

**O-700-19**

**TRADE MARKS ACT 1994  
IN THE MATTER OF  
TRADE MARK APPLICATION NO 3341203  
BY HUMAN HORIZONS HOLDINGS CO., LTD  
TO REGISTER**

**HUMAN HORIZONS**  
**HUMAN HORIZONS**  
**(SERIES OF 2)**

**AS A TRADE MARK  
IN CLASSES 18 & 25  
AND OPPOSITION THERETO (UNDER NO. 415178)  
BY  
LOUIS VUITTON MALLETIER**

## Background & Pleadings

1. Human Horizons Holdings Co., Ltd ('the applicant') applied to register the trade marks set out on the title page as a series of two marks on 26 September 2018. The marks were published in the Trade Mark Journal on 19 October 2018 in classes 9, 12, 18, 25, 36, 37, 39 and 42. As the opposition proceedings relate only to classes 18 and 25, the unopposed classes were divided into a separate application by means of a form TM12 dated 7 March 2019 and proceeded to registration. The goods at issue in the opposed classes 18 and 25 will be set out later in this decision.

2. Louis Vuitton Malletier ('the opponent') opposes the application under section 5(2)(b) of the Trade Marks Act 1994 ('the Act') on the basis of its UK trade mark outlined below. The goods will be set out later in this decision.

UK TM No. 3190220
<b>HORIZON</b>
Priority date: 12 April 2016 (France)
Filing date: 10 October 2016
Registration date: 17 March 2017

3. The opponent claims under section 5(2)(b) that the applicant's marks are similar to its earlier mark and are applied for in respect of identical or similar goods to those in the specification of the earlier mark. In consequence, it claims that there exists a likelihood of confusion.

4. The opponent's trade mark is an earlier mark, in accordance with section 6 of the Act but, as it had not been registered for five years or more at the filing date of the application, it is not subject to the proof of use requirements, as per section 6A of the Act.

5. The applicant filed a counterstatement in which it denied the ground of opposition.

6. During these proceedings both parties have been professionally represented throughout, the opponent by D.Young & Co LLP and the applicant by Stobbs.

7. The opponent filed evidence and submissions in lieu of a hearing and the applicant filed nothing beyond the counterstatement. I make this decision based on the material before me.

### **Opponent's evidence**

8. The opponent filed evidence to demonstrate an enhanced distinctive character. I have read and considered the evidence but do not intend to summarise it here. I will refer to the evidence later on this decision.

### **Section 5(2)(b)**

9. Section 5(2)(b) of the Act states as follows:

“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.

10. The leading authorities which guide me are from the Court of Justice of the European Union ('CJEU'): *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 will 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**

11. In the judgment of the Court of Justice of the European Union in *Canon*, Case C-39/97, the court stated at paragraph 23 of its judgment that:

“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”.

12. 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 uses of the respective goods or services;

(b) The respective users of the respective goods or services;

(c) The physical nature of the goods or acts of service;

(d) The respective trade channels through which the goods or services reach the market;

(e) 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;

(f) 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.

13. The following case law is also applicable in these proceedings.

14. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T-133/05, the General Court stated that:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM- Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark”.

15. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06, the General Court 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”.

16. In *Sanco SA v OHIM*, Case T-249/11, the General Court indicated that goods and services may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken* against *transport services for chickens*. The purpose

of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. 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.”

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.

17. In *Gitana SA, v OHIM*, Case T-569/11, the General Court stated that:

“45. Moreover, in respect of the relationship between the ‘goods in leather and imitations of leather’ in Class 18 covered by the trade mark sought and the goods in Class 25 covered by the earlier mark, it is apparent also from settled case-law that the ‘goods in leather and imitations of leather’ include clothing accessories such as ‘bags or wallets’ made from that raw material and which, as such, contribute, with clothing and other clothing goods, to the external image (‘look’) of the consumer concerned, that is to say coordination of its various components at the design stage or when they are purchased.

Furthermore, the fact that those goods are often sold in the same specialist sales outlets is likely to facilitate the perception by the relevant consumer of the close connections between them and support the impression that the same undertaking is responsible for the production of those goods. It follows that some consumers may perceive a close connection between clothing, footwear and headgear in Class 25 and certain ‘goods made of these materials [leather and imitations of leather] and not included in other classes’ in Class 18 which are clothing accessories. Consequently, clothing, shoes and headgear in Class 25 bear more than a slight degree of similarity to a

category of ‘goods made of these materials [leather and imitations of leather] and not included in other classes’ in Class 18 consisting of clothing accessories made of those materials (see, to that effect, *PiraÑAM diseño original Juan Bolaños*, paragraph 42 above, paragraphs 49 to 51; *exē*, paragraph 42 above, paragraph 32; and *GIORDANO*, paragraph 42 above, paragraphs 25 to 27).”

