

O/751/19

TRADE MARKS ACT 1994

IN THE MATTER OF REGISTRATION NO. UK00003061895

IN THE NAME OF MARICO LIMITED

FOR THE FOLLOWING TRADE MARK:

SAFFOLA

IN CLASSES 29, 30 AND 31

AND

AN APPLICATION FOR A DECLARATION OF INVALIDITY

UNDER NO. 500763 BY REGAL IMPEX LIMITED

BACKGROUND AND PLEADINGS

1. The trade mark **SAFFOLA** (registration no. 3061895) (“the Contested Mark”) stands registered in the name of Marico Limited (“the proprietor”). The application for the Contested Mark was filed on 27 June 2014 and was published on 25 July 2014. The registration procedure was completed on 10 October 2014 and the Contested Mark stands registered for the following goods:

Class 29 Oils and fats; edible oils and fats; cooking oils; butter and milk products; preserved, frozen, dried and cooked fruits and vegetables; prepared nuts, dried nuts.

Class 30 Processed oats; foodstuffs made from oats; grain and cereal products; processed wheat, corn and maize products; food mixtures consisting of cereal flakes and dried fruits; porridge; muesli; cereal and snack bars; rice; salt and salt for flavouring food; sauces (condiments); natural sweeteners.

Class 31 Cereals (unprocessed); grains not included in other classes; oats, seeds, wheat, grains (cereals), fresh corn, maize; fresh fruits and vegetables; foodstuff for animals.

2. On 16 February 2015, Regal Impex Limited (“the applicant”) applied to have the Contested Mark declared invalid under section 47 of the Trade Marks Act 1994 (“the Act”). The application is based upon sections 5(1) and 5(2)(a) of the Act. The applicant relies upon EUTM no. 12568739 for the trade mark **SAFFOLA**. The applicant’s mark was filed on 6 February 2014 and registered on 27 May 2014. The applicant relies on all goods for which its mark stands registered, namely:

Class 29 Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; tomatoes [preserved]; baked beans; eggs; milk and milk products; edible oils and fats; jellies, jams, compotes, fruit and vegetable spreads.

Class 30 Coffee, tea, cocoa and artificial coffee; Rice; Tapioca and sago; Cereals; Flour and preparations made from cereals; Bread, pastry and confectionery; Edible ices; Sugar, honey, treacle; Yeast, baking-powder; Salt; Mustard; Vinegar, sauces (condiments); Spices; Ice.

3. The applicant claims that the Contested Mark is identical to its own mark and that the parties' respective goods are identical or similar.

4. The proprietor filed a counterstatement, denying the grounds of invalidity.

5. These proceedings were suspended pending the outcome of an application for invalidity brought by the proprietor against the applicant before the EUIPO in relation to the EUTM relied upon by the applicant in these proceedings. The application for invalidity, which was based upon allegations of bad faith, was unsuccessful and these proceedings were resumed.

6. The applicant is represented by Graham Coles & Co. and the proprietor is represented by Marks & Clerk LLP. The applicant filed written submissions during the evidence rounds dated 26 July 2019. No evidence or submissions were filed by the proprietor. No hearing was requested, but both parties filed written submissions in lieu. This decision is taken following a careful perusal of the papers.

PRELIMINARY ISSUES

7. Firstly, in its written submissions in lieu, the proprietor states that its trade mark is a well-known mark in India and that, as the UK average consumer has a greater knowledge of Indian culture, cuisine and brands when compared to the rest of Europe, and has a significant proportion of the population who are of Indian ethnicity that this recognition of the mark will reduce or eliminate the likelihood of confusion. The proprietor has filed no evidence in these proceedings to support its claim to a reputation in India or to suggest that such a reputation would have any impact upon the UK average consumer. Consequently, these arguments are of no assistance to the proprietor.

