

**BL O/1000/24**

TRADE MARKS ACT 1994

IN THE MATTER OF:

Trade Mark Application No.  
UK00003681452  
In Classes 25, 35, 38 And 41  
By Total Fan TV Ltd (TFTL)  
To Register The Trade Mark



AND

IN THE MATTER of Trade Mark Application  
No. UK00003702708 In Classes 9, 18, 25 And 28  
and UK00003721834 In Classes 35, 38 And 41  
BY RL Media Limited (RLM) To Register The Trade Mark



AND

IN THE MATTER OF Consolidated  
Oppositions Nos 430400, 431018 AND 431019

AND

IN THE MATTER OF  
An Appeal To The Appointed Person  
Against Decision No. O/0877/23  
Of S.Wilson Dated 15 September 2023

MR. Julius Stobbs of Stobbs IP appeared for the  
Appellant  
MR. Joseph Peter appeared for the Respondent  
Hearing date: 3 January 2024

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PROCEDURAL DECISION  
AND ORDER

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**Introduction**

- 1) This was an appeal against decision BL O/0877/23 of S. Wilson, sitting as a Hearing Officer on behalf of the Registrar of Trade Marks, dated 15 September 2023. By that decision the Hearing Officer:

a) rejected RML's Opposition No. 430400 to TFTL's registration of application No. 3681452 (the



452 Mark)

b) Upheld TFTL's oppositions Nos. 431018 AND 431019 to RLM's registration of application Nos. 3702708 and 3721834 (708 and 834):



- 2) Given the way the case developed the detail of the parties' respective goods/services is not relevant to the Decision I now have to make.
- 3) The matter came on to be heard on 3 January 2024. In due course thereafter, I commenced writing my Decision.
- 4) However, by virtue of matters elsewhere, before that Decision was completed, I was informed that the parties were now, in effect, in common control and that the proceedings had no further purpose.
- 5) It is the common wish of the parties, therefore, that Applications Nos UK00003681452 the name of Total Fan TV Limited, and UK00003721834/UK00003702708 in the name of RL Media Limited should proceed to registration.
- 6) However, matters are complicated by the fact that the decision to which this appeal relates, No. BL O/0877/23, has been issued and will, absent further steps, remain in full force and effect.
- 7) In the circumstances I proposed to the parties and the Registrar that the appropriate course of action was to treat the consolidated proceedings as being devoid of purpose and that, in order to permit the various applications to proceed, Decision No. BL O/0877/23 should be annulled. This met with the approval of all concerned.
- 8) I will therefore make an order in those terms. Decision No. BL O/0877/23 is annulled in full. Applications Nos UK00003681452 the name of Total Fan TV Limited, and UK00003721834/UK00003702708 in the name of RL Media Limited shall proceed as if no oppositions thereto were filed. It goes without saying that there shall be no order as to costs.

Philip Harris

Appointed Person

18 October 2024

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### ORDER

**THE APPOINTED PERSON** having received submissions the from the and from the Registrar of Trade Marks and the Representatives of the parties as to the disposal of this appeal from the Decision BL O/0877/23 of S. Wilson acting for the Registrar of Trade Marks dated 15 September 2023,

#### **DOES HEREBY ORDER THAT:**

- (1) Decision No. BL O/0877/23 is annulled
- (2) Applications Nos UK00003681452 the name of Total Fan TV Limited and

UK00003721834/UK00003702708 in the name of RL Media Limited shall proceed as if no oppositions thereto were filed.

**DATED** this 18th day of October 2024

**Philip Harris**

**APPOINTED PERSON**