

O/0411/25

SUPPLEMENTARY DECISION

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00003746052

BY NCFE

TO REGISTER:



AS A TRADE MARK IN CLASSES 9, 16, 35, 41 & 42

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 433288 BY

ENABLING ENTERPRISE CIC

BACKGROUND

1. On 14 April 2025, a decision in the above proceedings was published under reference number BL O/0350/25 (“my decision”). In summary, these proceedings relate to a partial opposition brought by Enabling Enterprise CIC (“the opponent”) against a UK trade mark applied for in the name of NCFE (“the applicant”), being that under registration number 3746052 (“the applicant’s mark”). The outcome of the opposition was that it was partially successful meaning that the applicant’s mark was refused registration for some goods and services. However, it was permitted to proceed to registration for those goods and services that I found dissimilar and those that were unopposed or no longer pursued further to the preliminary indication issued by the Tribunal.

SUPPLEMENTARY DECISION

2. After my decision was issued, it was brought to my attention that any reference to the submissions of the parties contained an error in that I set out that only the opponent filed written submissions in lieu of a hearing throughout these proceedings. This was not the case and I note that the applicant also filed written submissions in lieu of a hearing. These were filed via email on 27 August 2024.
3. Upon reflection of my decision, the first error appears at paragraph 9 and it is that error that followed through to my reference to submissions at both paragraphs 20 and 44. For the avoidance of doubt, I can confirm that I did have sight of the applicant’s submissions prior to completing my decision and those submissions were given due consideration. My records show that I obtained the document from the electronic file at 14:47 on 4 April 2025. As a result, the reference to only the opponent filing submissions throughout my decision was a typographical error.
4. As such, the purpose of this supplementary decision is to correct the typographical errors of paragraphs 9, 20 and 44 of my decision. To reflect the correct position, paragraphs 9, 20 and 44 of my decision should read as follows:

“9. The opponent is represented by Baker & McKenzie LLP and the applicant is represented by Bates Wells & Braithwaite London LLP. Neither party filed evidence. No hearing was requested and both parties filed written submissions in lieu. This decision is taken following a careful consideration of the papers.”

“20. Both parties have filed submissions in respect of the goods and services comparison. While these are noted, I do not intend to reproduce them here but will, if necessary, discuss them further below.”

“44. I have submissions from both parties in respect of the comparison of the marks at issue. I can confirm that I have given these due consideration but will not reproduce them here.”

5. The above errors are an irregularity in procedure and capable of being corrected under Rule 74 of the Trade Marks Rules 2008. Consequently, I give the parties notice that paragraphs 9, 20 and 44 of my decision will be amended as stated above and apply as though they had appeared in the original version of my decision.

APPEAL PERIOD

6. While this supplementary decision does not amend the substance of my decision, I consider it necessary to reset the appeal period for the present proceedings. Therefore, the appeal period will run from the date of this supplementary decision.

Dated this 2nd day of May 2025

A COOPER

For the Registrar