O/0013/26

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK REGISTRATION UK00003921561

IN THE NAME OF GY GLOBAL LTD

AND

APPLICATION 507278

BY TOPICALS RX, INC.

FOR A DECLARATION THAT THE AFORESAID REGISTRATION IS INVALID

Background and Pleadings

1. Trade Mark UK00003921561 ('the Contested Mark') stands registered in the name of GY Global LTD, the Registered Proprietor ('the RP'). Details of the Contested Mark are as follows:

TOPICALS

Filing date: 12 June 2023

Date of entry in register: 1 September 2023

Registered for the following goods:

Class 3: *Anti-ageing serum; Skin relief serum [cosmetic]; Skin cleansing cream [non-medicated]; Skin cleansing lotion; Skin cleansing cream; Cleansing creams; Skin moisturizer; Cleansing cream; Skin lightening creams; Skin lotion; Cleansing oil.*

2. On 24 April 2024, Topicals RX, Inc., the Cancellation Applicant ('the CA') applied to invalidate the Contested Mark, pursuant to sections 47(1), 3(1)(b) and 3(1)(c) of the Trade Marks Act 1994 ('the Act').[1]

3. The CA's pleadings for its claims under sections 3(1)(b) and 3(1)(c) are the same, namely:[2]

> 'The [contested] mark consists exclusively of a sign which may serve in trade to designate the kind of the goods, e.g. a range of topical skin care preparations or products.'

4. The RP filed a Defence and Counterstatement, from which I note the following:

[1] The initial pleading also included claims pursuant to sections 5(4)(a) and 3(6) of the Act. These grounds of claim were subsequently withdrawn by the CA. The invalidation action, therefore, proceeds on the basis of sections 47(1), 3(1)(b) and 3(1)(c) of the Act only.

[2] The CA's Form TM26(I) Application to declare invalid a registration or a protected International trade mark (UK), Section D.

‘We can demonstrate that objections made under […] Section 3 […] are not realistic’.

5. The CA is represented by Marks & Clerk LLP. The RP represents itself. Only the CA filed evidence; in addition to which, it filed written submissions. The RP filed written submissions in reply. A hearing was neither requested nor considered necessary. Only the CA filed written submissions in lieu of a hearing. The following decision has been made after careful consideration of the papers available to me.

RELEVANCE OF EU LAW

6. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK’s withdrawal from the EU.

EVIDENCE AND SUBMISSIONS

7. The CA’s evidence comes from:

   i) Matthew Parr, of the CA’s representative. Mr Parr’s Witness Statement is dated 9 October 2024. Initially, there were two exhibits; only one of which has been admitted into the proceedings: MP2.

   and

   ii) Sochima Mbadugha, Vice President of Strategy and Business Operations of the CA. Ms Mbadugha’s Witness Statement is dated 11 October 2024, and accompanied by two exhibits: OM1 to OM2.

8. It is appropriate to note that the CA’s evidence, and the parties’ earlier submissions, were filed prior to the CA’s withdrawal of its allegations pursuant to sections 5(4)(a)

and 3(6) of the Act. Most of the material appears to be relevant to the now-withdrawn grounds.

9. The CA's written submissions in lieu of a hearing are dated 18 June 2025.

10. I will not summarise the parties' evidence/submissions here. However, I confirm that I have read them and will refer to them in my decision to the extent that they are relevant.

DECISION

The relevant legislation

11. Section 47 of the Act states as follows:

> '47. (1) The registration of a trade mark may be declared invalid on the ground that the trade mark was registered in breach of section 3 or any of the provisions referred to in that section (absolute grounds for refusal of registration).
>
> Where the trade mark was registered in breach of subsection (1)(b), (c) or (d) of that section, it shall not be declared invalid if, in consequence of the use that has been made of it, it has after registration acquired a distinctive character in relation to the goods or services for which it is registered.
>
> […]
>
> (5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.
>
> […]
>
> (6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made:
> Provided that this shall not affect transactions past and closed.'

12. Section 3 of the Act states as follows:

   '3(1) The following shall not be registered-

   […]

   (b) trade marks which are devoid of distinctive character,

   (c) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods [or of rendering of services], or other characteristics of goods [or services].

