

BL O/1001/24

CONSOLIDATED PROCEEDINGS

TRADE MARKS ACT 1994

IN THE MATTER OF REGISTRATION NOS. UK00917320896 AND UK00003732124 IN

THE NAME OF RDX WORKS LTD

FOR THE FOLLOWING TRADE MARKS

Scripto

IN CLASSES 9, 16, 35 & 38

AND

SCRIPTO

IN CLASSES 9, 36 & 42

AND

APPLICATIONS FOR DECLARATIONS OF

INVALIDITY THERETO UNDER NOS. 505326

AND 505327 BY ANGEL MARINOV

The Cancellation Applicant's representative, Mr Akos Sule, declined to attend the Hearing.

The Registered Proprietor was represented by Alex Adams of Wig & Pen Ltd

Hearing Date: 21 October 2024

Background

1. This was to have been an appeal by the Cancellation Applicant, Mr Angel Marinov against decision No. **O/0527/24** of A Cooper acting as a Hearing Officer for the Registrar of Trade Marks dated 7 June 2024. By this decision the Hearing Officer refused the Cancellation Applicant's applications (CA000505326 and CA000505327) for declarations of invalidity against the trade mark registrations in suit.
2. The Cancellation Applicant lodged an appeal dated 5 July 2024. The Registered Proprietor filed a Respondent's Notice dated 25 July 2024. The Hearing was listed for 10.30 am on 21 October 2024. In the event the Cancellation Applicant did not respond to any Official Correspondence regarding this Appeal. His representative failed to file a skeleton argument and did not attend at the appointed time.

3. In view of the Cancellation Applicant's failure to appear at the Hearing, and no prior request having been made for me to reach a decision based on the papers before me, I concluded that the Cancellation Applicant did not wish to proceed and I therefore dismissed the appeal.
4. At 10.57 am, after the Hearing had commenced, the Appointed Person Secretariat was notified that the invitation to the Cancellation Applicant's representative to join the online hearing had been declined. I was not aware of this communication when I gave my Decision but it merely confirms my conclusion.

Conclusion

5. The appeal having been dismissed, proceedings CA000505326 and CA000505327 stand refused as per the Hearing Officer's Decision.
6. The Hearing Officer ordered the Cancellation Applicant to pay the Registered Proprietor £1000 in costs. The Appeal, this sum to be paid within 21 days of the conclusion of the appeal proceedings. That order stands.
7. As regards the costs of this appeal, the Registered Proprietor is entitled to its costs. Appearing for the Registered Proprietor, Mr Adams argued for off-scale costs on the basis the original proceedings were filed in bad faith, as illustrated by its approach to this appeal.
8. There is nothing before me to show these proceedings were filed in bad faith, notwithstanding they may (as appears from the Registered Proprietor's submissions below) have been filed as part of the Cancellation Applicant's response to other proceedings between the parties. Without more, such steps are part of the everyday cut-and-thrust of trade mark proceedings and the fact the Cancellation Applicant may not have made much of a fist of its case at first instance does not, without more, render the proceedings abusive or in bad faith. Thus I decline to award costs off-scale.

9. Nevertheless, the time of this tribunal and that of the Registered Proprietor has been wasted by the Cancellation Applicant's refusal to engage with Official correspondence and its very late rejection of the Hearing invitation.

10. Looking at the matter in the round, I award the Registered proprietor £2000 for this appeal, in addition to the order below. The total sum of £3000 is payable by the Cancellation Applicant to the Registered Proprietor with 21 days of the date of the accompanying Order.

Philip Harris
Appointed Person
21 October 2024

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ORDER

THE APPOINTED PERSON having heard the representative for the Registered Proprietor/Respondent RDX Works Ltd (the Appellant/Cancellation Applicant Angel Marinov having failed and declined to attend the Hearing listed for 10.30 AM on 21 October 2024) DOES HEREBY ORDER THAT:

- (1) The Appeal of Angel Marinov against Decision BL **O/0527/24** of A Cooper acting as a Hearing Officer for the Registrar of Trade Marks dated 7 June 2024 **is dismissed.**
- (2) RDX Works Ltd is awarded costs of £2000 on this appeal, this sum, together with costs of £1000 awarded in Decision BL O/0527/24, to be paid by Angel Marinov to RDX Works Ltd within 21 days of the date of this order.

DATED this 21st day of October 2024

Philip Harris

APPOINTED PERSON

