

O-371-17

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. 3190616
BY SHOOT INTERNATIONAL LIMITED
TO REGISTER THE TRADE MARK:**

SHOOT

IN CLASS 9


AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 60000622 BY PEDIGREE GROUP LIMITED**

BACKGROUND

1. On 11 October 2016 SHOOT INTERNATIONAL LIMITED (“the applicant”) applied to register the trade marks SHOOT for goods in class 9.

2. The application was published for opposition purposes on 30 December 2016 and a notice of opposition was subsequently filed by Pedigree Group Limited (“the opponent”) under the fast track procedure. The opposition is based upon Sections 5(1), 5(2)(a) and 5(2)(b) of the Trade Marks Act 1994 (“the Act”) and is directed against all of the goods in the application. The opponent relies on the European Union Trade Mark (EUTM) shown in the table below:

EUTM details	Goods relied upon
<p data-bbox="204 913 512 945">EUTM No. 14247878</p>  <p data-bbox="204 1167 628 1198">Colours Claimed: Red; Black.</p> <p data-bbox="204 1220 568 1252">Filing date: 12 June 2015</p> <p data-bbox="204 1274 722 1305">Registration date: 02 February 2016</p>	<p data-bbox="810 913 935 945">Class 9:</p> <p data-bbox="810 967 1366 1272">Recorded tapes, discs, cassettes, CD-Roms; data storage devices; computer software; mats for use with a computer mouse; computer cases and covers; headphones; video games and computer games.</p>

3. The opponent contends that the mark in suit is identical or similar to its registered mark. It states that the goods applied for are identical or similar to those for which its mark is registered. The mark in suit therefore offends against Section 5(1) and 5(2)(a) and (b) of the Act.

4. The applicant filed a counterstatement in which it denies the ground of opposition.

5. In these proceedings, the applicant represents itself; the opponent has been represented by Ashfords LLP.

6. 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.”

7. 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.

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

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

10. A hearing was neither requested nor considered necessary. Only the opponent filed written submissions, which I will refer to as necessary, below.

DECISION

11. I shall deal first with the ground of opposition which is based on Section 5(2)(b) which reads:

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

(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,

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark”.

12. An earlier trade mark is defined in Section 6 of the Act, which states:

“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.

13. The opponent's mark is an earlier mark, in accordance with section 6 of the Act, and as it had not been registered for five years or more before the publication date of the applicant's mark, it is not subject to the proof of use requirements, as per The Trade Marks (Proof of Use, etc) Regulations 2004.

Section 5(2)(b) case law

14. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P.

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 be dominated by one or more of its components;

(f) however, it is also 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 creates a risk that the public might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods

15. In the judgment of the Court of Justice of the European Union (CJEU) in *Canon*, Case C-39/97, the Court stated at paragraph 23:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary”.

16. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

- a) The respective users of the respective goods or services;
- b) The physical nature of the goods or acts of services;
- c) The respective trade channels through which the goods or services reach the market;
- d) In the case of self serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;
- e) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for

instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

17. In *Beautimatic International Ltd v Mitchell International Pharmaceuticals Ltd and Another*, [2000] F.S.R. 267 (HC), Neuberger J. (as he then was) stated that:

“I should add that I see no reason to give the word “cosmetics” and “toilet preparations”... anything other than their natural meaning, subject, of course, to the normal and necessary principle that the words must be construed by reference to their context.”

18. In *YouView TV Ltd v Total Ltd*, [2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

"... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of 'dessert sauce' did not include jam, or because the ordinary and natural description of jam was not 'a dessert sauce'. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question."

19. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criteria capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v OHIM*, Case T-325/06, the General Court (GC) stated that “complementary” means:

“...there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that

customers may think that the responsibility for those goods lies with the same undertaking”.

20. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amelia Mary Elliot v LRC Holdings Limited* BL-0-255-13:

“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes.”

21. Whilst on the other hand:

“.....it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together.

22. It should also be noted that, as per the judgment of the GC in *Gérard Meric v OHIM*, Case T-133/05, goods and services can be considered identical when the goods and services of the earlier mark are included in a more general category, included in the specification of the application and vice versa.