   [my parentheses added]

   […]

13. A declaration of invalidity is akin to declaring that the Contested Mark should not have been registered in the first place. The relevant date under sections 3(1)(b) and 3(1)(c) is, therefore, the date of filing of the Contested Mark, i.e. 12 June 2023.

14. The position under the aforesaid grounds must be assessed from the perspective of the average consumer, who is deemed to be reasonably well-informed, observant and circumspect.[3] The average consumer will depend on the particular goods concerned. The instant case concerns skin care products. I consider the average consumer to include both the general public and professional customers in the business of providing skincare/beauty treatments (e.g. salons and spas). Factors influencing the purchasing act might include, inter alia: the active ingredients in the products. To my mind, the prospective customer would likely pay at least an average level of attention during the purchasing process.

15. I bear in mind that the grounds under section 3 of the Act operate independently of one another and call for separate examination.[4] There is nevertheless some interplay between them. For example, a word mark which is descriptive of characteristics of goods/services and, therefore, falls foul of section 3(1)(c) of the Act, will necessarily be devoid of any distinctive character and, therefore, also fall

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[3] *Matratzen Concord AG v Hukla Germany SA,* [2006] E.T.M.R., at [24].

[4] *Postkantoor,* [2006] Ch.1, at [67].

foul of section 3(1)(b) of the Act.[5] However, because descriptiveness is not the only condition that can render a mark devoid of distinctive character, a mark may fall foul of section 3(1)(b) without also falling foul of section 3(1)(c).[6] In short, section 3(1)(c) deals with a particular situation, whereas section 3(1)(b) might be said to be a general 'sweep up' provision.[7] I will, therefore, address the section 3(1)(c) ground first, before proceeding to consider the section 3(1)(b) ground.

Section 3(1)(c)

16. Put simply, section 3(1)(c) prevents the registration of marks which are descriptive of goods (or services) or characteristics of them.

17. The case law under section 3(1)(c) was set out by Arnold J. in *Starbucks (HK) Ltd v British Sky Broadcasting Group Plc* [2012] EWHC 3074 (Ch) as follows:

> '91. The principles to be applied under Article 7(1)(c) of the CTM Regulation were conveniently summarised by the Court of Justice of the European Union ('the CJEU') in Case C-51/10P *Agencja Wydawnicza Technopol sp. z o.o. v OHIM* [2011] ECR I-0000, [2011] ETMR 34 as follows:
>
> > "33. A sign which, in relation to the goods or services for which its registration as a mark is applied for, has descriptive character for the purposes of Article 7(1)(c) of Regulation No 40/94 is – save where Article 7(3) applies – devoid of any distinctive character as regards those goods or services (as regards Article 3 of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L 40 , p. 1), see, by analogy, Case C-265/00 *Campina Melkunie* [2004] ECR I-1699, paragraph 19; as regards Article 7 of Regulation No 40/94 , see Case C-191/01 P *OHIM v Wrigley* [2003] ECR I-12447, paragraph 30, and the

[5] *Postkantoor,* [2006] Ch.1, at [86].
[6] As above, at [87].
[7] *Kerly's Law of Trade Marks and Trade Names,* 17th Ed., at [10-064].

order in Case C-150/02 P *Streamserve v OHIM* [2004] ECR I-1461, paragraph 24).

36. … due account must be taken of the objective pursued by Article 7(1)(c) of Regulation No 40/94 . Each of the grounds for refusal listed in Article 7(1) must be interpreted in the light of the general interest underlying it (see, *inter alia*, Joined Cases C-456/01 P and C-457/01 P *Henkel v OHIM* [2004] ECR I-5089, paragraph 45, and Case C-48/09 P *Lego Juris v OHIM* [2010] ECR I-0000, paragraph 43).

37. The general interest underlying Article 7(1)(c) of Regulation No 40/94 is that of ensuring that descriptive signs relating to one or more characteristics of the goods or services in respect of which registration as a mark is sought may be freely used by all traders offering such goods or services (see, to that effect, *OHIM v Wrigley*, paragraph 31 and the case-law cited).