8. For the avoidance of doubt, the proprietor's claim to have used the Contested Mark (albeit in other jurisdictions) prior to registration of the applicant's mark are not a defence in law to these proceedings. Tribunal Practice Notice 4/2009 explains this as follows:

"The position with regard to defences based on use of the trade mark under attack which precedes the date of use or registration of the attacker's mark.

4. The viability of such a defence was considered by Ms Anna Carboni, sitting as the appointed person in *Ion Associates Ltd v Philip Stainton and Another*, BL O-211-09. Ms Carboni rejected the defence as being wrong in law.

5. Users of the Intellectual Property Office are therefore reminded that defences to section 5(1) or (2) grounds based on the applicant for registration/registered proprietor owning another mark which is earlier still compared to the attacker's mark, or having used the trade mark before the attacker used or registered its mark are wrong in law. If the owner of the mark under attack has an earlier mark or right which could be used to oppose or invalidate the trade mark relied upon by the attacker, and the applicant for registration/registered proprietor wishes to invoke that earlier mark/right, the proper course is to oppose or apply to invalidate the attacker's mark."

9. Secondly, the proprietor makes reference in its counterstatement to the fact that it considers that the applicant's mark was filed in bad faith. As noted above, the proprietor subsequently filed invalidation proceedings on this basis before the EUIPO which have now been determined. As the applicant's mark remains registered and section 72 of the Act provides that registration shall be taken as prima facie evidence of the validity of a registered trade mark, the proprietor's allegations of bad faith have no relevance to these proceedings.

DECISION

10. Section 5 of the Act has application in invalidation proceedings because of the provisions set out in section 47. The relevant legislation is set out below:

“47. –[...]”

(2) The registration of a trade mark may be declared invalid on the ground-

(a) that there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or

(b) ...

unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.

(2A) But the registration of a trade mark may not be declared invalid on the ground that there is an earlier trade mark unless –

(a) the registration procedure for the earlier trade mark was completed within the period of five years ending with the date of the application for the declaration,

(b) the registration procedure for the earlier trade mark was not completed before that date, or

(c) the use conditions are met.”

11. As the applicant’s trade mark had not completed its registration process more than 5 years before the publication date of the application in issue in these proceedings, it is not subject to proof of use pursuant to the above provisions. The applicant can, therefore, rely upon all of the goods it has identified.

12. Section 5(1) of the Act reads as follows:

“5(1) A trade mark shall not be registered if it is identical with an earlier trademark and the goods or services for which the trade mark is applied for are

identical with the goods or services for which the earlier trade mark is protected.”

13. Section 5(2)(a) of the Act reads as follows:

“(2) A trade mark shall not be registered if because –

(a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the trade mark is protected

(b) [...]

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

14. Given the filing date of the applicant’s trade mark, it qualifies as an earlier trade mark pursuant to section 6 of the Act.

Identity of the marks

15. It is a prerequisite of both section 5(1) and section 5(2)(a) of the Act that the trade marks are identical.

16. In this case, the marks are both the word SAFFOLA. They are, self-evidently, identical.

Comparison of goods

17. The competing goods are as follows:

Applicant’s goods	Proprietor’s Goods
<u>Class 29</u>	<u>Class 29</u>

<p>Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; tomatoes [preserved]; baked beans; eggs; milk and milk products; edible oils and fats; jellies, jams, compotes, fruit and vegetable spreads.</p> <p><u>Class 30</u></p> <p>Coffee, tea, cocoa and artificial coffee; Rice; Tapioca and sago; Cereals; Flour and preparations made from cereals; Bread, pastry and confectionery; Edible ices; Sugar, honey, treacle; Yeast, baking-powder; Salt; Mustard; Vinegar, sauces (condiments); Spices; Ice.</p>	<p>Oils and fats; edible oils and fats; cooking oils; butter and milk products; preserved, frozen, dried and cooked fruits and vegetables; prepared nuts, dried nuts.</p> <p><u>Class 30</u></p> <p>Processed oats; foodstuffs made from oats; grain and cereal products; processed wheat, corn and maize products; food mixtures consisting of cereal flakes and dried fruits; porridge; muesli; cereal and snack bars; rice; salt and salt for flavouring food; sauces (condiments); natural sweeteners.</p> <p><u>Class 31</u></p> <p>Cereals (unprocessed); grains not included in other classes; oats, seeds, wheat, grains (cereals), fresh corn, maize; fresh fruits and vegetables; foodstuff for animals.</p>
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18. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account. 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 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.”

