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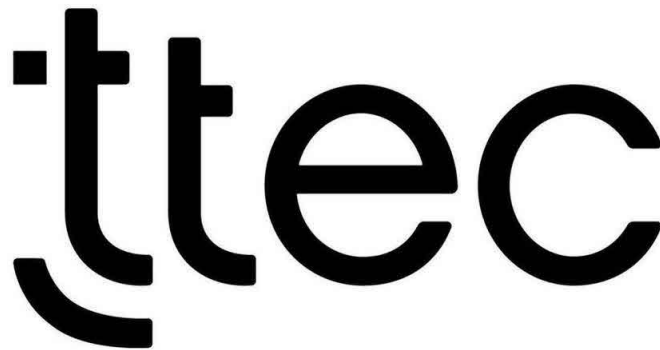
**TRADE MARKS ACT 1994**

**SUPPLEMENTARY DECISION ON COSTS**

**IN THE MATTER OF APPLICATION NO. UK00003611069**

**BY TTEC HOLDINGS, INC.**

**TO REGISTER THE TRADE MARK:**



**ttec**

**IN CLASS 38**

**AND**

**IN THE MATTER OF OPPOSITION THERETO**

**UNDER NO. 425683**

**BY TYNTEC GROUP LIMITED**

## BACKGROUND

1. On 22 August 2022, I issued a decision in the above identified proceedings.

2. In relation to costs, I stated:

“110. The applicant 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 **£550** 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
Preparing and filling written submissions in lieu	£350
<b>Total</b>	<b>£550</b>

111. I therefore order TYNTECH GROUP LIMITED to pay TTEC Holdings the sum of £550. 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. However, on 16 September 2022, the applicant wrote to the Registry requesting that the costs award be reviewed and that a “new separate award be issued that takes account of the costs incurred at the CMC of 11 January 2022”.

4. On 12 January 2022, the Registry issued a post CMC letter including the following:

“Dr Harrison wrote to the Tribunal on 14 December 2021 and requested that a CMC be convened to discuss the refusal of the extension of time request. I note that at the same time that the CMC was requested, evidence of use was

also submitted by the opponent, i.e. two weeks after the initial deadline of 1 December 2021.

During the CMC Dr Harrison provided me with much more detail as to the difficulties faced by the opponent in the gathering and collation of the evidence, and reasons why the deadline of 1 December was missed. He accepted that the filing of the TM9 was perhaps a little 'mechanical' and should have included more information.

In reply, Mr Ferdinand referred me to the Siddiqui and Style Holdings Plc cases and stated that no strong or compelling reasons had been given by the opponent to support the request for further time. He added that the opponent had not informed the Tribunal as to what was still outstanding or given any explanation as to why the outstanding work had not been carried out within the two months initially allowed.

Having considered the submissions made by both parties, and the information before me, I have agreed that the PV may be overturned.

I find that the PV refusing the request for an additional two months was entirely justified, given the lack of reasoning and explanation from the opponent, however, I believe that had the request been merely for a further 2 weeks because of the quarantine issues set out in the TM9, this additional period would very likely have been granted. As the evidence of the opponent has now been submitted, within two weeks of the deadline, and as it is now before me, I will admit it into proceedings.

I note that the evidence submitted comprises significantly more than 300 pages, which is the maximum allowed. It is also the case that confidentiality has been requested in the covering letter of the opponent, although it is unclear whether this request is intended to cover all of the evidence submitted or only parts of it.

Now that the evidence of the opponent has been accepted into proceedings, the case worker responsible for this matter will consider the evidence and the confidentiality request and revert back to Dr Harrison shortly in writing. The questions of confidentiality and the large volume of pages comprising the evidence, will be addressed at that point.

I have considered Mr Ferdinand's request that the matter of costs in respect of the CMC be settled immediately rather than left to be dealt with when the opposition is concluded. **I have decided however, that the costs incurred because of the CMC will be dealt with as part of the wider costs awarded in the conclusion of this matter. However, I agree with Mr Ferdinand that the costs incurred by the CMC should be reflected in either a lower award for the opponent in the event that it is successful, or a higher award to the applicant if it succeeds.** The CMC was convened at the request of the opponent and could have been avoided entirely if a more thorough, detailed TM9 had initially been submitted, and/or a shorter period of additional time had been requested.

In conclusion, the PV refusing the extension of time request is overturned to the degree that, retrospectively, I have agreed a two week extension from the initial deadline of 1 December 2021, meaning that the evidence of the opponent was submitted within that new deadline of 14 December 2021 and can be admitted into proceedings."

5. As noted by the applicant, the decision issued on 22 August 2022 does not factor in the above CMC costs into its calculations.

6. On 20 September 2022, the Registry wrote out to the opponent, giving them 7 days from the date of the official letter, that being the 27 September 2022, for them to make any comments on the above. No correspondence was received.

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

8. This supplementary decision merely corrects the costs of the decision to the extent that paragraph 110 and 111 is hereby corrected to read:

“110. The applicant 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 **£650** 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
Preparation for and attendance at CMC	£100
Preparing and filling written submissions in lieu	£350
<b>Total</b>	<b>£650</b>

111. I therefore order TYNTECH GROUP LIMITED to pay TTEC Holdings the sum of £650. 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.”

9. The above correction does not affect the appeal period.

**Dated this 21st day of October 2022**

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