

O-442-15

TRADE MARKS ACT 1994

INTERNATIONAL TRADE MARK 841773A

IN THE NAME OF NATURE UP EURL

AND

APPLICATION No. 500402 BY LORIS AZZARO SAS

TO REVOKE THE PROTECTION OF THE MARK IN THE UK

BECAUSE OF NON-USE

Provisional outcome

1. On 6th August 2015 I issued a provisional decision on behalf of the Registrar of Trade Marks that, subject to appeal, the protection afforded in the UK to international registration 841773A (“the IR”) should be revoked with effect from 18 February 2013.

Costs

2. At the applicant’s request, I gave the applicant leave to make submissions on costs after receiving my provisional decision. The applicant was allowed 21 days to do so. The holder was allowed 14 days to respond.

3. The applicant subsequently wrote on 27th August requesting that costs be awarded on the registrar’s published scale.

4. The holder of the IR did not respond to this submission.

5. The application having succeeded, the applicant is entitled to an award of costs.

6. I therefore direct that:

i) My provisional decision dated 6th August 2015 should now be regarded as a final decision;

ii) Subject to an appeal, the International Bureau would be notified accordingly in accordance with paragraph 4 of Schedule 5 to the Trade Marks (International Registration) Order 2008;

iii) Nature Up Eurl should pay Loris Azzaro SAS the sum of £1850 as a contribution towards its costs within 21 days of the end of the period allowed for appeal or, if there is an appeal, within 21 days of the conclusion of these proceedings.

7. The sum awarded at paragraph 6(ii) above is calculated as follows:

- i) £350 for filing an application for revocation
- ii) £200 for the official fees for the application
- iii) £700 for filing submissions and considering the holder's evidence
- iv) £600 for attending a hearing and preparing a skeleton

8. I have taken into account that there was some overlap between the evidence and submissions filed in these proceedings and those in revocation No. 84744 between the applicant and the holder of IR 841773C, which would have reduced the applicant's total costs.

Dated this 21st day of September 2015

**Allan James
For the Registrar**