18. The goods to be compared are:

Opponent’s goods	Applicant’s goods
<p>18: Luggage; straps for luggage; straps for handbags; vanity cases, not fitted; leather cases; key cases of leather and skins; trunks and suitcases; small clutches [handbags]; pouches of leather; credit card holders [wallets]; business card holders; wallets; saddlebags; bags; rucksacks; handbags; wheeled bags; travelling bags; bags for sport; garment bags for travel; briefcases; travelling sets [leatherware].</p>	<p>18: Leather laces; Walking sticks; Backpacks; Travelling trunks; Key cases; Umbrellas; baggage tags; Tool bags, empty; Leather, unworked or semi-worked.</p>
	<p>25: Clothing; Headgear for wear; Gloves [clothing]; Sashes for wear; Scarfs; Girdles; Footwear; Hosiery; Neckties; Masquerade costumes.</p>

19. It is clear that the terms *Luggage* and *Bags* at large in the opponent’s specification will encompass *Backpacks; Travelling trunks; Tool bags, empty* in the applicant’s class 18 specification and are considered identical on the *Meric* principle.



20. In the same way *key cases of leather and skins* in the opponent's specification are identical to *Key cases* at large in the applicant's specification on the *Meric* principle.

21. Turning to the term *baggage tags*, the opponent contends in its written submissions that these goods "are similar to card holders and wallets in size and design". Whilst this may be the case, baggage tags do not have the same purpose as card holder and wallets. Each of these goods is a standalone item with its own purpose. However, I do find that *baggage tags* can be considered as highly complementary to *Luggage* to a low degree as there is a close connection between the two which may lead consumers to believe that the same undertaking is responsible for both products.

23. With regard to *leather laces, walking sticks* and *umbrellas* in the applicant's specification, the opponent states in its written submissions that,

"...leather laces, walking sticks and umbrellas are similar to the goods covered by the earlier registration as these goods are complementary to accessories including bags and wallets, all being "worn" by the user and are likely to share the same channels of distribution, appearing in retail outlets and on retail websites of the same nature"

Simply because users of leather laces, walking sticks and umbrellas may also be users of bags and wallets is not sufficient, by itself, for a finding of similarity. I accept that there may be some overlap in trade channels but again by itself that is not sufficient. These contested goods are not in competition and are not complementary as defined by the case law outlined above. None is indispensable or important for the use of the others in such a way that customers may think that the responsibility for these goods lies with the same undertaking as per the guidance set out in above in *Boston Scientific*. As such I do not find there to be a similarity.

23. Turning to the term *Leather, unworked or semi-worked* in the applicant's specification, the opponent contends in its written submissions that this term is "similar to the goods covered by the earlier registration as the goods are either made

of leather or could be made of leather”. I disagree with this contention as the raw material itself has a different nature and could have a number of uses beyond the goods claimed in the opponent’s specification. The likely users of the raw material are also likely to be different being craftsmen or manufacturers rather than the general public who would buy a finished article.

24. Lastly the opponent does not have a class 25 as part of its registration so there is no direct comparison. However, in the *Gitana* extract given above, *handbags* and *wallets* in class 18 can be considered as similar at least to a low degree to *clothing, footwear and headgear* in class 25, given that class 18 goods are frequently designed for use with class 25 goods to give the consumer a co-ordinated look. I consider this to be relevant here given the goods at issue in classes 18 and 25.

### **Average consumer and the purchasing process**

25. It is necessary to consider the role of the average consumer and how the goods are purchased. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer, Case C-342/97*.

26. 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.”

27. The average consumer for the contested goods is the general public. The goods will be sold in physical retail stores as well as online and/or through mail order. The act of purchasing clothing, bags and luggage etc will be a primarily visual process. For luggage and bags, factors such as aesthetics and functionality of a product will be most relevant and for clothing there will be additional considerations such as sizing and fit of a garment. In physical retail premises, the average consumer will be viewing and handling the goods. In an online website or mail order catalogue, a consumer will be viewing images of the goods before selection. Given that the price of the contested goods can vary between products, I conclude that an average consumer will be paying a medium degree of attention during the purchasing process. Although I have found the purchasing process to be primarily visual, I do not discount any aural consideration such as seeking advice from sales staff or from word of mouth recommendations.