38. With a view to ensuring that that objective of free use is fully met, the Court has stated that, in order for OHIM to refuse to register a sign on the basis of Article 7(1)(c) of Regulation No 40/94, it is not necessary that the sign in question actually be in use at the time of the application for registration in a way that is descriptive. It is sufficient that the sign could be used for such purposes (*OHIM v Wrigley*, paragraph 32; *Campina Melkunie*, paragraph 38; and the order of 5 February 2010 in Case C-80/09 P *Mergel and Others v OHIM*, paragraph 37).

39. By the same token, the Court has stated that the application of that ground for refusal does not depend on there being a real, current or serious need to leave a sign or indication free and that it is therefore of no relevance to know the number of competitors who have an interest, or who might have an interest, in using the sign in question (Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee* [1999] ECR I-2779, paragraph 35, and Case C-363/99 *Koninklijke KPN Nederland* [2004] ECR I-1619, paragraph 58). It is, furthermore, irrelevant whether

there are other, more usual, signs than that at issue for designating the same characteristics of the goods or services referred to in the application for registration (*Koninklijke KPN Nederland*, paragraph 57).

…

46. As was pointed out in paragraph 33 above, the descriptive signs referred to in Article 7(1)(c) of Regulation No 40/94 are also devoid of any distinctive character for the purposes of Article 7(1)(b) of that regulation. Conversely, a sign may be devoid of distinctive character for the purposes of Article 7(1)(b) for reasons other than the fact that it may be descriptive (see, with regard to the identical provision laid down in Article 3 of Directive 89/10, *Koninklijke KPN Nederland*, paragraph 86, and *Campina Melkunie*, paragraph 19).

47. There is therefore a measure of overlap between the scope of Article 7(1)(b) of Regulation No 40/94 and the scope of Article 7(1)(c) of that regulation (see, by analogy, *Koninklijke KPN Nederland*, paragraph 67), Article 7(1)(b) being distinguished from Article 7(1)(c) in that it covers all the circumstances in which a sign is not capable of distinguishing the goods or services of one undertaking from those of other undertakings.

48. In those circumstances, it is important for the correct application of Article 7(1) of Regulation No 40/94 to ensure that the ground for refusal set out in Article 7(1)(c) of that regulation duly continues to be applied only to the situations specifically covered by that ground for refusal.

49. The situations specifically covered by Article 7(1)(c) of Regulation No 40/94 are those in which the sign in respect of which registration as a mark is sought is capable of designating a 'characteristic' of the goods or services referred to in the application. By using, in Article 7(1)(c) of Regulation No 40/94, the terms 'the kind, quality, quantity, intended

purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service', the legislature made it clear, first, that the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service must all be regarded as characteristics of goods or services and, secondly, that that list is not exhaustive, since any other characteristics of goods or services may also be taken into account.

50. The fact that the legislature chose to use the word 'characteristic' highlights the fact that the signs referred to in Article 7(1)(c) of Regulation No 40/94 are merely those which serve to designate a property, easily recognisable by the relevant class of persons, of the goods or the services in respect of which registration is sought. As the Court has pointed out, a sign can be refused registration on the basis of Article 7(1)(c) of Regulation No 40/94 only if it is reasonable to believe that it will actually be recognised by the relevant class of persons as a description of one of those characteristics (see, by analogy, as regards the identical provision laid down in Article 3 of Directive 89/10, *Windsurfing Chiemsee*, paragraph 31, and *Koninklijke KPN Nederland*, paragraph 56)."

92. In addition, a sign is caught by the exclusion from registration in Article 7(1)(c) if at least one of its possible meanings designates a characteristic of the goods or services concerned: see Case C-191/01 P *OHIM v Wm Wrigley Jr Co* [2003] ECR I-12447 at [32] and Case C-363/99 *Koninklijke KPN Nederland NV v Benelux-Merkenbureau* [2004] ECR I-1619 at [97].'

18. I also note the following guidance from the key 'Practitioner' text, Kerly's Law of Trade Marks and Trade Names:[8]

[8] 17th Ed., at [10-016].

