

O/0322/26

TRADE MARKS ACT 1994

**IN THE MATTER OF TRADE MARK APPLICATION
NO. 4267643
BY DELTAFLARE LIMITED
TO REGISTER THE TRADE MARKS:**

(Series of two)



IN CLASSES 9 AND 42

AND

**THE NOTICE OF OPPOSITION THERETO
UNDER NO. OP600003854
BY SECURITY PHOENIX LTD**

Background

1. On 22 September 2025, DELTAFLARE LIMITED (“the applicant”) applied to register the series of two marks shown on the cover page of this decision, in the United Kingdom. The application was accepted and published in the Trade Marks Journal for opposition purposes on 24 October 2025 in respect of goods and services in Classes 9 and 42.
2. On 27 October 2025, Security Phoenix Ltd (“the opponent”) filed a Form TM7F to oppose the application using the Fast Track provisions.

Timeline of the subsequent events

3. The Tribunal in its official letter dated 29 October 2025 informed the opponent about a discrepancy in the opponent’s recorded name as follows:

“What you need to do

The recorded owner of earlier trade mark number UK00003943811 is Appsec Phoenix Ltd.

An opposition based on Section 5 of the Trade Marks Act 1994 can only be made by the owner of an earlier mark. As the opposition has been filed by Security Phoenix Ltd, the opponent’s details do not match those of the recorded owner.

Before the opposition can be allowed to proceed to the next stage in respect of those grounds based on Section 5, we will require written confirmation that the opponent is the owner of the earlier mark. You need to provide a brief explanation as to why there is a difference between the relevant details.”

4. The opponent explained in its correspondence dated 29 October 2025 that it had rebranded from “Appsec Phoenix Ltd” to “Security Phoenix Ltd”, and it provided a link to its Companies House record in support.
5. Following the opponent’s correspondence, the Tribunal issued an official letter on 10 November 2025 requesting that it file a Form TM21A to change the name of the proprietor for the earlier right relied upon, being UK00003943811. The letter also set out further deficiencies in the Form TM7F under the following headings: “Registration date of your trade mark”; “Grounds under Section 5(2)(a)”; and “Goods and services being opposed”. The Tribunal requested that the opponent file an amended form TM7F to address the deficiencies by 24 November 2025.
6. An amended Form TM7F was received on 10 November 2025. The form remained deficient, and the Tribunal wrote to the opponent again, on 14 November 2025, detailing these deficiencies and concluding its letter as follows:

“Please note, parties in Tribunal proceedings are given a limited number of attempts to amend their forms. Should you continue to not amend the form correctly, the Tribunal may strike out the opposition in its entirety.”

7. A further amended Form TM7F was subsequently received on 17 November 2025. With its amended Form TM7F, the opponent addressed the issue in relation to the registration date of the earlier mark. However, the form continued to be deficient in respect of the questions relating to the ground of the opposition, namely under Section 5(2)(a), and the opposed goods in the application. In relation to the latter, the opponent ticked the box in Q15 “All goods and services” and had listed terms that were not listed in the applicant’s specification as such, as well as provided wording in the following terms:

“Software Security, Cybersecurity, SBOM

The trademark refer to cybersecurity and software service with significant overlap to the services offered by phoenix security” (sic)

8. In light of the above, the Tribunal’s letter dated 23 November 2025 highlighted the following:

“We have considered the amended Form TM7F and fast track statement of grounds filed on 17 November 2025. Whilst it is noted that the opponent has now listed the correct registration date of the earlier right, the opponent has again, failed to address the other issues raised on the previous official letters of 10 November 2025 and 14 November 2025.

Failure to amend the Form TM7F accordingly may result in the Tribunal striking out your opposition.

[...]

When this needs to be done

You should file an amended Form TM7F and fast track statement of grounds on or before **01 December 2025**. If you choose not to take this action by the date given above, we may decide to strike out (remove) any grounds which are not adequately explained. **Depending on the grounds, this may result in your opposition being treated as withdrawn.”**

9. On 24 November 2025, the Tribunal received correspondence from the opponent stating as follows:

“section 15 has been update with the switch to

5(2)(b) It is similar to an earlier registered or protected mark and for identical or similar goods or services as the earlier mark

whilst we argue that the logo refer to the same iconography (phoenix) and the security services offered (SBOM, SCA and more) are of the

same nature we acknowledge that the iconography is not identical”
(sic)

10. However, the opponent failed to file an admissible Form TM7F within the above deadline, and the Tribunal in its official letter dated 15 January 2026 issued its preliminary view (“PV”) to strike out the opposition in its entirety.
11. The opponent duly requested a Case Management Conference (“CMC”), and filed a Form TM7, to which I will return later in my decision. The applicant also opted to attend. The opponent appointed professional representation to make submissions on its behalf at the CMC. The opponent appointed Mr Aaron Cole of Ashurst LLP, and the applicant was represented by Mr Mo Abbas of Trademark Brothers Ltd.