### **Comparison of the marks**

28. 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 the marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union 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.”

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

30. The respective trade marks to be compared are:

Opponent's mark	Applicant's marks
HORIZON	<b>HUMAN HORIZONS</b> HUMAN HORIZONS

31. The opponent's mark consists of the word HORIZON in block capitals. There are no other aspects to the mark and as such the overall impression is based solely on this word.

32. The applicant's mark is a series of two marks both comprising the words HUMAN HORIZONS, the first mark being depicted using a standard sans-serif typeface and the second mark in a standard serif typeface with slightly wider spacing between the letters. Both words contribute equally to the overall impression of the mark and forms a conceptual unit with its own meaning. As the typefaces are commonplace and would not be considered as significant by the average consumer, there is no need to separate them for the purpose of comparison, so I shall refer to the applicant's mark as a single mark, being HUMAN HORIZONS.

33. In a visual comparison, both marks share the letters H-O-R-I-Z-O-N. This comprises the entirety of the opponent's mark whereas the applicant's mark uses the word in its plural form so involves an extra letter S as well as the additional word HUMAN. In its written submissions, the opponent contends that the marks are similar to a "high" degree because of the identical element HORIZON being "more visually striking owing to its length and distinctiveness". I disagree with the opponent that the HORIZON element is more visually striking due to length, especially as the applicant's mark is already longer by being made up of two elements and begins with the word HUMAN which is absent from the earlier mark. I believe it is also relevant to mention that as a general rule beginnings of words tend to have more visual and aural impact than the ends<sup>1</sup>. Overall, I find there is a medium degree of visual similarity.

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<sup>1</sup> *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

34. Aurally the mark share the letters H-O-R-I-Z-O-N which will be pronounced in the same way, i.e. as the word HORIZON. Clearly there is a slight aural difference for this element as the applicant's mark is a plural so will have an additional 'S' sound as well as the word HUMAN which is absent in the opponent's mark. Taking these factors into account I find there is only a medium degree of aural similarity.

35. Turning to the conceptual comparison, the opponent refers me to a number of dictionary definitions in annex 2 of its written submission for the words HUMAN and HORIZON. Moreover it states that,

“...the respective marks share the element HORIZON which will be understood to refer to the 'horizon', being where the earth's surface and the sky meet ... It is submitted that the addition of the word HUMAN does not serve to distinguish one mark from the other.”

36. I disagree with the opponent regarding the significance of the word HUMAN in the applicant's mark. In my view the addition of the word HUMAN serves to entirely change the concept of the later filed mark. Taking the extract from the Collins English Dictionary as an example (found on page 2 of Annex 2 provided by the opponent), there is a definition of HORIZON as stated above but there are other definitions including one relating to “the range or limit of scope, interest, knowledge etc”. This definition coupled with the qualifying adjective HUMAN will bring to mind the concept of a person's range of interest, knowledge or experience, especially as the applicant's mark contains the plural of the word, namely HORIZONS, which in my view fits this definition and rules out the “earth meeting the sky” meaning submitted by the opponent. Taking this factor into account, I find the marks are not conceptually similar.

### **Distinctiveness of the earlier mark**

37. The degree of distinctiveness of the earlier mark must be assessed. This is because the more distinctive the earlier mark, based either on inherent qualities or because of use made, the greater the likelihood of confusion. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

“22. 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).

23. 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).”

38. Evidence of enhanced distinctiveness has been filed in these proceedings. I have reviewed the evidence but find that it falls short of the criteria set out above in *Chiemsee*. The evidence demonstrates that the mark has been used only in relation to wheeled luggage. No use has been demonstrated on the other goods in class 18. No turnover figures nor advertising expenditure have been provided. Furthermore, no market share has been established for the mark. I note that there are a number of print adverts for the luggage goods. However, in several of the print advertisements, namely for Condè Nast Traveller September 2016 and Esquire September, October and November 2018 extracts, the mark HORIZON does not appear at all. On others, HORIZON appears in the bottom left corner with the strapline “The Spirit of Travel”. But in all the print advertisements and in the social media exhibits, the mark is always accompanied by a reference to LOUIS VUITTON.

Overall, I do not find this evidence sufficient for the opponent to claim enhanced distinctiveness for the mark HORIZON.

39. As no enhanced distinctiveness has been demonstrated, I need to consider the earlier mark's inherent distinctiveness. The mark consists of an ordinary dictionary word which does not describe the goods for which it is registered. I find it has a medium degree of inherent distinctive character.