23. The competing goods are as follows:

The goods of the earlier mark	The applied for mark
Class 9: Recorded tapes, discs, cassettes, CD-Roms; data storage devices; computer software; mats for use with a computer mouse; computer cases and covers; headphones; video games and computer games.	Class 9: Computer Hardware; Computer Software; Computer peripherals; Electronic data processing installations; computer network apparatus; parts and fitting for all the aforesaid goods.

24. As the applicant accepts in its counterstatement, *computer software* appears in both parties' specifications and is identical.

25. In relation to the remaining goods, the applicant accepts that “*recorded tapes, discs, cassettes, CD-Roms; data storage devices, headphones*” are “most closely related to the category of computer peripherals as listed in the [contested] mark”. However, it goes on to say that the function of *computer peripherals* is “to provide information to and extract results from the central processor”¹ and that, according to the principle established in *YouView* it would be incorrect to extend the definition of *computer peripherals* to include *recorded tapes, discs, cassettes, CD-Roms; data storage devices, headphones* as this “would require a straining of the language, since computer peripheral is a broader category”. It also contends that none of the goods of the earlier mark correlate to or fall under *computer hardware, electronic data processing installations* and *computer network apparatus* of the application.

26. In its submissions, the opponent contends that the competing goods are identical. It comments in the following terms:

“...A “data storage device” is a device for recording and storing information (data). A storage device is used in computer to store data, which is one of the core functions of modern computers. “Computer hardware” is the collection of physical parts and components of a computer, such as the monitor, keyboard, computer data storage device, graphic card, sound card, motherboard, and so on.

The Opponent’s Trade Mark covers “data storage devices”. The Applicant’s Application covers “parts and fittings for all of the aforesaid goods” and those goods include “Electronic data processing Installation” and “computer network apparatus”. The parts and fittings for such goods would include “data storage devices”. Thus, the goods are identical”

27. Alternatively, the opponent argues that the goods are similar because they are complementary and because they are offered and supplied in the same places.

¹ The applicant refers to guidance provided by School of Computer Engineering Nanyang Technological University Singapore

28. In approaching the comparison, I must, as the case law dictates, give the words in the competing specifications their natural meanings in the context in which they appear. I must not give them an overly liberal interpretation nor should I strain the words in the competing specifications unnaturally to produce an overly narrow meaning. Bearing the above in mind, my analysis is as follows:

29. The applicant's interpretation of the principle established in *YouView* is misconceived since it produces a narrow meaning of what, the applicant itself accepts, is a "broad term", i.e. *computer peripherals*. The contested *computer peripherals* in the application are likely to be understood as goods that connect to and work with a computer in some way, e.g. keyboards, monitors, microphones, speakers, ect. As such, the term clearly encompasses *headphones* of the earlier mark and goods are identical on the *Meric* principle. I therefore find that the applied for *computer peripherals* are identical to the opponent's *headphones*.

30. The contested *computer hardware* is most likely to be understood as meaning the physical components of which a computer system is made up. A *storage device* is defined as a piece of computer equipment in which information can be stored². The term would, in my view, include any computing hardware that is used for storing data, either internal, e.g. hard disk, or external, i.e. USB memory stick, to a computer. Consequently, I agree with the opponent that the contested *hardware* is broad enough to include the opponent's *data storage devices* and goods are identical on the *Meric* principle. As computers need software and programs to operate, the contested *computer hardware* is also highly similar to the opponent's *computer software* because the respective goods are complementary in the sense that one set of goods is indispensable for the use of the other and this is likely to lead the average customer to assume that the responsibility for the goods lies with the same undertaking. Although the nature and methods of use may be different, the users, intended purpose and distribution channels are likely to be the same. I therefore find that the applied for *computer hardware* is identical to the opponent's *data storage devices* and highly similar to the opponent's *computer software*.

