

O-431-15

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO 3088471
BY
AUTUMNPAPER LIMITED**

TO REGISTER THE TRADE MARK



IN CLASSES 3, 9, 14, 18, 25 and 35

AND

**THE OPPOSITION THERETO
UNDER NO 600000249
BY
MARC O'POLO INTERNATIONAL GMBH**

BACKGROUND

1. On 8 January 2015, Autumnpaper Limited (the applicant) applied to register the trade mark shown on the cover page of this decision, in a number of classes of the Nice Classification system.¹ The specification stands as follows:

Class 3

Soaps; perfumes, eau de toilette; eau de Cologne; talcum powder, for toilet use; bath preparations, not for medical purposes; bath salts, not for medical purposes; tissues impregnated with cosmetic lotions; toilet soaps; cosmetic creams; almond milk for cosmetic purposes; lotions for cosmetic purposes; cosmetic preparations for skin care; creams, milks, lotions, gels and powders for the face, body and hands; sun-tanning milks, gels and oils and after-sun preparations (cosmetics); preparations for body and beauty care; make-up preparations; shampoos; hair lotions; gels, mousses, balms and preparations in aerosol form for hairdressing and hair care; hair lacquers; hair-colouring and hair-decolorizing preparations; permanent waving and curling preparations; essential oils; non-medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails; soaps; eau de cologne; toilet waters; essential and herbal oils; cosmetics; non-medicated toilet preparations; hairsprays; preparations for use in the bath or shower; bath and shower oils, gels, creams and foams; face and body masks; face and body scrubs; facial washes; skin cleansers and hydrators; skin toners; skin moisturisers; blemish creams and blemish gels; deodorants; nail polish; lipstick; eyeliner; preparations for use before shaving and after shaving; shaving soaps; shaving creams; shaving gels; aftershave preparations; pre-shave preparations; talcum powders; dentifrices; toothpastes; toiletries; animal grooming preparations; essential oils and aromatic extracts; abraders; cleaning and fragrancng preparations; tailors' and cobblers' wax.

Class 9

Glasses and spectacles; sunglasses; corrective glasses and spectacles; protective glasses and spectacles; contact lenses; lenses for glasses and spectacles; spectacle frames; corrective frames; spectacle cases; sunglasses cases; eyeglasses cords; cords, ribbons, chains, and devices for retaining glasses, sunglasses and spectacles in position; clip on sunglasses; pince-nez; pince-nez cases; pince-nez chains; pince-nez cords; eyeglass chains; eyeglass frames; eyeglass cords; eyeglasses; sunglass cords; sunglass frames; sunglass chains; binoculars; goggles; goggles for sports; parts and fittings for all the aforementioned goods; downloadable software applications for computers; computer software applications, downloadable; downloadable software applications for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptop computers; carrying cases, sleeves, containers and protective coverings for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptops; neck straps for mobile telephones; holders for mobile telephones; telephones; mobile telephones; personal digital assistants; computers; MP3 players; computer game software; computer software; computer programs; telecommunication transmitting sets; electronic telecommunications apparatus and instruments all for transmitting, displaying, receiving, storing, downloading and recording electronic information and/or media content, including videos and films, television programmes, computer games, music, images and/or ring tones; recorded content; information technology and audiovisual equipment; magnets, magnetizers and demagnetizers; apparatus, instruments and cables for electricity; optical devices, enhances and correctors; safety, security, protection and signaling devices; diving equipment; navigation, guidance, tracking, targeting and map making devices; measuring, detecting and monitoring instruments, indicators and controllers; scientific research and laboratory apparatus, educational

¹ *International Classification of Goods and Services for the Purposes of the Registration of Marks under the Nice Agreement (15 June 1957, as revised and amended).*

apparatus and simulators; and parts and fittings of all the aforesaid goods, included in the class.

Class 14

Precious metals, unwrought or semi-wrought; alloys of precious metal; semi-precious stones; precious stones; horological and other chronometric instruments; watches; clocks; jewellery and imitation jewellery; parts and fittings for all the aforesaid goods; alarm clocks; bracelets; brooches; necklaces; earrings; chains; tie clips; tie pins; charms; cufflinks; diamonds; diamond jewellery; pearls; pearl jewellery; jewellery made from precious stones; ornaments of precious metals; ornamental pins; cases for jewellery; cases for watches; key rings; medals; straps for wristwatches; watch chains; gemstones, pearls and precious metals and imitations thereof; time instruments; other articles of precious metals and precious stones, and imitations thereof namely Statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof, Ornaments, made of or coated with precious or semi-precious metals or stones, or imitations thereof, Coins and tokens, works of art of precious metal, key rings (trinkets or fobs); jewellery boxes and watch boxes; and parts and fittings of all the aforesaid goods, included in the class.

Class 18

Leather and imitation leather; handbags; travel cases; luggage; holdalls; backpacks; school bags; beach bags; travelling bags; suitcases; trunks; haversacks; bags for campers; fur; fur-skins; collars for animals; covers for animals; boxes of leather or leather board; attaché cases; wallets; school satchels and briefcases; key cases; briefcases; canes; card cases; leather shoulder bags; parasols; purses; pouches; rucksacks; sling bags; shopping bags; tote bags; travelling trunks; valises; vanity cases, not fitted; umbrellas; umbrella covers; parasols; walking sticks; walking stick handles; walking stick seats; whips, harness and saddlery; toilet bags; backpacks; bum-bags; sports bags; casual bags; music cases; satchels; beauty cases; carriers for suits, for shirts and for dresses; tie cases; credit card cases and holders; leather belts; leather carrying cases, sleeves, containers and protective coverings for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptops; leather neck straps (unfitted) for mobile telephones and MP3 players; envelopes of leather; bands of leather; clothing for pets; leather leads; leather leashes; furniture coverings of leather; hat boxes of leather; umbrellas and parasols; walking sticks; luggage, bags, wallets and other carriers; pelts and hides; saddlery, whips and animal apparel; and parts and fittings of all the aforesaid goods, included in the class.