19. Guidance on this issue has also come from Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

(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.

20. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court (“GC”) 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 for 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.”

21. 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.”

22. 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.”

Class 29

23. The applicant states that the proprietor’s class 29 goods are identical with “preserved, frozen, dried and cooked fruits and vegetables”, “milk and milk products” and “edible oils and fats” in the applicant’s specification.

24. “Edible oils and fats” appears in both the proprietor’s specification and the applicant’s specification and are self-evidently identical.

25. “Edible oils and fats” in the applicant’s specification falls within the broader category of “oils and fats” in the proprietor’s specification. These goods can, therefore, be considered identical on the principle outlined in *Meric*.

26. “Cooking oils” in the proprietor’s specification falls within the broader category of “edible oils and fats” in the applicant’s specification. These goods can, therefore, be considered identical on the principle outlined in *Meric*.

27. As butter is, itself, a milk product I consider “butter and milk products” in the proprietor’s specification to be self-evidently or *Meric* identical to “milk and milk products” in the applicant’s specification.

28. “Preserved, frozen, dried and cooked fruits and vegetables” appears in both the proprietor’s specification and the applicant’s specification. These goods are self-evidently identical.

29. That leaves “prepared nuts” and “dried nuts” in the proprietor’s specification. The proprietor states that these goods are dissimilar to the applicant’s goods. It states that they are not covered by the applicant’s specification and “do not have the same nature, are produced in different ways, would be found in separate aisles/areas of the supermarket to the respective goods covered by the Applicant’s Mark, and are not in direct competition, beyond the fact that they are edible”.

30. Nuts are dried fruit that grow on particular trees and plants.¹ Consequently, “prepared nuts” and “dried nuts” in the proprietor’s specification fall within the broader category of “preserved, frozen, dried and cooked fruits and vegetables” in the applicant’s specification. These goods can, therefore, be considered identical on the principle outlined in *Meric*. Even if, notwithstanding the dictionary meaning, the average consumer would not understand nuts to be fruit and, therefore, do not consider them to be identical, there is still similarity. Dried or cooked vegetables (such as potatoes or raisins) are common snack products and are in direct competition with dried and prepared nuts. The method of use and nature of the goods are similar. There

¹ <https://dictionary.cambridge.org/dictionary/english/nut>

is overlap in user, use and trade channels. They are often sold in the same aisle of a supermarket, all being 'snack' products. Consequently, the goods will be highly similar.

Class 30

31. The applicant states that the proprietor's class 30 goods are identical with "rice", "cereals", "preparations made from cereals", "honey", "salt" and "sauces (condiments)" in its own specification. I have no substantive submissions from the proprietor regarding its class 30 goods.

32. Cereals are foods made from grain. Consequently, I consider "processed oats", "foodstuffs made from oats", "processed wheat, corn and maize products", "food mixtures consisting of cereal flakes and dried fruits", "porridge" and "muesli" in the proprietor's specification will fall within the broader categories of "cereals" and "preparations made from cereal" in the applicant's specification. These goods can, therefore, be considered identical on the principle outlined in *Meric*. If I am wrong in this finding, then these goods will all be in competition (being alternative breakfast foods). They will also overlap in use, user, method of use, nature and trade channels. They will also be sold in the same supermarket aisles. Consequently, the goods will be highly similar.

33. "Rice" and "cereals" in the applicant's specification are self-evidently or *Meric* identical to "grain and cereal products" in the proprietor's specification.