Case Management Conference

12. The CMC took place before me on 1 April 2026, by way of a telephone conference. As both parties were present at the CMC, I shall not set out a detailed account of the submissions made by the parties.
13. Mr Cole submitted that the PV to strike out the opposition should be overturned because the default arose solely from procedural and technical deficiencies rather than any lack of intent to pursue the matter. Mr Cole argued that the opponent had consistently maintained its opposition, and until recently it had been unrepresented. As such, the Form TM7 was filed by a layperson unfamiliar with the distinctions between forms, the strictness of deadlines, or the technical requirements involved. Mr Cole asserted that the striking out of the opposition was disproportionate in light of the low-level seriousness of the deficiency, while noting that although the UK IPO is not bound by the Civil Procedure Rules (“CPR”), the principles on proportionality and relief from sanctions under CPR Part 3 are relevant. Further, Mr Cole highlighted that the opponent had now appointed a professional representative who could ensure full compliance going forward. He also submitted that the applicant has suffered no

material prejudice, as the application is not yet registered and no irreversible consequences had arisen, and that any procedural delay could be addressed through costs. In addition, Mr Cole contended that there was a public interest in allowing the opposition to proceed so that the accuracy and integrity of the trade mark register was maintained, and potential conflicts under section 5 of the Trade Marks Act 1994 (“the Act”) can be properly assessed. Lastly, he submitted that there was a substantive case to be heard and that a pragmatic resolution would be to allow the proceedings to continue, with any issues addressed by a cost order at the conclusion of the opposition proceedings.

14. Mr Abbas submitted that the opposition has been procedurally defective from the outset and remains so despite numerous opportunities given by the Tribunal to the opponent to correct the TM7F, none of which resulted in a compliant filing. The Tribunal had already issued a preliminary view to strike out the opposition, and the opponent’s latest amendment was late, filed on the wrong form (i.e. TM7 instead of TM7F), unsupported by any request for an extension of time, and contained no substantive reasoning addressing the deficiencies. Moreover, Mr Abbas raised that there had been a discrepancy with the recorded owner of the earlier trade mark number UK00003943811 since the start of the proceedings when the Form TM7A was filed. Further, the original TM7F contained multiple fundamental defects, including the incorrect owner’s name, reliance on the wrong ground of opposition, and contradictory opposed goods and services. He also asserted that these issues have never been rectified, and that further errors, missed deadlines, and incorrect filings reinforce the applicant’s position that the opponent lacks standing. Mr Abbas also disputed that the deficiencies should be seen as a layperson’s unfamiliarity with the Tribunal’s procedures and forms, stating the forms were already completed by what appears to be a legal representative for the opponent. Further, he stated that the late appointment of professional counsel had unfairly imposed expense on the applicant, while dismissing Mr Cole’s claims in relation to the public interest, noting that this is a private dispute and that the opponent has not acted consistently regarding other similar

marks. In conclusion, he maintained that the opposition should be struck out in full, that costs should be awarded off the scale due to the extensive work required for the CMC, and that if the opponent wishes to pursue the matter, it should instead proceed by filing a Form TM26.

15. During the CMC, I asked Mr Cole if he was able to confirm the name of the owner of the earlier mark and whether a form TM21A had been filed as requested in the Tribunal's letter dated 10 November 2025. Mr Cole was unable to provide this information at that time and requested a brief period to confirm this in writing subsequent to the CMC. In this regard, I allowed Mr Cole to provide such confirmation by 2 April 2026.
16. After hearing submissions from both sides, I concluded the CMC but reserved my judgement to consider the submissions made by both parties and to ascertain the opponent's status.