Class 25

Clothing; footwear; headgear; boots; ready-made clothing; lace boots; shoes; heels; slippers; bath slippers; sandals; trainers; beach shoes; sports shoes; shoes for racing; boots for climbing; boots for sports; socks; hosiery; tights; hats; bandanas; caps (headwear); berets; scarves; gloves (clothing); mittens; belts (being articles of clothing); shirts; T-shirts; polo shirts; sports shirts; trousers; jeans; shorts; sports shorts; swimwear; bathing trunks; bathing suits; bikinis; underwear; lingerie; bodices (lingerie); bath robes; tracksuits; outerclothing; coats; jackets; parkas; ski jackets; waterproof clothing; waterproof and weatherproof jackets and coats; ski wear; beach wear; suits; jumpers and cardigans; knitwear; leggings; neckties; pyjamas; waistcoats; headbands (clothing); wristbands; menswear; womenswear; childrenswear; underclothing; clothing for men, women, children and infants; slacks; skirts; wraps; jerseys; blouses; dresses; frocks; gowns; sleepwear; robes; sweatshirts; bibs; stockings; earmuffs; ties; tuxedos; vests; kilts; shawls; blazers; overalls; sleep masks; money belts; aprons; wedding dresses; wedding gowns; bridesmaid dresses; bridesmaid gowns; cuffs; boas; fur stoles; winter sportswear; running, walking, hiking, camping and cycling wear; hoods; dress handkerchiefs.

Class 35

Retail services connected with the sale of soaps, perfumes, eau de toilette, eau de Cologne, talcum powder, for toilet use, bath preparations, not for medical purposes, bath salts, not for medical purposes, tissues impregnated with cosmetic lotions, toilet soaps, creams, milks, lotions, gels and powders for the face, body and hands, sun-tanning milks, gels and oils and after-sun preparations (cosmetics), preparations for body and beauty care, make-up preparations, shampoos, hair lotions, gels, mousses, balms and preparations in aerosol form for hairdressing and hair care, hair lacquers, hair-colouring and hair-decolorizing preparations, permanent waving and curling preparations, essential oils, non-medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails, soaps, eau de cologne, toilet waters, essential and herbal oils, cosmetics, non-medicated toilet preparations, hairsprays, preparations for use in the bath or shower, bath and shower oils, gels, creams and foams, face and body masks, face and body scrubs, facial washes, skin cleansers and hydrators, skin toners, skin moisturisers, blemish creams and blemish gels, deodorants, nail polish, lipstick, eyeliner, preparations for use before shaving and after shaving, shaving soaps, shaving creams, shaving gels, aftershave preparations, pre-shave preparations, talcum powders, toiletries, dentifrices, toothpastes, toiletries, animal grooming preparations, essential oils and aromatic extracts, abraders, cleaning and fragrancing preparations, tailors' and cobblers' wax, glasses and spectacles, sunglasses, corrective glasses and spectacles, protective glasses and spectacles, contact lenses, lenses for glasses and spectacles, spectacle frames, corrective frames, spectacle cases, sunglasses cases, eyeglasses cords, cords, ribbons, chains, and devices for retaining glasses, sunglasses and spectacles in position, clip on sunglasses, pince-nez, pince-nez cases, pince-nez chains, pince-nez cords, eyeglass chains, eyeglass frames, eyeglass cords, eyeglasses, sunglass cords, sunglass frames, sunglass chains, binoculars, goggles, goggles for sports, parts and fittings for all the aforementioned goods, downloadable software applications for computers, computer software applications, downloadable, downloadable software applications for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptop computers, carrying cases, sleeves, containers and protective coverings for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptops, neck straps for mobile telephones, holders for mobile telephones, telephones, mobile telephones, personal digital assistants, computers, MP3 players, computer game software, computer software, computer programs, telecommunication transmitting sets, electronic telecommunications apparatus and instruments all for transmitting, displaying, receiving, storing, downloading and recording electronic information and/or media content, including videos and films, television programmes, computer games, music, images and/or ring tones, precious metals, unwrought or semi-wrought, alloys of precious metal, semi-precious stones, precious stones, horological and other chronometric instruments, watches, clocks, jewellery and imitation jewellery, parts and fittings for all the aforesaid goods, alarm clocks, bracelets, brooches, necklaces, earrings, chains, tie clips, tie pins, charms, cufflinks, diamonds, diamond jewellery, pearls, pearl jewellery, jewellery made from precious stones, ornaments of precious metals, ornamental pins, cases for jewellery, cases for watches, key rings, medals, straps for wristwatches, watch chains, gemstones, pearls and precious metals and imitations thereof, time instruments, Statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof, Ornaments, made of or coated with precious or semi-precious metals or stones, or imitations thereof, Coins and tokens, works of art of precious metal, key rings (trinkets or fobs), jewellery boxes and watch boxes, leather and imitation leather, handbags, travel cases, luggage, holdalls, backpacks, school bags, beach bags, travelling bags, suitcases, trunks, haversacks, bags for campers, fur, fur-skins, collars for animals, covers for animals, boxes of leather or leather board, attaché cases, wallets, school satchels and briefcases, key cases, briefcases, canes, card cases, leather shoulder bags, parasols, purses, pouches, rucksacks, sling bags, shopping bags, tote bags, travelling trunks, valises, vanity cases, not fitted, umbrellas,