34. "Cereal and snack bars" in the proprietor's specification are snack products that are (or can be) made using cereal. In my view, they will fall within the broader category of "preparations made from cereals" in the applicant's specification. These goods can, therefore, be considered identical on the principle outlined in *Meric*. If I am wrong in this finding then there will be overlap in nature, use and user with "cereals" and "preparations made from cereals" in the applicant's specification. It is common for manufacturers of cereal to also produce cereal-based snack bars. The goods will differ in method of use as the former will be eaten in bowls with milk, whilst the latter will be eaten dry as an 'on-the-go' product. The goods will be similar to at least a medium degree.

35. “Rice” and “sauces (condiments)” appear in both the applicant’s specification and the proprietor’s specification. The goods are self-evidently identical.

36. “Salt and salt for flavouring food” in the proprietor’s specification is self-evidently or *Merit* identical to “salt” in the applicant’s specification.

37. “Honey” in the applicant’s specification is a natural product that is often added to food as an alternative sweetener to sugar or artificial sweeteners. It does, therefore, fall within the broader category of “natural sweeteners” in the proprietor’s specification. These goods can, therefore, be considered identical on the principle outlined in *Merit*.

Class 31

38. The applicant states that the proprietor’s class 31 goods are at least similar to its own goods as “they have the same users, are of the same nature, are made available via the same trade channels and/or are complementary to or compete with those goods”.

39. The cereals covered by the proprietor’s class 31 specification will be unprocessed. These will, therefore, not be identical to the applicant’s “cereals” in class 30 which will have had some degree of preparation by virtue of them being included in class 30 rather than 31. However, the fact that they are included in different classes does not prevent them from being similar. There will still be overlap in use and nature. I recognise that there may be different trade channels as undertakings that sell processed cereals do not often also sell the unprocessed form. The users will overlap. I consider “cereals (unprocessed)”, “oats”, “seeds”, “wheat” and “grains (cereals)” in the proprietor’s specification to be similar to “cereals” in the applicant’s specification to a low to medium degree.

40. “Grains not included in other classes” in the proprietor’s specification may cover grains such as quinoa (albeit unprocessed), which can be used as an alternative to rice. There will, therefore, be a degree of competition between these goods and “rice” in the applicant’s specification. The nature of the goods is similar and there may be overlap in use and user. I consider the goods to be similar to a low to medium degree.

41. The proprietor accepts that there is a low degree of similarity between “preserved, frozen, dried and cooked fruits and vegetables” in class 29 of the applicant’s specification and “fresh corn” and “fresh fruits and vegetables” in the proprietor’s specification. The applicant’s goods may be selected by the consumer as a longer-lasting alternative to fresh products. Consequently, there will be competition between these goods and “fresh corn, maize” and “fresh fruits and vegetables” in the proprietor’s specification. There will be overlap in use, user and nature. I consider the goods to be similar to a medium degree.

42. That leaves “foodstuffs for animals” in the proprietor’s specification. In this regard, the proprietor states:

“These goods do not have the same nature, would be found in different areas of the supermarket to the respective goods covered by the Applicant’s Mark, are not in direct competition, and have differing intended purposes and end users. Food products for animals cannot be deemed similar to food products marketed at humans”.

I recognise that certain cereals and meat products may also be food products for animals, as well as humans. However, the applicant’s cereal products are in class 30 only and its meat, fish and poultry products are in class 29 only, which specifically do not relate to animal foodstuffs. The goods will differ in use, method of use, user and trade channels. They will not be in competition and are not complementary within the meaning of the case law.² I consider the goods to be dissimilar. As section 5(1) requires identity of goods and section 5(2)(a) requires some degree of similarity between the goods to engage the test for likelihood of confusion³, the opposition must fail in respect of these goods which I have found to be dissimilar.

43. The opposition based upon section 5(1) succeeds in relation to the following goods which I have found to be identical to the applicant’s goods:

² *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06

³ *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

Class 29 Oils and fats; edible oils and fats; cooking oils; butter and milk products; preserved, frozen, dried and cooked fruits and vegetables; prepared nuts; dried nuts.