² Oxford English dictionary

31. The contested *electronic data processing installations* and *computer network apparatus* are likely to include computer equipment for the processing of data by a computer and for electronic communication between computers on a network, e.g. servers, modems, etc. Once again, the contended goods are IT related goods used in the field of computing. Even if the physical nature and method of use of these goods differ from that of the opponent's *computer software*, once again, the users, intended purpose and trade channels are likely to be the same. Further, *electronic data processing installations* and *computer network apparatus* are likely to be run using a software, so there is a degree of complementarity and the average customer is likely to think that the responsibility for these goods lies with the same undertaking. I therefore find that the applied for *electronic data processing installations* and *computer network apparatus* are highly similar to the opponent's *computer software*.

32. The contested *parts and fittings for the aforesaid goods* include parts and fittings for goods which I found to be identical or highly similar to the opponent's goods. Accordingly, I find that these goods would be similar to the opponent's goods although to a slightly lesser extent. I would pitch the degree of similarity as high (in relation to *parts and fittings* for goods which I found to be identical to the opponent's goods, i.e. *computer software, computer peripherals, computer hardware*) and medium (in relation to *parts and fittings* for goods which I found to be highly similar to the opponent's goods, i.e. *electronic data processing installations* and *computer network apparatus*). I therefore find that the applied for *parts and fittings for the aforesaid goods* are similar to a medium to high degree to the opponent's goods.

The average consumer and the nature of the purchasing act

33. As the case law above indicates, it is necessary for me to determine who the average consumer is for the goods at issue; I must then determine the manner in which these goods will be selected in the course of trade. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

34. The average consumer of the goods at issue is either a member of the general public or business customers. The goods are likely to be self-selected from the shelves of a shop or from a website. Accordingly, visual considerations are likely to dominate the selection process, although I do not discount aural considerations in the form, for example, of oral enquiries to sales assistants and orders by phone. Given the nature of the potentially expensive and infrequent IT related purchases involved, and taking into account the need to consider factors such as compatibility with existing devices, security, speed etc., the relevant public’s attention when selecting the goods will be, at least, above average.


Comparison of marks

35. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by them, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union (CJEU) stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

“.....it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

36. It would be wrong, therefore, artificially to dissect the marks, although, it is necessary to take into account their distinctive and dominant components and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

37. The marks to be compared are:

Earlier mark	Applied for mark
	SHOOT

Overall impression

38. The earlier mark is a figurative mark consisting of the word SHOOT written in a stylised font in the colour red with shades of black. The presentation of the mark gives the impression of the letters being projected; whilst not totally banal, this is far from remarkable and carries less weight than the word. It is, therefore, the word SHOOT that makes the greatest contribution to the distinctiveness of the earlier mark. The overall impression of the applied for mark is of the single word SHOOT.

Visual similarity

39. Whilst accepting that the marks share the same word element, the applicant submitted that the marks as wholes are not similar. In this connection, it states:

“If we follow the Court’s approach in (*Judgment of 24 November 2005, Case No T-3/04, KINJI by SPA, para 48*) it was held that ‘even in circumstances where two marks are composed of similar word elements that fact does not, by itself, support the conclusion that there is a visual similarity between the signs. The presence, in one of the signs, of figurative elements set out in a specific and original way can have the effect that the overall impression conveyed by each sign is different’. On our fact, the earlier mark has been

designed in an original manner which is described as 'red' and 'black'. The first letter 'S' appears larger and the size of the corresponding letters decreases until the last letter 'T'. This has the appearance of the mark moving farther away, it's a distinctive 3D word art effect. The culmination of the first two letters, 'S' and 'H' blending together, accompanied by the pixelated effect emphasizes the mark has some correlation to a fast speed. Accordingly, it is unlikely that the average consumer would confuse the marks. Hence, under the circumstances, when compared visually, the marks are not similar."

40. The word SHOOT in the respective marks is plainly identical. Further, the word SHOOT is the prominent feature of the earlier mark. The mark will be perceived as a SHOOT mark and whilst the stylisation (and colour) adds some distinctiveness, it does not create a different overall impression. While I would not go as far as saying, as the opponent argues, that normal and fair use of applicant's mark "necessarily include the form and style of presentation" of the earlier mark, the applied for mark is a word mark and could be presented in a font and in a colour similar to those of the earlier mark. In any event, the identity of the words in the respective marks inevitably introduces a degree of similarity between the marks as wholes. Although one can easily tell them apart when placed side by side, in my view, the marks are visually similar to a medium to high degree.

