

BL O/0499/23

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

**IN THE MATTER OF
TRADE MARK APPLICATION NO. 3714962
BY JACK DOYLE CLOTHING LIMITED
TO REGISTER THE TRADE MARK:**



IN CLASS 12

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 430896
BY VOLKSWAGEN AKTIENGESELLSCHAFT**

BACKGROUND

1. On 27 March 2023, I issued a substantive decision in the above identified proceedings¹ in which I found that the opposition by Volkswagen Aktiengesellschaft (“the opponent”) against UK application number 3714962 by Jack Doyle Clothing Limited (“the applicant”) was unsuccessful. In that decision, I stated:

“Costs

45. The applicant has been successful, and is therefore, entitled to a contribution towards its costs. As the applicant has not instructed professional representatives, it was invited by the Tribunal by email dated 6 December 2022 to indicate whether it intended 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 defending the proceedings. However, I note that the applicant was not provided with a cost proforma. As a result, I am unable to deal with the issue of costs at this stage.

46. 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, or following the expiry of the 14 days, I will issue a supplementary decision dealing with the issue of costs.”

2. Accordingly, the applicant was provided with a copy of the costs proforma by the Tribunal alongside the issuance of my substantive decision. However, the applicant did not file a completed copy of the costs proforma before the deadline given, or indeed at all.

DECISION

¹ BL O/304/23

3. As the applicant has been successful, ordinarily it would be entitled to an award of costs. However, it has not provided a completed cost proforma, notwithstanding the invitation from the Tribunal to do so. On this basis, no costs are awarded.

Dated this 31st day of May 2023

**S Wallace
For the Registrar**