### **Likelihood of confusion**

40. There is no scientific formula to apply in determining whether there is a likelihood of confusion. It is a global assessment where 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 trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. It is necessary for me to keep in mind the distinctive character of the opponent's mark, the average consumer and the nature of the purchasing process for the contested goods. In doing so, I must be aware that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

41. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related.

42. In *Whyte and Mackay Ltd v Origin Wine UK Ltd and Another* [2015] EWHC 1271 (Ch), Arnold J. considered the impact of the CJEU's judgment in *Bimbo*, Case C-591/12P, on the court's earlier judgment in *Medion v Thomson*. The judge said:

“18 The judgment in *Bimbo* confirms that the principle established in *Medion v Thomson* is not confined to the situation where the composite trade mark for which registration is sought contains an element which is identical to an earlier trade mark, but extends to the situation where the composite mark

contains an element which is similar to the earlier mark. More importantly for present purposes, it also confirms three other points.

19 The first is that the assessment of likelihood of confusion must be made by considering and comparing the respective marks — visually, aurally and conceptually — as a whole. In *Medion v Thomson* and subsequent case law, the Court of Justice has recognised that there are situations in which the average consumer, while perceiving a composite mark as a whole, will also perceive that it consists of two (or more) signs one (or more) of which has a distinctive significance which is independent of the significance of the whole, and thus may be confused as a result of the identity or similarity of that sign to the earlier mark.

20 The second point is that this principle can only apply in circumstances where the average consumer would perceive the relevant part of the composite mark to have distinctive significance independently of the whole. It does not apply where the average consumer would perceive the composite mark as a unit having a different meaning to the meanings of the separate components. That includes the situation where the meaning of one of the components is qualified by another component, as with a surname and a first name (e.g. BECKER and BARBARA BECKER).

21 The third point is that, even where an element of the composite mark which is identical or similar to the earlier trade mark has an independent distinctive role, it does not automatically follow that there is a likelihood of confusion. It remains necessary for the competent authority to carry out a global assessment taking into account all relevant factors.”

43. So far in this decision I have found that some of the contested goods are identical, some are similar to varying degrees and others complementary. I also found that the goods are primarily purchased visually, although I did not discount aural consideration, by the general public who will be paying a medium level of attention during the purchasing process. In addition, I have found that the earlier



mark has a medium level of inherent distinctiveness and that the contested marks are visually and aurally similar only to a medium degree. However, I found that the marks had different concepts, which in my view offsets the visual and aural similarities for the shared word HORIZON. I am guided in this conclusion by *The Picasso Estate v OHIM*, Case C-361/04 P, in which the CJEU found that:

“20. By stating in paragraph 56 of the judgment under appeal that, where the meaning of at least one of the two signs at issue is clear and specific so that it can be grasped immediately by the relevant public, the conceptual differences observed between those signs may counteract the visual and phonetic similarities between them, and by subsequently holding that that applies in the present case, the Court of First Instance did not in any way err in law.”

44. Based on the marks before me and taking into account the assessments I have made, I conclude that there is a no likelihood of either direct or indirect confusion. The most pertinent factor leading me to this conclusion as set out above in *Whyte and Mackay*, is that the applicant’s mark forms a single conceptual unit, the meaning of which is different to the concept of the opponent’s mark. Essentially the HORIZONS element of the applicant’s mark is qualified by the HUMAN element. In addition the average consumer will pay more attention to the first word in a mark. In this case I do not believe that an average consumer will mistake one mark for the other nor will they think that the goods come from the same economic undertaking given the conceptual differences between the marks.

## **Conclusion**

45. The opposition fails in its entirety under section 5(2)(b).

## **Costs**

46. As the applicant has been successful, it is entitled to a contribution towards the costs incurred in these proceedings. Notwithstanding this, I find it relevant to note that nothing further was received from the applicant beyond the counterstatement which I will take into account with regard to costs. Awards of costs are guided by Annex A of Tribunal Practice Notice (TPN) 2/2016. Using this guidance, I award the following costs:

£400 for consideration of the Notice of Opposition and preparing a counterstatement.  
£300 for consideration of evidence.

**£700 in total**

47. I order Louis Vuitton Malletier to pay Human Horizons Holdings Co., Ltd the sum of £700. This sum is to be paid within 21 days of the expiry of the appeal period or within 21 days of the final determination of this case if any appeal against this decision is unsuccessful.

**Dated this 19<sup>th</sup> day of November 2019**

**June Ralph  
For the Registrar,  
The Comptroller General**