Subsequent Issues

Additional materials

17. Following the CMC, on 2 April 2026, the applicant's representative filed correspondence, termed as 'observations'. In this correspondence, it contented that a Form TM21A had not been filed, and it reiterated that the opponent had been professionally represented throughout the proceedings, as evidenced by the relevant details in Form TM7Fs. In addition to the above correspondence, the applicant's representative attached detailed written submissions (titled "CASE MANAGEMENT CONFERENCE ("CMC") ARGUMENTS AND OBSERVATIONS") alongside a set of screenshots, which appears to be a thread of emails between the parties.
18. On the same date, Mr Cole confirmed via email that no Form TM21A had previously been filed. However, he indicated that such a form was duly completed and submitted on 2 April 2026, and he provided proof of the

filing. In addition, Mr Cole reiterated the opponent's position, summarising key points from his submissions made at the CMC. Despite acknowledging receipt of Mr Cole's correspondence, the applicant's representative proceeded to make further comments addressing the points raised by Mr Cole.

19. It is important to note that during the CMC, I only granted Mr Cole permission to confirm whether a Form TM21A had been filed. However, neither Mr Abbas nor the applicant had sought leave, either before or during the CMC, to file any additional submissions or materials. The materials filed by the applicant's representative were not in the correct format to constitute evidence, in so far as it was not accompanied by a statement of truth nor signed by the writer as per Rule 64 of the Trade Mark Rules 2008 ("the Rules"). Ultimately, and in any event, the majority of the written submissions filed did not introduce any new arguments beyond those previously submitted by Mr Abbas at the CMC. Given these factors, the applicant's additional materials, and the parties' written submissions or comments have not been admitted into the proceedings, and I have not taken them into account in making my decision.

Opponent's identity and Form TM21A

20. Regarding the discrepancy of the recorded owner of the earlier mark on the forms, while the opponent provided clarification in its correspondence dated 29 October 2025 regarding the opponent's rebranding from "Appsec Phoenix Ltd" to "Security Phoenix Ltd", it did not file a Form TM21A to formally update the opponent's name at that time. It was only subsequent to the CMC that the opponent filed a Form TM21A, namely on 2 April 2026, to update the record to accurately reflect the change in the opponent's name. I note that, as of the date of this letter, the Form TM21A was processed and officially recorded in the register on 13 April 2026. In light of these circumstances, I am satisfied that the opponent has taken the requisite steps to correct this discrepancy, and I will say no more about this.

Decision

21. Section 38 of the Act states as follows:

“38 Publication, opposition proceedings and observations.

(1) When an application for registration has been accepted, the registrar shall cause the application to be published in the prescribed manner.

(2) Any person may, within the prescribed time from the date of the publication of the application, give notice to the registrar of opposition to the registration.

The notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.

[...]

(2B) A notice of opposition may be directed against part or the totality of the goods or services in respect of which the contested mark is applied for. [...]

22. As outlined at 1.8 of the Manual of trade marks practice (“the Manual”), the Tribunal adheres to the same overriding objective as the court for dealing with cases justly. This is set out in rule 1.1 of the Civil Procedure Rules 1998 (as amended) and includes, so far as is practicable:

“(2) (a) Ensuring that the parties are on an equal footing

(b) Saving expense

(c) Dealing with the case in ways which are proportionate –

(i) to the amount of money involved (ii) to the importance of the case (iii) to the complexity of the issues and (iv) to the financial position of each party

(d) Ensuring that it is dealt with expeditiously and fairly and

(e) Allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.”

23. Rule 17A states:

“Opposition proceedings: filing of notice of fast track opposition; section 38(2) (Form TM7F)”

17A.— (1) A notice to the registrar of fast track opposition to the registration, including the statement of the grounds of opposition, may be filed on Form TM7F.

[...]

(6) There shall be included in the statement of the grounds of opposition a representation of that

mark and –

(a) the details of the authority with which the mark is registered or protected;

(b) the registration number of that mark;

(c) the goods and services in respect of which –

(i) that mark is registered, and

(ii) the opposition is based;”

24. Further, Rule 62 of the Rules, so far as is relevant, provides:

“62.—(1) Except where the Act or these Rules otherwise provide, the registrar may give such directions as to the management of any proceedings as the registrar thinks fit, and in particular may —

(a) require a document, information or evidence to be filed within such period as the registrar may specify;

[...]

(e) allow a statement of case to be amended;

[...]

(3) When the registrar gives directions under any provision of these Rules, the registrar may—

(a) make them subject to conditions; and

(b) specify the consequences of failure to comply with the directions or a condition.”