umbrella covers, parasols, walking sticks, walking stick handles, walking stick seats, whips, harness and saddlery, toilet bags, backpacks, bum-bags, sports bags, casual bags, music cases, satchels, beauty cases, carriers for suits, for shirts and for dresses, tie cases, credit card cases and holders, leather belts, leather carrying cases, sleeves, containers and protective coverings for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptops, leather neck straps (unfitted) for mobile telephones and MP3 players, envelopes of leather, bands of leather, clothing for pets, leather leads, leather leashes, furniture coverings of leather, hat boxes of leather, umbrellas and parasols, walking sticks, luggage, bags, wallets and other carriers, pelts and hides, saddlery, whips and animal apparel, clothing, footwear, headgear, boots, ready-made clothing, lace boots, shoes, heels, slippers, bath slippers, sandals, trainers, beach shoes, sports shoes, shoes for racing, boots for climbing, boots for sports, socks, hosiery, tights, hats, bandanas, caps (headwear), berets, scarves, gloves (clothing), mittens, belts (being articles of clothing), shirts, T-shirts, polo shirts, sports shirts, trousers, jeans, shorts, sports shorts, swimwear, bathing trunks, bathing suits, bikinis, underwear, lingerie, bodices (lingerie), bath robes, tracksuits, outerclothing, coats, jackets, parkas, ski jackets, waterproof clothing, waterproof and weatherproof jackets and coats, ski wear, beach wear, suits, jumpers and cardigans, knitwear, leggings, neckties, pyjamas, waistcoats, headbands (clothing), wristbands, menswear, womenswear, childrenswear, underclothing, clothing for men, women, children and infants, slacks, skirts, wraps, jerseys, blouses, dresses, frocks, gowns, sleepwear, robes, sweatshirts, bibs, stockings, earmuffs, ties, tuxedos, vests, kilts, shawls, blazers, overalls, sleep masks, money belts, aprons, wedding dresses, weddings gowns, bridesmaid dresses, bridesmaid gowns, cuffs, boas, fur stoles, winter sportswear, running, walking, hiking, camping and cycling wear, hoods, dress handkerchiefs; online retail services connected with the sale of soaps, perfumes, eau de toilette, eau de Cologne, talcum powder, for toilet use, bath preparations, not for medical purposes, bath salts, not for medical purposes, tissues impregnated with cosmetic lotions, toilet soaps, creams, milks, lotions, gels and powders for the face, body and hands, sun-tanning milks, gels and oils and after-sun preparations (cosmetics), preparations for body and beauty care, make-up preparations, shampoos, hair lotions, gels, mousses, balms and preparations in aerosol form for hairdressing and hair care, hair lacquers, hair-colouring and hair-decolorizing preparations, permanent waving and curling preparations, essential oils, non-medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails, soaps, eau de cologne, toilet waters, essential and herbal oils, cosmetics, non-medicated toilet preparations, hairsprays, preparations for use in the bath or shower, bath and shower oils, gels, creams and foams, face and body masks, face and body scrubs, facial washes, skin cleansers and hydrators, skin toners, skin moisturisers, blemish creams and blemish gels, deodorants, nail polish, lipstick, eyeliner, preparations for use before shaving and after shaving, shaving soaps, shaving creams, shaving gels, aftershave preparations, pre-shave preparations, talcum powders, toiletries, dentifrices, toothpastes, toiletries, animal grooming preparations, essential oils and aromatic extracts, abraders, cleaning and fragrancing preparations, tailors' and cobblers' wax, glasses and spectacles, sunglasses, corrective glasses and spectacles, protective glasses and spectacles, contact lenses, lenses for glasses and spectacles, spectacle frames, corrective frames, spectacle cases, sunglasses cases, eyeglasses cords, cords, ribbons, chains, and devices for retaining glasses, sunglasses and spectacles in position, clip on sunglasses, pince-nez, pince-nez cases, pince-nez chains, pince-nez cords, eyeglass chains, eyeglass frames, eyeglass cords, eyeglasses, sunglass cords, sunglass frames, sunglass chains, binoculars, goggles, goggles for sports, parts and fittings for all the aforementioned goods, downloadable software applications for computers, computer software applications, downloadable, downloadable software applications for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptop computers, carrying cases, sleeves, containers and protective coverings for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptops, neck straps for mobile telephones,

