

**BL O/0008/23**

**TRADE MARKS ACT 1994**

**SUPPLEMENTARY DECISION ON COSTS**

**IN THE MATTER OF TRADE MARK REGISTRATION NO. UK00003581168**

**IN THE NAME OF UK MK INT'L LIMITED**

**FOR THE FOLLOWING TRADE MARK:**

**MICAREL KMOR**

**IN CLASS 18**

**AND**

**AN APPLICATION FOR A DECLARATION OF INVALIDITY**

**UNDER NO. 504122**

**BY MICHAEL KORS (SWITZERLAND) INTERNATIONAL GMBH**

## BACKGROUND

1. On 21 September 2022, I issued a decision in respect of the above identified proceedings.

2. In relation to costs, I stated:

“54. The proprietor has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the applicant the sum of **£200** as a contribution towards the costs of the proceedings. The sum is calculated as follows:

Considering the Notice of opposition and preparing a Counterstatement	£200
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<b>Total</b>	<b>£200</b>
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55. I therefore order Michael Kors (Switzerland) International GmbH to pay UK MK INT’L LIMITED the sum of £500. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.”

3. By way of an email, dated 30 December 2022, from IPEY, it was brought to my attention that there was a discrepancy between paragraph 54 and 55 in relation to costs.

4. The relevant rule contained within the Trade Marks Rules 2008 (as amended) (the Rules) which provides guidance for the Registrar in such circumstances is as follows:

74.— (1) Subject to rule 77, the registrar may authorise the rectification of any irregularity in procedure (including the rectification of any document filed) connected with any proceeding or other matter before the registrar or the Office.

- (2) Any rectification made under paragraph (1) shall be made—
- (a) after giving the parties such notice; and
  - (b) subject to such conditions,
- as the registrar may direct.

5. I therefore regard the above error as an irregularity in procedure and capable of being corrected under Rule 74(1) of the Trade Marks Rules 2008.

6. I give notice to the parties that paragraph 55 will be amended to the version shown below and apply as though that paragraph had appeared in the original version of the decision:

“54. The proprietor has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the applicant the sum of **£200** as a contribution towards the costs of the proceedings. The sum is calculated as follows:

Considering the Notice of opposition and preparing a Counterstatement	£200
<b>Total</b>	<b>£200</b>

55. I therefore order Michael Kors (Switzerland) International GmbH to pay UK MK INT’L LIMITED the sum of **£200**. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.”

**Dated this 4<sup>th</sup> day of January 2023**

**L FAYTER**  
**For the Registrar**