25. Tribunal Practice Notice (“TPN”) 2/2011 states:

“Case management of inter partes proceedings: efficient, fair and less costly resolution of disputes before the Trade Marks Tribunal

1. There is a public interest in resolving disputes before the Tribunal efficiently and within a predictable timescale. Swift and effective determination of cases not only creates certainty for third parties but reduces the burden of litigation and the accompanying costs for the parties involved. Furthermore, drawn-out proceedings which become unnecessarily complicated or sidetracked affect the resources which the Tribunal is able fairly to allocate to other users. The Trade Mark Rules 2008 empower the Tribunal^(fn omitted) to give case management directions (rule 62).”

26. TPN 1/2018 states:

“If the amendment requires the other party to file an amended counter statement or additional evidence, an award of costs to cover this may be made.

Examination of pleadings based on earlier marks

1. The purpose of pleadings is to set out the party’s legal case with sufficient clarity so that the other side can make an informed decision

about whether to defend their trade mark, and in which respects. The pleadings filed in trade mark oppositions and invalidation proceedings do not always meet this standard.

2. The registrar has a duty to ensure that the system is fair to both parties and that, so far as is reasonably practical, those without legal representation and/or of limited means, are given equal access to justice.

[...]

Failure to Follow Directions

11. Failure to comply with directions under Rule 62 may have the following consequences:

[...]

(iv) where there is a serious risk of unfairness to, or oppression of, the other party, directions will be made subject to the condition (per Rule 62(3)) that failure to comply with them will result in the opposition/application being struck out in whole or in part.”

Considerations

27. I note the deficiencies in the opponent’s last amended Form TM7F, which was filed on 17 November 2025, and that this was the opponent’s third attempt at filing an amended Form TM7F. I also note that, following the Tribunal’s PV to strike out the opposition, the opponent filed another Form TM7 on 15 January 2026, being more than 6 weeks after the given deadline of 1 December 2025. However, this form was filed without a request for an extension of time. In any event, the form would have been deemed inadmissible due to the various deficiencies, such as the issues in relation to the registered and opposed goods in Q5 and Q8, respectively.

28. At the CMC, Mr Cole argued that the deficiencies are procedural and technical in nature, asserting that striking out the opposition would be

disproportionate under the CPR rules. I consider that the deficiencies at hand, which were raised in the official letters of the Tribunal, are not merely procedural or technical. In more detail, the Tribunal repeatedly requested the opponent to review the outstanding issues in relation to: (a) the grounds of opposition under Section 5(2)(a); and (b) the opposed goods. It is my view that the amended Form TM7F was not filed in accordance with Rule 17A(6) of the Rules, nor does it provide sufficient clarity as is required in line with TPN 1/2018. Thus, I consider that these deficiencies are substantive rather than technical, as they pertain directly to the basis of the opposition which needs to be set out clearly in the form TM7F, enabling the other side to make an informed decision about whether to defend their trade mark, and in which respects.

29. Moreover, the parties disagree on whether the opponent was professionally represented during the filing of the deficient forms. I note that the opponent filled out the representative details in section 4 of the forms, listing 'Ashton Turner' as the representative's name. At the CMC, Mr Abbas contended that the email address 'legal@phoenix.security' provided on the forms indicated that the representative was legally qualified. However, Mr Cole posited that this alone does not prove that a professional trade mark lawyer represented the opponent when the forms were filed. In these circumstances, I am not prepared to accept that the opponent's representative was a legally qualified person based solely on the presence of the term 'legal' in the representative's email address. In contrast, there seems to me that there has been an obvious lack of understanding of the opposition proceedings on the part of the opponent, particularly prior to the recent appointment of Ashurst LLP in the proceedings.
30. Against this background, I am mindful of the decision of Geoffrey Hobbs QC (as he was then) in *BOSCO* (BL O/399/15) where, sitting as the Appointed Person, he maintained that:

“18. It continues to be the position in civil proceedings in the High Court that: ‘[...] if proceedings are not to become a free-for-all, the court must insist on litigants of all kinds following the rules. In my view, therefore, being a litigant in person with no previous experience of legal proceedings is not a good reason for failing to comply with the rules’: *R (Hysaj) v Secretary of State for the Home Department* [2014] EWCA Civ. 1633 at paragraph [46] per Moore-Bick LJ, Vice President of the Court of Appeal, with whom Tomlinson LJ and King LJ agreed. In the same vein, it was observed in *Nata Lee Ltd v Abid* [2014] EWCA Civ. 1652 at paragraph [53] per Briggs LJ with whom Moore-Bick LJ, Vice-President of the Court of Appeal, and Underhill LJ agreed, that: ‘... the fact that a party (whether an individual or a corporate body) is not professionally represented is not of itself a reason for the disapplication of rules, orders and directions, or for the disapplication of the overriding objective which now places great value on the requirement that they be obeyed by litigants. In short, the CPR do not, at least at present, make specific or separate provision for litigants in person. There may be cases in which the fact that a party is a litigant in person has some consequence in the determination of applications for relief from sanctions, but this is likely to operate at the margins’.

19. The same approach should, in my view, be adopted in relation to the need for compliance with rules, orders and directions in Registry proceedings under the 1994 Act and the 2008 Rules.”

31. Whilst it is appreciated that legal proceedings can be somewhat daunting to the lay person, the opponent took the decision to file an opposition claim and, in my view, should have reasonably expected that a certain amount of subsequent correspondence and engagement with the Tribunal would be necessary. It is my firm view that the pieces of correspondence sent to the opponent by the Tribunal have been drafted in the clearest possible terms and that the nature of the Tribunal’s requests does not necessarily warrant legal expertise. The filing of a Form TM7F is a relatively straightforward task, and the Tribunal receives many oppositions from

litigants-in-person who file correctly completed forms in a timely manner without professional representation. The opponent is, like any prospective opponent, lay person or otherwise, free to seek legal advice if it so chooses, as it did in this case but only prior to the CMC.

32. I am conscious that the Tribunal has a duty to ensure that proceedings are dealt with efficiently and fairly, and that in certain circumstances it will use its discretion to set time periods as it sees necessary. It is my view that the opponent has been given ample opportunity and guidance by way of the respective correspondences on the correct manner of filing form TM7F by the given deadlines. In particular, the official letters from the Tribunal dated 29 October 2025, 10 November 2025, 14 November 2025, and 23 November 2025 consistently and clearly set out the outstanding requirements to enable the opponent to submit an admissible form. Even though Mr Cole posited that the opponent is now professionally represented and further deficiencies will be avoided, there was no offer, for example, to provide a correctly made out form by a particular date or to have one ready to present to me at the time of the CMC. I note I still do not have an admissible Form TM7F before me for consideration.

33. The registrar has a duty to ensure that the system is fair to both parties. While the opponent had not elected to be legally represented prior to the CMC, I am mindful of the guidance in TPN 1/2018 and consider that the opponent has been given equal access to justice. Even though Mr Cole raised that there is a public interest in the proceedings continuing under section 5 of the Act, I note that there is also a public interest in resolving disputes efficiently and within a predictable timescale in order to provide certainty for the public at large. I am conscious that during the time between the first inadmissible Form TM7F being filed in October 2025 and the PV given in January 2026 that the opposition be struck out in its entirety, the applicant has suffered inconvenience and uncertainty on the outcome of its application, as well as the cost implications, including those costs incurred in relation to the representation at the CMC itself.

34. I also consider Mr Cole's argument that there is no material prejudice to the applicant, and that any harm suffered can be mitigated by the Tribunal's ability to award costs in such cases. I do accept that the involvement of the applicant was minimal up until the point of the hearing. However, I also note and accept Mr Abbas' position that the applicant requires certainty in the proceedings.
35. For completeness, I consider that there is a lack of any significant prejudice to the opponent by refusing a further attempt to file an amended TM7F at this stage. This is because there will be no estoppel preventing future action being taken against the applicant's mark once it has been registered. I find the opponent's ability to seek invalidation of the registration at a future stage mitigates the prejudice that may be caused by striking out the opposition.
36. I take into account the length of time that has passed since the proceedings were first initiated, with consideration to the lack of certainty that proceedings would indeed move forward swiftly should a further period of time be allowed, while keeping in mind the necessity of equality between the parties, the public interest in resolving disputes efficiently, and allowing that the Tribunal has a duty to allocate its resources fairly. Accordingly, I consider that the preliminary view to strike out the opposition should be upheld. I therefore decline to exercise my discretion under Rule 62, and I do not allow the opponent a further attempt to file an amended Form TM7F.

Outcome

37. Having taken into account the parties' submissions, and following from the considerations above, I maintain the preliminary view to strike out the opposition in its entirety.
38. Subject to any successful appeal, the DELTAFLARE LIMITED's application can proceed to registration.