‘Although these grounds are “absolute”, this does not mean that the sign in question is considered in a vacuum. Far from it. The tribunal must ensure that it is sufficiently educated about the relevant trade so that it is able properly to assess applicable grounds. This is obvious in the case of s.3(1)(d) of the 1994 Act, but no less important in assessing the grounds in ss. (1)(c), (2) and (3). […].’

19. The CA makes two main points in its written submissions, which can be summarised as follows:

i. On 7 December 2023, the CA itself filed an application to register the following mark:[9]

UK00003988876 TOPICALS (word mark) Filing date: 7 December 2023 Examination date: 7 December 2023 The application was withdrawn on 12 February 2025 Registration was sought for the following goods: Class 3: *Non-medicated skin care creams and lotions; non-medicated skin care preparations; non-medicated skin care preparations, namely, skin and facial lotions and moisturizers, skin and facial cleansers, facial masks, after-shave gel and aftershave lotions, and lip balms; skin care products, namely, non-medicated skin serum.* Class 5: *Medicated skin care preparations.*

[9] CA’s written submissions in lieu of a hearing, [4] and [5].

The CA submits that this previous application was, upon examination, found to be contrary to sections 3(1)(b) and 3(1)(c) of the Act for the reason that 'topicals' is a term used in the trade to describe topical skincare preparations.[10] The CA argues that the same standard should have been applied to the RP's Contested Mark.[11]

ii. The CA submits that 'TOPICALS' is derived from the word 'topical', defined by Collins Dictionary as '(of a drug, ointment, etc) for application to the body surface; local'.[12] It is argued that, in the context of Class 3 goods, the plural 'topicals' designates a category of products that are applied topically.[13] The CA submits that the term 'topicals' is, therefore, descriptive of the nature or kind of goods; and that the relevant consumer will perceive the mark as indicating the type of product – i.e. a category of skin creams and preparations applied to the surface of the skin.[14]

20. The RP has submitted the following under the heading 'Distinctiveness and Legitimate Use':[15]

> 'The marks "TOPICALS" was adopted by [the RP] in good faith, and has been used in the UK in connection with our commercial activities, specifically in the cosmetic and wellness sector. The term is inherently capable of distinguishing our goods in the marketplace, and our use of the mark has not been designed to take unfair advantage of or cause confusion with any prior brand'.
>
> [my underlining added]

21. Whilst I appreciate that the RP's written submissions were filed prior to the CA's withdrawal of its claims pursuant to sections 5(4)(a) and 3(6) of the Act, it is appropriate, at this point, to clarify that these proceedings concern absolute

[10] CA's written submissions in lieu of a hearing, [16].
[11] As above, [15] and [16].
[12] CA's written submissions in lieu of a hearing, [12].
[13] As above.
[14] CA's written submissions in lieu of a hearing, [12].
[15] RP's written submissions filed during the evidence round, [2].

grounds. It is, therefore, neither necessary nor appropriate for me to consider the instant invalidation action by reference to any other trade mark rights.

22. The Contested Mark comprises the single word element 'TOPICALS'. The typeface is fairly plain, albeit heavily emboldened.

23. Aside from the definition of 'topical' provided in the Collins Dictionary, I note that the Cambridge Dictionary includes the following entry for the word:[16]

> 'topical *adjective* (MEDICINE)
> A topical medical product is used on the outside of the body:
> - *This lotion is for topical application only.*'

24. Further, I note the following entry in the Encyclopaedia Britannica:

> '2 *medical*: made to be put on the skin
> - *topical* lotions/creams
> - a *topical* drug/treatment
>
> - **topically** […] *adverb*
> - Apply the medicine *topically*'.
>
> [original emphasis]

25. It is clear that one of the meanings of the word 'topical' relates to the manner in which a preparation is applied, i.e. to the surface of the face or body, as opposed to being ingested or otherwise applied internally. The goods in respect of which the Contested Mark stands registered are, variously, serums, creams, moisturisers, lotions and oils, i.e. skin care preparations applied to the skin. To my mind, the word 'topical' is most often associated with medicines or medicated preparations applied to the surface of the body, to distinguish them from medication administered orally, or otherwise internally, or intravenously. For example, in my experience as an ordinary member of the public, ointments sometimes have the