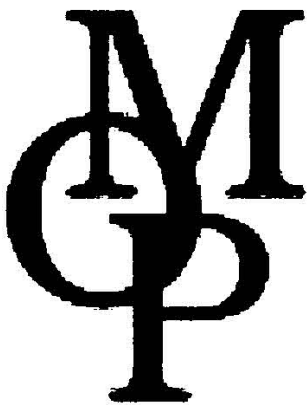
holders for mobile telephones, telephones, mobile telephones, personal digital assistants, computers, MP3 players, computer game software, computer software, computer programs, telecommunication transmitting sets, electronic telecommunications apparatus and instruments all for transmitting, displaying, receiving, storing, downloading and recording electronic information and/or media content, including videos and films, television programmes, computer games, music, images and/or ring tones, precious metals, unwrought or semi-wrought, alloys of precious metal, semi-precious stones, precious stones, horological and other chronometric instruments, watches, clocks, jewellery and imitation jewellery, parts and fittings for all the aforesaid goods, alarm clocks, bracelets, brooches, necklaces, earrings, chains, tie clips, tie pins, charms, cufflinks, diamonds, diamond jewellery, pearls, pearl jewellery, jewellery made from precious stones, ornaments of precious metals, ornamental pins, cases for jewellery, cases for watches, key rings, medals, straps for wristwatches, watch chains, gemstones, pearls and precious metals and imitations thereof, time instruments, Statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof, Ornaments, made of or coated with precious or semi-precious metals or stones, or imitations thereof, Coins and tokens, works of art of precious metal, key rings (trinkets or fobs), jewellery boxes and watch boxes, leather and imitation of leather, handbags, travel cases, luggage, holdalls, backpacks, school bags, beach bags, travelling bags, suitcases, trunks, haversacks, bags for campers, fur, fur-skins, collars for animals, covers for animals, boxes of leather or leather board, attaché cases, wallets, school satchels and briefcases, key cases, briefcases, canes, card cases, leather shoulder bags, parasols, purses, pouches, rucksacks, sling bags, shopping bags, tote bags, travelling trunks, valises, vanity cases, not fitted, umbrellas, umbrella covers, parasols, walking sticks, walking stick handles, walking stick seats, whips, harness and saddlery, toilet bags, backpacks, bum-bags, sports bags, casual bags, music cases, satchels, beauty cases, carriers for suits, for shirts and for dresses, tie cases, credit card cases and holders, leather belts, leather carrying cases, sleeves, containers and protective coverings for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptops, leather neck straps (unfitted) for mobile telephones and MP3 players, envelopes of leather, bands of leather, clothing for pets, leather leads, leather leashes, furniture coverings of leather, hat boxes of leather, umbrellas and parasols, walking sticks, luggage, bags, wallets and other carriers, pelts and hides, saddlery, whips and animal apparel, clothing, footwear, headgear, boots, ready-made clothing, lace boots, shoes, heels, slippers, bath slippers, sandals, trainers, beach shoes, sports shoes, shoes for racing, boots for climbing, boots for sports, socks, hosiery, tights, hats, bandanas, caps (headwear), berets, scarves, gloves (clothing), mittens, belts (being articles of clothing), shirts, T-shirts, polo shirts, sports shirts, trousers, jeans, shorts, sports shorts, swimwear, bathing trunks, bathing suits, bikinis, underwear, lingerie, bodices (lingerie), bath robes, tracksuits, outerclothing, coats, jackets, parkas, ski jackets, waterproof clothing, waterproof and weatherproof jackets and coats, ski wear, beach wear, suits, jumpers and cardigans, knitwear, leggings, neckties, pyjamas, waistcoats, headbands (clothing), wristbands, menswear, womenswear, childrenswear, underclothing, clothing for men, women, children and infants, slacks, skirts, wraps, jerseys, blouses, dresses, frocks, gowns, sleepwear, robes, sweatshirts, bibs, stockings, earmuffs, ties, tuxedos, vests, kilts, shawls, blazers, overalls, sleep masks, money belts, aprons, wedding dresses, weddings gowns, bridesmaid dresses, bridesmaid gowns, cuffs, boas, fur stoles, winter sportswear, running, walking, hiking, camping and cycling wear, hoods, dress handkerchiefs; department store retail services connected with the sale of soaps, perfumes, eau de toilette, eau de Cologne, talcum powder, for toilet use, bath preparations, not for medical purposes, bath salts, not for medical purposes, tissues impregnated with cosmetic lotions, toilet soaps, creams, milks, lotions, gels and powders for the face, body and hands, sun-tanning milks, gels and oils and after-sun preparations (cosmetics), preparations for body and beauty care, make-up preparations, shampoos, hair lotions, gels, mousses, balms and preparations in aerosol form for hairdressing and hair care, hair lacquers, hair-

colouring and hair-decolorizing preparations, permanent waving and curling preparations, essential oils, non-medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails, soaps, eau de cologne, toilet waters, essential and herbal oils, cosmetics, non-medicated toilet preparations, hairsprays, preparations for use in the bath or shower, bath and shower oils, gels, creams and foams, face and body masks, face and body scrubs, facial washes, skin cleansers and hydrators, skin toners, skin moisturisers, blemish creams and blemish gels, deodorants, nail polish, lipstick, eyeliner, preparations for use before shaving and after shaving, shaving soaps, shaving creams, shaving gels, aftershave preparations, pre-shave preparations, talcum powders, toiletries, dentifrices, toothpastes, toiletries, animal grooming preparations, essential oils and aromatic extracts, abraders, cleaning and fragrancing preparations, tailors' and cobblers' wax, glasses and spectacles, sunglasses, corrective glasses and spectacles, protective glasses and spectacles, contact lenses, lenses for glasses and spectacles, spectacle frames, corrective frames, spectacle cases, sunglasses cases, eyeglasses cords, cords, ribbons, chains, and devices for retaining glasses, sunglasses and spectacles in position, clip on sunglasses, pince-nez, pince-nez cases, pince-nez chains, pince-nez cords, eyeglass chains, eyeglass frames, eyeglass cords, eyeglasses, sunglass cords, sunglass frames, sunglass chains, binoculars, goggles, goggles for sports, parts and fittings for all the aforementioned goods, downloadable software applications for computers, computer software applications, downloadable, downloadable software applications for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptop computers, carrying cases, sleeves, containers and protective coverings for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptops, neck straps for mobile telephones, holders for mobile telephones, telephones, mobile telephones, personal digital assistants, computers, MP3 players, computer game software, computer software, computer programs, telecommunication transmitting sets, electronic telecommunications apparatus and instruments all for transmitting, displaying, receiving, storing, downloading and recording electronic information and/or media content, including videos and films, television programmes, computer games, music, images and/or ring tones, precious metals, unwrought or semi-wrought, alloys of precious metal, semi-precious stones, precious stones, horological and other chronometric instruments, watches, clocks, jewellery and imitation jewellery, parts and fittings for all the aforesaid goods, alarm clocks, bracelets, brooches, necklaces, earrings, chains, tie clips, tie pins, charms, cufflinks, diamonds, diamond jewellery, pearls, pearl jewellery, jewellery made from precious stones, ornaments of precious metals, ornamental pins, cases for jewellery, cases for watches, key rings, medals, straps for wristwatches, watch chains, gemstones, pearls and precious metals and imitations thereof, time instruments, Statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof, Ornaments, made of or coated with precious or semi-precious metals or stones, or imitations thereof, Coins and tokens, works of art of precious metal, key rings (trinkets or fobs), jewellery boxes and watch boxes, leather and imitation leather, handbags, travel cases, luggage, holdalls, backpacks, school bags, beach bags, travelling bags, suitcases, trunks, haversacks, bags for campers, fur, fur-skins, collars for animals, covers for animals, boxes of leather or leather board, attaché cases, wallets, school satchels and briefcases, key cases, briefcases, canes, card cases, leather shoulder bags, parasols, purses, pouches, rucksacks, sling bags, shopping bags, tote bags, travelling trunks, valises, vanity cases, not fitted, umbrellas, umbrella covers, parasols, walking sticks, walking stick handles, walking stick seats, whips, harness and saddlery, toilet bags, backpacks, bum-bags, sports bags, casual bags, music cases, satchels, beauty cases, carriers for suits, for shirts and for dresses, tie cases, credit card cases and holders, leather belts, leather carrying cases, sleeves, containers and protective coverings for hand held electronic devices, personal digital assistants, mobile telephones, MP3 players, and laptops, leather neck straps (unfitted) for mobile telephones and MP3 players, envelopes of leather, bands of leather, clothing for pets, leather leads, leather leashes, furniture coverings of leather, hat