Costs

39. Given that the outcome of this decision has terminated the proceedings, the applicant is entitled to a contribution towards its costs. At the CMC, Mr Abbas requested off the scale costs for preparing for and attending the CMC.
40. TPN 1/2023 updates and supplements TPN 2/2016, TPN 4/2007 and TPN 2/2000. TPN 4/2007 maintains that off scale costs may be given in certain circumstances, the relevant section of which is copied below:

“Off scale costs

5. TPN 2/2000 recognises that it is vital that the Comptroller has the ability to award costs off the scale, approaching full compensation, to deal proportionately with wider breaches of rules, delaying tactics or other unreasonable behaviour. Whilst TPN 2/2000 provides some examples of unreasonable behaviour, which could lead to an off scale award of costs, it acknowledges that it would be impossible to indicate all the circumstances in which a Hearing Officer could or should depart from the published scale of costs. The overriding factor was and remains that the Hearing Officer should act judicially in all the facts of a case. It is worth clarifying that just because a party has lost, this in itself is not indicative of unreasonable behaviour.

6. TPN 2/2000 gives no guidance as to the basis on which the amount would be assessed to deal proportionately with unreasonable behaviour. In several cases since the publication of TPN 2/2000 Hearing Officers have stated that the amount should be commensurate with the extra expenditure a party has incurred as the result of unreasonable behaviour on the part of the other side. This "extra costs" principle is one which Hearing Officers will take into account in assessing costs in the face of unreasonable behaviour.

7. Any claim for cost approaching full compensation or for "extra costs" will need to be supported by a bill itemizing the actual costs incurred.

8. Depending on the circumstances the Comptroller may also award costs below the minimum indicated by the standard scale. For example, the Comptroller will not normally award costs which appear to him to exceed the reasonable costs incurred by a party."

41. In *ALLORO Trade Mark*, BL O/116/13, Mr Daniel Alexander QC (as he then was), as the Appointed Person, summarised the correct approach as follows:

"16. The decision maker is [...] entitled to take into account a wide range of factors in considering the costs to be awarded and whether they should be off-scale.

17. These include the conduct of the parties, the nature of the case and whether it is self-evidently without merit, whether there have been abuses of procedure, the extent to which offers made to settle the case were unreasonably rejected and could have resulted in costs being avoided. There is no rigid formula, although the paradigm case for off-scale costs will involve breaches of rules, delaying tactics or unreasonable behaviour. Reasonable people can differ as to how unreasonable behaviour must be before it is appropriate to depart from the usual scale of costs."

42. As set out in section 68 of the Act and 67 of the Rules 2008, the registrar is empowered to award any such costs that is considered to be reasonable and dictate how and when the parties are paid. Further, insofar as it is relevant, TPN 4/2007 indicates that the Tribunal has a wide discretion when it comes to the issue of costs, including making awards above or below the published scale where the circumstances warrant it. The TPN stipulates that costs off the scale are available "*to deal proportionately with wider breaches of rules, delaying tactics or other unreasonable behaviour*".

43. Following from the facts, submissions and considerations above, I consider that the opponent's behaviour does not warrant for off scale costs in favour of the applicant. Despite the opponent's failure to file an admissible notice of opposition and the objection to the PV to strike out the opposition, these cannot be construed as unreasonable behaviour or as a delaying tactic as such. In addition, I note that the opponent's Form TM7F (or TM7) was never served on the applicant.
44. Further, when a trade mark application is filed, part of the process before registration is that it is open to opposition. The application in question is no exception. It is also worth noting that there is no provision to award costs to a party for the delay in being able to use their mark.
45. Whilst I understand the frustration of the applicant in having to prepare and attend the CMC, I do not consider that it suffered any unreasonable behaviour. Importantly, the applicant has not provided an itemised bill of the costs incurred for me to take into consideration.
46. Having concluded that there is nothing to suggest that an off scale award of costs is appropriate, I am guided in this decision by the scale of costs set out in TPN 1/2023. In the circumstances, as the applicant attended the CMC but did not file skeleton arguments, I find it appropriate to issue the applicant with a contributory cost award of £300.
47. I therefore order Security Phoenix Ltd to pay to DELTAFLARE LIMITED the sum of £300. This sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 15th day of April 2026

Dr Stylianos Alexandridis
For the Registrar,
The Comptroller General