Class 30 Processed oats; foodstuffs made from oats; grain and cereal products; processed wheat, corn and maize products; food mixtures consisting of cereal flakes and dried fruits; porridge; muesli; cereal and snack bars; rice; salt and salt for flavouring food; sauces (condiments); natural sweeteners.

44. As the section 5(1) ground is only partially successful, and in the event that I am wrong in my finding that the goods are identical, I now turn to consider the section 5(2)(a) ground of invalidation.

Average consumer and the nature of the purchasing act

45. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods. I must then determine the manner in which the goods are likely to be selected by the average consumer. 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.”

46. The average consumer for the goods will be a member of the general public or business users. The goods are likely to be purchased reasonably frequently and are likely to be of relatively low cost. However, various factors will still be taken into

account during the purchasing process such as flavour, nutritional benefit and sugar content. Consequently, I consider that a medium degree of attention will be paid during the purchasing process for the goods.

47. The goods are most likely to be purchased by self-selection from the shelves of a retail outlet or an online equivalent. Consequently, visual considerations are likely to dominate the selection process. However, I do not discount that advice may be sought from a retail assistant and so aural considerations will also play a part.

Distinctive character of the earlier trade mark

48. 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-2779, 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).”

49. Registered trade marks possess varying degrees of inherent distinctive character ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

50. The applicant has filed no evidence to support a finding of enhanced distinctiveness. I have, therefore, only the inherent position to consider. The word SAFFOLA will be viewed by the average consumer as an invented word with no particular meaning. It has no allusive or descriptive qualities in relation to the goods. I consider the earlier mark to be inherently distinctive to a high degree.

Likelihood of confusion

51. 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. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, 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 or vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the applicant's trade mark, the average consumer for the goods and the nature of the purchasing process. In doing so, I must be alive to the fact 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.

52. I have found the marks to be identical. I have identified the average consumer to be a member of the general public who will select the goods primarily by visual means (although I do not discount an aural component). I have concluded that a medium degree of attention will be paid during the purchasing process for the goods. I have found the earlier mark to have a high degree of inherent distinctive character. I have

found the goods to vary from similar to a low to medium degree to identical (except where I have found them to be dissimilar).

53. Taking all of the above factors into account, in particular the fact that the marks are identical and the applicant's mark has a high degree of inherent distinctive character, I consider that there is a likelihood of direct confusion. Bearing in mind the interdependency principle, I consider that this will be the case even where goods are only similar to a low degree.

CONCLUSION

54. The application for invalidity succeeds and the Contested Mark is hereby declared invalid in respect of the following goods:

Class 29 Oils and fats; edible oils and fats; cooking oils; butter and milk products; preserved, frozen, dried and cooked fruits and vegetables; prepared nuts, dried nuts.

Class 30 Processed oats; foodstuffs made from oats; grain and cereal products; processed wheat, corn and maize products; food mixtures consisting of cereal flakes and dried fruits; porridge; muesli; cereal and snack bars; rice; salt and salt for flavouring food; sauces (condiments); natural sweeteners.

Class 31 Cereals (unprocessed); grains not included in other classes; oats, seeds, wheat, grains (cereals), fresh corn, maize; fresh fruits and vegetables.

55. Under section 47(6) of the Act, the registration is deemed never to have been made in respect of these goods.

56. The application for invalidity fails in respect of the following goods for which the Contested Mark shall remain registered:

COSTS

57. The applicant has enjoyed the greater degree of success and is, therefore, entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the applicant the sum of **£700** as a contribution towards the costs of proceedings. The sum is calculated as follows:

Preparing a statement and considering the proprietor's statement	£200
Preparing written submissions during the evidence rounds and written submissions in lieu of a hearing	£400
Official fee	£100
Total	£700

58. I therefore order Marico Limited to pay Regal Impex Limited the sum of £700. This sum should be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 9th day of December 2019

S WILSON
For the Registrar