boxes of leather, umbrellas and parasols, walking sticks, luggage, bags, wallets and other carriers, pelts and hides, saddlery, whips and animal apparel, clothing, footwear, headgear, boots, ready-made clothing, lace boots, shoes, heels, slippers, bath slippers, sandals, trainers, beach shoes, sports shoes, shoes for racing, boots for climbing, boots for sports, socks, hosiery, tights, hats, bandanas, caps (headwear), berets, scarves, gloves (clothing), mittens, belts (being articles of clothing), shirts, T-shirts, polo shirts, sports shirts, trousers, jeans, shorts, sports shorts, swimwear, bathing trunks, bathing suits, bikinis, underwear, lingerie, bodices (lingerie), bath robes, tracksuits, outerclothing, coats, jackets, parkas, ski jackets, waterproof clothing, waterproof and weatherproof jackets and coats, ski wear, beach wear, suits, jumpers and cardigans, knitwear, leggings, neckties, pyjamas, waistcoats, headbands (clothing), wristbands, menswear, womenswear, childrenswear, underclothing, clothing for men, women, children and infants, slacks, skirts, wraps, jerseys, blouses, dresses, frocks, gowns, sleepwear, robes, sweatshirts, bibs, stockings, earmuffs, ties, tuxedos, vests, kilts, shawls, blazers, overalls, sleep masks, money belts, aprons, wedding dresses, weddings gowns, bridesmaid dresses, bridesmaid gowns, cuffs, boas, fur stoles, winter sportswear, running, walking, hiking, camping and cycling wear, hoods, dress handkerchiefs.

2. The application was published on 23 January 2015, following which, Marc O'Polo International GmbH (the opponent) filed notice of opposition against the application under the fast track opposition procedure.

3. The opposition was brought under section 5(2)(b) of the Trade Marks Act 1994 (the Act). The opponent relies upon International Registration 1172895, shown below:

Mark details and relevant dates	Goods and services relied on
<p data-bbox="261 1144 341 1173">Mark:</p>  <p data-bbox="240 1648 663 1680">International registration date</p> <p data-bbox="240 1682 496 1713">22 November 2012</p> <p data-bbox="240 1715 659 1747">Date of Designation of the EU</p> <p data-bbox="240 1749 496 1780">22 November 2012</p> <p data-bbox="240 1783 667 1814">Date Protection Granted in EU</p> <p data-bbox="240 1816 451 1848">26 August 2014</p> <p data-bbox="240 1850 408 1881">Priority date:</p> <p data-bbox="240 1883 563 1915">24 May 2012 (Germany)</p>	<p data-bbox="762 1144 868 1176">Class 8</p> <p data-bbox="762 1178 1358 1279">Hand-operated tools; cutlery, forks and spoons; razors; cutlery, table cutlery, runcible spoons, serving cutlery, knives, silver plate.</p> <p data-bbox="762 1317 868 1348">Class 9</p> <p data-bbox="762 1350 1353 2051">Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling of electricity, apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; extinguishers; spectacles; parts for eyeglasses, spectacle frames; spectacle temples, spectacle glasses, optical glasses, sunglasses, goggles for sport, goggles, accessories for spectacles, spectacle cases, custom made cases, leather cases and bags for data processing equipment, especially for mobile phones, notebooks / laptops, smart</p>

phones, binoculars.

Class 14

Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; chronometric and horological instruments, watches, fashion jewellery, watch bands.

Class 18

Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery; bags, handbags; travelling bags; school bags; satchels; rucksacks; vanity cases, purses, wallets, briefcases, key cases, cosmetic cases, card cases, leather cases, leather cases with slide locks, hip bags, bum bags, briefcases (leather goods), travelling sets (leather goods), small leather goods, leather accessories not included in other classes.

Class 20

Furniture, mirrors, picture frames, goods, not included in other classes, of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, amber, pearl, meerschaum and substitutes for all these materials, or of plastics; frames, cushions, decoration cushions, pillows, seat cushions, clothes hangers, magazine rack, clothes racks (furniture), baskets (not of metal), furnishings made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, pearl, meerschaum and substitutes, or of plastics; curtain holders, not of textile material, bottle closures not of metal; blinds.

