Andrew Riley, paragraph 11.

before me to demonstrate use of the Ticketlab mark in relation to any of the Proprietor's class 42 services. Even where exhibits show evidence of web applications being developed '2 years ago', insufficient information has been provided to enable me to discern whether these services have been made commercially available under the Ticketlab mark.

53. While I consider the Proprietor's estimated turnover figures of £87,352 over a five-year period not to be insignificant, the figures have not been sufficiently broken down to show how this revenue was achieved. Nor have I been provided with any costs associated with any of the goods or services throughout the relevant period. In view of the limited information regarding sales or evidence of transactions during the relevant period I am unable to confirm with any certainty how much of the claimed turnover was generated through each of the Proprietor's registered goods and services.

54. No information has been provided regarding marketing spend or the market share attributable to the Proprietor. Other than a single post on X, with minimal engagement, no information has been provided regarding the Proprietor's social media following or reach. While this information is not essential in proving use of a mark, the absence of this information means I am unable to discern with any certainty the scale and geographical reach of use.

55. As previously stated, case law does not specify particular types of documentation that must be adduced in evidence. However, I remind myself that when considering the evidence, I am entitled "to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive".[12]

56. Taking all the above into account and bearing in mind not only section 100 of the Act but also the respective comments of Mr Alexander KC and Mr Hobbs KC in *Plymouth Life and Dosenbach*, I find that the evidence of use is insufficiently solid to adequately allow me to find that the Proprietor has demonstrated real commercial

[12] *Plymouth Life Centre*, BL O/236/13, paragraph 22.

exploitation of the contested mark in relation to any of the goods and services for which use is claimed in the UK, during the relevant period. In view of the issues raised, I cannot determine with sufficient confidence the precise nature, extent, frequency and geographical scope of the use relied upon. Put simply, the nature of the evidence and the issues discussed throughout my assessment of the same do not, in my view, allow me to make the reasonable inferences necessary in order to find in favour of the Proprietor.

57. I consider that the evidence fails to sufficiently demonstrate that the Proprietor has established and then preserved a market in the UK during the relevant period. Therefore, for the reasons set out above, overall, I am of the view that the evidence is insufficient to allow me to find that the Proprietor has demonstrated real commercial exploitation of its Ticketlab mark in relation to any of the goods or services for which use is claimed within the relevant period.

58. The consequence of this is that the Proprietor has not shown genuine use of its mark for any of the goods or services at issue. Consequently, registration of the mark will be revoked for all goods and services for which it is registered.

Conclusion

59. The application for revocation on grounds of non-use under section 46(1)(a) succeeds in its entirety. As such, subject to any successful appeal, the Proprietor's registration is revoked in full. The effective date of revocation is 19 October 2024.

Costs

60. Given that the outcome of this decision has terminated the proceedings, I must consider the matter of costs. As the Applicant has not instructed professional representatives, they are entitled to make a request for an award of costs, including accurate estimates of the number of hours spent on a range of given activities relating to the revocation proceedings. However, I note that the Applicant has not been provided with a cost proforma. As a result, I am unable to deal with the issue of costs at this stage.

61. Accordingly, a copy of the cost proforma will be provided to the Applicant upon the issuance of this decision. The Applicant is hereby invited to file a completed cost proforma to the Tribunal within 14 days of the date of this decision. Once this is received, I will issue a supplementary decision dealing with the issue of costs. In the event that the Applicant fails to file a cost proforma within 14 days of the date of this decision, I still propose issuing a supplementary decision dealing with the issue of costs.

Dated this 23rd day of October 2026

Emma Rees
For the Registrar