[16] Cambridge Dictionary (online version), accessed 7 January 2026, at 11:58 GMT.

words ‘for topical use only’. In my view, the word ‘topical’ is, perhaps, less readily used to refer to skin care preparations in the way of ‘ordinary’ cosmetics and toiletries, particularly those that are unmedicated. For example, a moisturising cream or lotion is, by its nature, applied to the surface of the skin. I am not aware of any method of applying moisturising lotion other than ‘topically’. Strictly speaking, therefore, to label a moisturising lotion as a ‘topical’ is a pleonasm akin to describing a foodstuff as an ‘edible’, i.e. the ‘topical’ description is redundant because it states the obvious. However, this ‘redundancy’ does not diminish the fact that the RP’s goods are, as a matter of fact, applied ‘topically’. Further, I remind myself of the <u>prospective</u> effect of section 3(1)(c): to ensure that a descriptive term which <u>could potentially</u> be used by traders remains free for them to use. It is, therefore, not necessary that a term is currently being used descriptively for it to contravene section 3(1)(c) of the Act.

26. It is my view that many average consumers, in the context of the goods at stake, would perceive the word ‘topicals’, being a pluralisation of the word ‘topical’, as describing skincare products that are applied to the surface of the face or body, i.e. applied ‘topically’. I find that ‘Topicals’ will immediately be seen as frankly informative, requiring no mental analysis on the part of the average consumer. I consider this to be the case irrespective of whether the goods are ‘medicated’.

27. I consider the stylisation of the mark, by way of the heavily emboldened presentation of the word ‘TOPICALS’, to be so mild that it does nothing to diminish the descriptiveness of the word.

28. In the light of the foregoing, I find the Contested Mark to consist exclusively of a sign which may serve, in trade, to designate the kind, or a characteristic, of the goods in respect of which it stands registered. I find this to be the case for the registered specification in its entirety.

29. A finding that a mark is wholly descriptive necessarily entails a finding that the mark is devoid of distinctive character pursuant to section 3(1)(b) of the Act. For completeness, the section 3(1)(b) claim is addressed below.

Section 3(1)(b)

30. Section 3(1)(b) of the Act prevents the registration of marks which are devoid of distinctive character. The case law under section 3(1)(b) was set out by Arnold J. in *Starbucks (HK) Ltd v British Sky Broadcasting Group Plc* [2012] EWHC 3074 (Ch) as follows:

> ‘90. The principles to be applied under Article 7(1)(b) of the CTM Regulation were conveniently summarised by the CJEU in Case C-265/09 P *OHIM v BORCO-Marken-Import Matthiesen GmbH & Co KG* [2010] ECR I-8265 as follows:
>
>> “29. … the fact that a sign is, in general, capable of constituting a trade mark does not mean that the sign necessarily has distinctive character for the purposes of Article 7(1)(b) of the regulation in relation to a specific product or service (Joined Cases C-456/01 P and C-457/01 P *Henkel v. OHIM* [2004] ECR I-5089, paragraph 32).
>>
>> 30. Under that provision, marks which are devoid of any distinctive character are not to be registered.
>>
>> 31. According to settled case-law, for a trade mark to possess distinctive character for the purposes of that provision, it must serve to identify the product in respect of which registration is applied for as originating from a particular undertaking, and thus to distinguish that product from those of other undertakings (*Henkel v. OHIM*, paragraph 34; Case C-304/06 P *Eurohypo v. OHIM* [2008] ECR I-3297, paragraph 66; and Case C-398/08 P *Audi v. OHIM* [2010] ECR I-0000, paragraph 33).
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>> 32. It is settled case-law that that distinctive character must be assessed, first, by reference to the goods or services in respect of which registration has been applied for and, second, by reference to the perception of them by the relevant public (*Storck v. OHIM*, paragraph 25; *Henkel v. OHIM*, paragraph 35; and *Eurohypo v. OHIM*, paragraph 67). Furthermore, the Court has held, as OHIM points out in its appeal, that that method of

assessment is also applicable to an analysis of the distinctive character of signs consisting solely of a colour per se, three-dimensional marks and slogans (see, to that effect, respectively, Case C-447/02 P *KWS Saat v. OHIM* [2004] ECR I-10107, paragraph 78; *Storck v. OHIM*, paragraph 26; and *Audi v. OHIM*, paragraphs 35 and 36).