Class 21

Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes; pot covers, flower pots, flower-pot covers, tins, soap dishes and boxes, crockery, tableware, other than knives, forks and spoons, coffee and tea services, drinking vessels, coffee and teapots, glass, cups, cans, jugs, decanters, drinking bottle, cooking, roasting and baking ware, pots, pans, coasters, bottle cooler, wine cooler, champagne cooler, trays, bread

baskets, egg cups, candlesticks, candle holders, soap dispensers, perfume sprayer and atomizers, vases, bottle openers, corkscrews, ice pails, salt cellars, pepper pots, pepper mills, napkin rings, napkin holders, knife rests, tea warmer candle holders, pot cloth, pot gloves, under plates, table plates, dishes, salad bowls, storage boxes/cases, oil vinegar cruets, cooking spoons, basting spoons, for kitchen use, mixing spoons, champagne buckets.

Class 24

Textiles and textile goods not included in other classes, bed and table covers, bed linen, bed sheets, fitted sheets, duvet covers, mattress covers, bed sheets, goods of terry towelling, towels, bath linen, bath towels, beach towels, washcloths, blankets, bedspreads, table linen, table cloths, cloth napkins, table mats, table runners, place mats, linen (household), cushion covers, decorative cushion covers, pillow covers, seat covers, slipcovers, bedspreads, curtains, drapes, fabrics, textile handkerchiefs, hangings (wall) of textile, quilt bedding mats, tablecloths on the roll, kitchen textiles, dish towels, shower curtains made of textile material or plastic foil, curtain holders of textile materials.

Class 25

Clothing, footwear, headgear, outerwear for men, women and children, pants, jeans, coats, dresses, skirts, suits, ties, bathing robe, nightwear, aprons for cooking, underclothes, ladies' underwear, undergarments, corsetry, hosiery, socks, belts, suspenders, scarves, hats, shawls, gloves, leg warmers, headbands, swimwear, clothing for children and babies, leisure and city shoes for gentlemen and ladies, children shoes, clothing, footwear and headgear for sports especially jogging, fitness training, gymnastics, yoga, golf, tennis, squash, badminton, water sports, sailing, windsurfing, canoeing, rowing, downhill skiing, cross country skiing, snowboarding, soccer, basketball, handball, volleyball, baseball, in-line skating, skateboarding, roller skating, hockey, ice hockey, ice skating, football, cycling, equestrian sports, jersey clothing, hiking, trekking, climbing and outdoor clothing, hiking, trekking, climbing and outdoor footwear.

	<p>Class 27² Retail services, wholesale services, online services or catalogue mail order services in each of the areas of: apparel, garments, fashion accessories, belts, footwear, headgear, cosmetics, personal care, beauty care products, perfumery, essential oils, spectacles, parts for eyeglasses, spectacle frames, sunglasses, accessories for spectacles and sunglasses, eyeglass cases, leather and imitations of leather and articles thereof, bags, handbags, suitcases, luggage, backpacks, umbrellas, parasols, purses, wallets, key cases, cosmetic cases, leather cases, chronometric and horological instruments, watches, watchstraps, jewellery, fashion jewellery, furniture products and decorative products, furniture, mirrors, frames, picture frames, cushions, decorative cushions, pillows, curtain holders, bottle caps, textiles and textile goods, blankets, sheets, fitted sheets, terry linen, towels, bedspreads, quilts (duvets), table linen, tablecloths, placemats, table runners, table cloth on the roll, cloth napkins, kitchen textiles, dish towels, home textiles, shower curtains of textile or plastic foil, curtain holders of textile materials, cutlery, runcible spoons, table cutlery, forks, spoons, knives, silver plate, kitchen and household goods, combs, sponges, brushes (except paint brushes), glassware, porcelain, stoneware, tableware, carpets, rugs, mats, bath mats, rugs, flooring, wallpaper.</p>
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4. On 17 July 2015, the applicant filed a counterstatement, denying the ground of opposition.

5. Rules 20(1)-(3) of the Trade Marks Rules (TMR) (the provisions which provide for the filing of evidence) do not apply to fast track oppositions, but Rule 20(4) does. It reads:

“(4) The registrar may, at any time, give leave to either party to file evidence upon such terms as the registrar thinks fit.”

6. The net effect of the above is to require parties to seek leave in order to file evidence (other than the proof of use evidence which is filed with the notice of opposition) in fast track oppositions.

7. No leave was sought in respect of these proceedings.

8. Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if 1) the Office requests it or 2) either party to the proceedings requests it and

² Under the NICE classification system (see footnote 1), these services are proper to class 35 and not to class 27, which is a goods class.

the registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost. Otherwise written arguments will be taken.

9. A hearing was neither requested nor considered necessary. Both parties filed written submissions which I will refer to as necessary, below.

DECISION

10. The opposition is brought under section 5(2)(b) of the Act which reads as follows:

“5. - (2) A trade mark shall not be registered if because -

(a)...

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, or there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

11. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

“6.-(1) In this Act an “earlier trade mark” means -

(a) a registered trade mark, international trade mark (UK) or Community trade mark or international trade mark (EC) which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks.

(2) References in this Act to an earlier trade mark include a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of subsection (1)(a) or (b), subject to its being so registered.”

12. The opponent's mark is an earlier mark but is not subject to proof of use because, at the date of publication of the application, it had not been registered for five years.³ The opponent is therefore entitled to rely on it for all the goods and services for which it is registered.

Section 5(2)(b) case law

13. In his decision in *La Chemise Lacoste SA v Baker Street Clothing Ltd* - BL O/330/10 (approved by Arnold J in *Och-Ziff Management Europe Ltd v Och Capital LLP* [2011] FSR 11), the Appointed Person, Mr Geoffrey Hobbs QC, expressed the test under this section (by reference to the CJEU cases mentioned) on the basis indicated below:

The CJEU cases

³ See section 6A of the Act (added by virtue of the Trade Marks (Proof of Use, etc.) Regulations 2004: SI 2004/946) which came into force on 5 May 2004

Sabel BV v Puma AG [1998] RPC 199; *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc* [1999] RPC 117; *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* [2000] F.S.R. 77; *Marca Mode CV v Adidas AG & Adidas Benelux BV* [2000] E.T.M.R. 723; *Matratzen Concord GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-6/01; *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH* C-120/04; *Shaker di L. Laudato & C. Sas v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* C-334/05 P.

