

SUPPLEMENTARY DECISION

TRADE MARKS ACT 1994

**IN THE MATTER OF Application No. 2638444
by Marko Media Ltd
to register in Classes 35 and 41 the trade mark:**



and

**IN THE MATTER OF Opposition No. 400894 thereto
by Hush Homeware Ltd**

1. On 29th September 2014 I issued a written decision (BL O-410-14) in these proceedings; this supplementary decision corrects an error in that decision.

2. At paragraph 34 of my written decision I found that the opponent had been largely successful and was entitled to a contribution towards its costs. However, I then went on to order the opponent to pay the applicant the sum of £500 rather than ordering the applicant to pay this sum to the opponent. This was merely a typographical error. The necessary power to correct this is contained in Rule 74 of the Trade Mark Rules 2008, which provides:

“Correction of irregularities in procedure

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.”

I therefore correct paragraph 34 of my written decision in these proceedings to read as follows:

“Costs

34) The Opponent has been largely successful and is entitled to a contribution towards its costs. I hereby order Marko Media Limited to pay Hush Homeware Limited the sum of £500. This sum is calculated as follows

(I have taken into account that brief submissions were included in the Applicant's counterstatement):

<i>Preparing a statement and considering the other side's statement</i>	£300
<i>Opposition fee</i>	£200

The above sum should be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful".

Dated this 17th day of October 2014

Martin Boyle
For the Registrar
The Comptroller-General