33. However, while the criteria for the assessment of distinctive character are the same for different categories of marks, it may be that, for the purposes of applying those criteria, the relevant public's perception is not necessarily the same in relation to each of those categories and it could therefore prove more difficult to establish distinctiveness in relation to marks of certain categories as compared with marks of other categories (see Joined Cases C-473/01 P and C-474/01 P and C-474/01 P *Procter & Gamble v. OHIM* [2004] ECR I-5173, paragraph 36; Case C-64/02 P *OHIM v. Erpo Möbelwerk* [2004] ECR I-10031, paragraph 34; *Henkel v. OHIM*, paragraphs 36 and 38; and *Audi v. OHIM*, paragraph 37).

34. In that regard, the Court has already stated that difficulties in establishing distinctiveness which may be associated with certain categories of marks because of their very nature – difficulties which it is legitimate to take into account – do not justify laying down specific criteria supplementing or derogating from application of the criterion of distinctiveness as interpreted in the case-law (see *OHIM v. Erpo Möbelwerk*, paragraph 36, and *Audi v. OHIM*, paragraph 38).

…

37. … it should be pointed out that, even though it is apparent from the case-law cited that the Court has recognised that there are certain categories of signs which are less likely prima facie to have distinctive character initially, the Court, nevertheless, has not exempted the trade mark authorities from having to carry out an examination of their distinctive character based on the facts.

…

45. As is clear from the case-law of the Court, the examination of trade mark applications must not be minimal, but must be stringent and full, in order to prevent trade marks from being improperly registered and, for reasons of legal certainty and good administration, to ensure that trade marks whose use could be successfully challenged before the courts are not registered (see, to that effect, *Libertel*, paragraph 59, and *OHIM v. Erpo Möbelwerk*, paragraph 45)."'

31. Even if I am wrong in my finding under section 3(1)(c), my view is that the Contested Mark would also be excluded from registration in respect of the goods concerned under section 3(1)(b). I bear in mind that a mark does not have to be universally distinctive in order to be registrable; and that it is sufficient for it to be distinctive according to the perceptions of a significant proportion of the relevant public: *Koninklijke Philips Electronics NV v Remington Consumer Products Ltd* (C-299/99), at [59] – [61].[17] Whilst I acknowledge that it is possible that some average consumers might not appreciate that 'topical' denotes the application of a preparation to the surface of the face/body, these would unlikely be significant in number. My view is that the Contested Mark is not capable of functioning as a badge of origin for the goods concerned. I find that the word 'Topicals' would be seen as merely informative: an origin-neutral indication that the goods are such that their method of use is by way of direct application to the skin on the surface of the face or body.

Acquired Distinctiveness

32. The proviso in Section 3 of the Act enables a mark to be registrable if, before the date of application for registration (in the instant case, 12 June 2023), it has in fact acquired a distinctive character as a result of the use that has been made of it. In the absence of any evidence from the RP, I am unable to make a finding that the Contested Mark has any acquired distinctiveness.

[17] Also known as: *Philips Electronics NV v Remington Consumer Products Ltd.*

CONCLUSION

33. The application for invalidation has succeeded in its entirety. Subject to any appeal, the Contested Mark, UK00003921561, will be declared invalid from the date of its registration, 15 September 2023.

COSTS

34. The CA has been wholly successful and is entitled to a contribution to its costs based upon the scale published in Tribunal Practice Notice 1/2023, calculated as follows:

Official filing fee for invalidation application:	£200
Preparing statement and considering the RP's statement:	£250
Submissions in lieu of a hearing:	£350
Total:	**£800**

35. I, therefore, order GY Global LTD to pay to Topicals RX, Inc. the sum of £800. This sum is to be paid within twenty-one days of the expiry of the appeal period or within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 13th day of January 2026

N. R. Morris
For the Registrar,
the Comptroller-General