The principles

(a) the likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may, in certain circumstances, be dominated by one or more of its components;

(f) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;



(k) if the association between the marks causes the public to wrongly believe that the respective goods [or services] come from the same or economically-linked undertakings, there is a likelihood of confusion.”

Comparison of goods and services

14. Some of the contested goods and services, i.e. clothing, are identical to the goods and services on which the opposition is based. For reasons of procedural economy, I will not undertake a full comparison of the goods and services listed above. The examination of the opposition will proceed on the basis that the contested goods and services are identical to those covered by the earlier trade mark. If the opposition fails, even where the goods/services are identical, it follows that the opposition will also fail where the goods/services are only similar.

Comparison of marks

15. The marks to be compared are as follows:

The opponent's mark	The applicant's mark
	

16. In making a comparison between the marks, I must consider the respective marks' visual, aural and conceptual similarities with reference to the overall impressions created by them, bearing in mind their distinctive and dominant components⁴, but without engaging in an artificial dissection of the marks, because the average consumer normally perceives a mark as a whole and does not analyse its details.

17. The opponent's mark consists of the letters M, O and P, presented in upper case in a standard serif typeface. The letters overlap and are plain black with no additional stylization present. They are of equal size. The first letter is an M which is at the top of the mark. The O falls below it and to the left, so that the first leg of the M falls in the centre of the O. The P is directly below the M and overlaps the bottom right quarter of the letter O. The mark as a whole is a combination of three letters, none of which plays a greater role in the overall impression of the mark than any of the others. The overall impression of the mark rests in its totality.

⁴ *Sabel v Puma AG*, para.23

18. The applicant's mark consists of the letters A, M and Q. The letters are presented in a standard serif typeface. The letter A sits at the top of the mark within the centre 'V' shape of the next letter M, which sits below it and forms the centre of the mark. Below the M is a Q which overlaps the centre point of the 'V' shape in the letter M. The letter M is the largest of the three letters and sits in the centre, but the presentation of the mark is such that the overall impression of the mark rests in the mark as a whole.

Visual similarities

19. With regard to the visual comparison, the opponent submits:

"In this case, we submit that the common element of both marks is the letter M which appears in a stylised font. In the Applicant's Mark the letter M appears centrally within the mark. In the case of the Opponent's Mark the letter M appears at the top of the mark but again it is positioned centrally over the remaining letters, O and P. As such, we submit that the Relevant Consumer's attention and view would be drawn first to this letter.

In both cases, the letter M is portrayed in a very similar script, if not virtually identical. In each case, the vertical downward lines creating the central 'V' symbol in the letter M are portrayed in a similar form whereby the left hand side is much thicker and thinner on the right. Again, the left supporting limb of the letter M is much thinner than the corresponding right limb. The respective letter M in each mark is not therefore identical but is virtually identical.

In both marks, the letter M is placed over respectively the letter 'Q' in the Applicant's Mark and the letter 'O' in the Opponent's Mark. Again, both the letter O and Q in the respective marks are portrayed in a very similar script where the oval element of both letters has broader supporting side walls and recedes or tapers at the top and bottom. The similarity between the respective marks is increased because both the letter 'Q' in the Applicant's Mark and the letter 'O' in the Opponent's Mark effectively have a downward sweeping element. Clearly, the letter 'Q' in the Applicant's Mark contains a downward running swirl. However, since the letter 'O' in the Opponent's Mark is positioned below the letter P' this in itself creates a downward running element since the leg of the letter 'P' could be viewed as a downward element to the letter 'Q'.

At the end of the day, for the purposes of the current comparison, the Relevant Consumer cannot be taken to understand the significance of the respective letters in each mark. In addition, since the comparison has to be taken by the immediate perception of the relevant mark, the Relevant Consumer cannot be expected to conduct a detailed analysis or breakdown of the individual elements to make sense or indeed letters of the respective marks.

Indeed, the central letter 'A' appearing at the top of the Applicant's Mark is effectively lost or "hidden" within the mark as a whole and only appears sandwiched below the letters 'M' and 'Q'. Accordingly, allowing for the doctrine of imperfect recollection, the Relevant Consumer is likely to give most prominent [sic] to the letter M and O/Q in the respective marks. As such, visually the marks should be viewed as highly similar."

20. The applicant submits:

“3.3...Here, the two signs consist of the letters A M Q and M O P respectively i.e. they share only one letter out of three, with the one identical letter in a different position. The three letters in the Application are set out in a vertical straight line (i.e. all letters are centred), whereas the middle character in the Opponent’s mark (‘O’) is set to the left. Further, the letter A in the Application is joined to the letter M (i.e. if the ‘A’ element of the device is separated it would not be a complete letter) whereas the Opponent’s mark consists of the combination of three separate and fully-formed letters M O P. Finally, the three letters A M Q in the Application are all of different heights and proportion to each other, whereas the letters M O P in the Opponent’s mark are all of equal size. These are all points of visual difference.

3.4 The Opponent’s attempt to argue visual similarity is therefore untenable...

3.5 It is therefore beyond doubt that the respective signs are visually dissimilar.”

21. I note the opponent’s submission regarding the O in its mark but I reject it. The O will be seen by the average consumer as a letter O and not a Q, since the outline of the P below it is distinct and is clearly a separate letter. It is highly unlikely to be mistaken for part of a letter Q. Both marks are made up of three letters, in what the opponent refers to as a monogram style presentation. Both marks contain an M and a round letter, albeit, not the same letter. The applicant’s three letters have a central, larger, M, with the A positioned above it and a Q below. The opponent’s mark clearly has the central O offset to the left, with the M above and the P below.