Aural similarity

41. The applicant accepts that the marks are aurally identical.

Conceptual similarity

42. Insofar as the conceptual similarity is concerned the applicant submits:

"Conceptually both the marks contain the word 'SHOOT' which has many meanings and interpretations. Firstly, the verb is to 'kill or wound (a person or animal) with a bullet or arrow. Secondly, 'SHOOT' means to 'move or cause to move suddenly and rapidly in a particular direction'. Thirdly, in sports,

‘SHOOT’ means to ‘kick, hit, or throw the ball or puck in an attempt to score a goal’. Fourthly, ‘SHOOT’ means to film or photograph. From our visual analysis, the earlier mark clearly intends to follow the second meaning, ‘*to move or cause to move suddenly and rapidly in a particular direction*’. The specific stylistic and 3D effect indicates that this holds true. If the earlier mark and the subject mark both take the second meaning of the mark, then they would be seen as conceptually similar. However, the subject mark is subject to the other meanings listed above. If this is the case the mark cannot be viewed as conceptually similar.”

43. While a dictionary word might have multiple meanings, the meaning usually depends on the context in which a word is used. I do not agree that the stylisation of the mark complements any specific meaning of the word SHOOT. In any event, even if it did (a submission which I do not accept) there is no reason why the average consumer would not attach the same meaning to the applied for mark. In my view the respective marks are conceptually identical.

Distinctive character of the earlier mark

44. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated at paragraphs 22 and 23 that:

“In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been

registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

45. The opponent did not claim that its mark is particularly distinctive by virtue of use or reputation. Accordingly, the assessment of the distinctiveness of the earlier mark will rest on its inherent distinctive character. The earlier mark has no meaning in relation to any of the goods at issue. Although the stylisation of the letters and the colours add some distinctiveness to it, the distinctiveness given by these elements will not increase the likelihood of confusion³ as they have no counterpart in the applied for mark. I consider that the earlier mark is of average distinctiveness.

Likelihood of confusion

46. In determining whether there is a likelihood of confusion, a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective marks may be offset by a greater degree of similarity between the respective goods and vice versa. I must also keep in mind the average consumer for the goods, the nature of the purchasing process and the fact that the average consumer rarely has the opportunity to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has retained in his mind.

47. There are two types of relevant confusion to consider: direct confusion (where one mark is mistaken for the other) and indirect confusion (where the respective similarities lead the consumer to believe that the respective goods and/or services come from the same or a related trade source). This distinction was summed up by

³ *Kurt Geiger v A-List Corporate Limited*, BL O-075-13

Mr Iain Purvis Q.C. sitting as the Appointed Person in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (“26 RED TESCO” would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).”

48. Given the medium to high degree of similarity between the marks, and the closeness of the goods provided, I find that there is a likelihood of confusion. As the marks create a similar overall impression, it is likely that the average consumer will imperfectly recollect one mark as being the other. Further, even if the average consumers is aware that the marks are different, he/she is likely to assume from the common use of the word SHOOT and the identity/similarity of the goods, that they come from the same (or related) trade source. There is a likelihood of confusion both direct and indirect.

CONCLUSION

50. The opposition succeeds. As the opposition under Section 5(2)(b) succeeds in its entirety, I do not need to consider the other grounds of opposition.

COSTS

51. As the opponent has been successful, it is entitled to a contribution towards its costs. Awards of costs in Fast Track opposition proceedings are governed by Tribunal Practice Notice (TPN) 2/2015. I award costs to the opponent on the following basis:

Preparing a statement and considering the other side's statement:	£200
Written submissions:	£200
Total:	£400

52. I order Shoot International Limited to pay Pedigree Group Limited the sum of £400 as a contribution towards its costs. This sum is to be paid within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case, if any appeal against this decision is unsuccessful.

Dated this 8th day of August 2017

Teresa Perks

For the Registrar

The Comptroller – General