22. The M in the application is larger than the other letters and central to the overall design, whereas it is the first and uppermost element in the opponent’s mark. Whilst both marks are made up of three overlapping letters, only one of those letters is common to both marks and they are presented in different parts of the mark. Taking all of these factors into account, the marks are visually similar to a low degree.

Aural similarities

23. The opponent submits that the parties’ marks are phonetically similar, the applicant contends that when read aloud, as one syllable words or as individual letters, the marks are aurally distinct.

24. The opponent’s mark will be articulated as the letters M.O.P. or the word ‘MOP’. The applicant’s mark will be articulated as the letters, A.M.Q. since the letter combination is such that it is very unlikely the average consumer will try to pronounce it as if it were a single word. If the letters of the earlier mark are sounded individually then the first letter is the same as the applicant’s second letter. This is the high point of aural similarity. If the earlier mark is spoken as the common English word MOP then there is no aural similarity.

25. Taking these factors into account, the marks are aurally similar to a fairly low degree.

Conceptual similarities

26. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer.⁵ The assessment must be made from the point of view of the average consumer.

27. The opponent states:

“...allowing for the prominence of the letter ‘M’ in the respective marks and the potential for imperfect recollection, the marks should be viewed as conceptually similar.”

28. The applicant submits:

“3.8...to the extent that the Opponent’s sign is perceived as the verb or noun ‘mop’, there is a clear conceptual distinction between the respective signs.

3.9 To the extent that the Opponent’s mark is not perceived as the verb or noun ‘mop’ but the string of individual letters M O P, the conceptual comparison is neutral.”

29. The mark applied for will be seen as the three letters A M Q, which, as far as I am aware, has no meaning and therefore gives no conceptual message to the average consumer. The opponent’s earlier mark may be seen as the noun or verb MOP which will give a clear message indicating a cleaning implement or method of cleaning, or it may be seen as the three letters M O P. Either conceptual interpretation is equally likely. The first gives a clear distinction between the earlier mark which has a meaning and the application, which does not. The second interpretation results in the parties’ marks being conceptually neutral, since neither will give any conceptual message to the average consumer.

Distinctive character of the earlier mark

30. In determining the distinctive character of a trade mark it is necessary to make an overall assessment of the greater or lesser capacity of the trade mark to identify its goods as coming from a particular undertaking and thus to distinguish those goods from those of other undertakings - *Windsurfing Chiemsee v Huber and Attenberger Joined Cases C-108/97 and C-109/97* [1999] ETMR 585.

31. I have no evidence of use to consider so only need to make a finding in respect of the inherent distinctiveness of the earlier mark.

32. If the earlier mark is considered to be the three letters M O P, it has no meaning in respect of any of the goods and services for which it is registered. Accordingly it will have a fairly high degree of inherent distinctive character.

33. Where the mark is seen as being the common English word MOP, it has no meaning in relation to the majority of goods and services and will enjoy the same, fairly high degree of distinctiveness.

⁵ This is highlighted in numerous judgments of the GC and the CJEU including *Ruiz Picasso v OHIM* [2006] e.c.r.-I-643; [2006] E.T.M.R. 29.

34. However, for some of the goods in class 21, particularly 'household utensils', the mark is possessed of a much lower degree of distinctiveness since the word MOP serves to describe, inter alia, the nature or purpose of some of those goods, which could include mops.

Likelihood of confusion

35. In assessing the likelihood of confusion, I must adopt the global approach advocated by case-law and take into account the fact that marks are rarely recalled perfectly, the consumer relying instead on the imperfect picture of them he has kept in his mind.⁶ I must also keep in mind the average consumer for the services, the nature of the purchasing process and have regard to the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective services and vice versa.

36. Earlier in this decision I concluded:

- The parties' marks are visually similar to a fairly low degree.
- They are aurally similar to a low degree.
- The marks are conceptually distinct where the earlier mark is considered by the average consumer to be the common English word MOP.
- The marks are conceptually neutral where both are seen as three letter marks, which give no clear message to the average consumer.
- The distinctive character of the earlier mark is fairly high in respect of all of the goods and services, where the mark is seen as three letters M O and P.
- Where the earlier mark is seen as the word MOP, the inherent distinctiveness is fairly high for the majority of goods and services, other than household utensils in class 21, which may include mops.

37. Given the nature of goods and services on which this opposition is based it is clear that the average consumer will include anyone from a member of the general public, making a low price relatively frequent purchase, such as a bar of soap, to someone purchasing a wedding dress, which self evidently requires a higher level of attention to be paid. They are all likely to be bought primarily by the eye, from a website, catalogue or directly from a shelf.

38. The marks are made up of three letters. Only one letter is shared by both marks and it does not appear in the same place within the marks. These are primarily visual purchases where the marks have a fairly low degree of visual similarity. In my experience, the average consumer is used to marks which are made up of combinations of letters, and is able to distinguish between them. Consequently, the differences between the parties' respective marks are such that, even where the goods and services are identical and are frequent, low priced purchases demanding a lower than average level of attention, the marks in their totality are sufficiently different that there is no likelihood of confusion, whether direct (where one mark is mistaken for the other) or indirect (where the average consumer believes the respective goods and services originate from the same or a linked undertaking).

⁶ *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V* paragraph 27

CONCLUSION

39. The opposition fails under section 5(2)(b) of the Act.

COSTS

40. The opposition having failed, the applicant is entitled to a contribution towards its costs. The award stands as follows:

Preparing a statement and considering the other side's statement:	£200
Preparing submissions:	£300
Official fee:	£100
Total	£600

41. I order Marc O'Polo International GmbH to pay Autumnpaper Limited the sum of £600. This sum is to 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 14th day of September 2015

**Ms Al Skilton
For the Registrar,
The Comptroller General**