

BL O/0410/26

TRADE MARKS ACT 1994

IN THE MATTER OF  
UK TRADE MARK REGISTRATION No. 3953688  
IN THE NAME OF  
AFFLUENT CBHR LTD  
FOR THE TRADE MARK:

**TROODIE**

IN CLASS 25

-AND-

AN APPLICATION FOR A DECLARATION OF THE INVALIDITY THEREOF  
UNDER No. 508640  
BY  
NORTY LIMITED

## **Background and pleadings**

1. CBHR Ltd (“the Proprietor”) is the registered proprietor of UK trade mark registration number 3953688, for the word mark TROODIE. The trade mark was filed on 6 September 2023 and completed its registration procedure on 19 January 2024. It is registered in respect of the following goods in Class 25:

Articles of clothing, footwear and headgear; menswear, womenswear, childrenswear; outerclothing, underwear; T-shirts, vests, sweatshirts, hoodies, casual tops, polo tops, tracksuit tops and trousers, coats, jackets, shorts, trousers, hosiery, socks, robes, dressing gowns; hats, caps, scarves, bandanas, headbands, wristbands; sports shoes, trainers, casual shoes, boots.

2. On 19 March 2025, Norty Limited (“the Applicant”), applied to have the Proprietor’s mark declared invalid under section 47(2) of the Trade Marks Act 1994 (“the Act”).<sup>1</sup> The application is based on section 5(2)(b) of the Act and is directed against all of the goods for which the contested mark is registered.

3. The Applicant relies on its UK comparable trade mark (EU),<sup>2</sup> for the word mark ‘TOODIE’, trade mark registration number 913827381, which was filed on 13 March 2015 and became registered on 17 August 2015 and is registered in respect of goods and services in Classes 25 and 35. For the purposes of this application, reliance is only made on its Class 25 goods, these are as follows:

Clothing; footwear and headgear; leisurewear and sportswear; towelling robes and bathrobes.

4. The trade mark upon which the Applicant relies qualifies as an earlier trade mark pursuant to section 6 of the Act and is subject to the use conditions pursuant to sections 47(2) of the Act, and as it is a comparable trade mark (EU) it is additionally

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<sup>1</sup> 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.

<sup>2</sup> Following the end of the transition period of the UK’s withdrawal from the EU, all EU trade marks (“EUTM”) registered before 1 January 2021 were recorded as comparable trade marks in the UK trade mark register (and as a consequence, have the same legal status as if they had been applied for and registered under UK law). A ‘comparable trade mark (EU)’ retains the same filing date, priority date (if applicable) and registration date of the EUTM from which it derives.

subject to the provisions set out in Schedule 2A, Part 1, paragraph 9 of the Act. Accordingly, the Applicant made statements that it has used its mark in relation to the goods on which it relies.

5. The Applicant claims that the competing marks are similar and that the competing goods are identical, giving rise to a likelihood of confusion.

6. The Proprietor filed a counterstatement conceding that the competing goods are identical, however it denied that the marks are similar and denied any likelihood of confusion between the competing registrations. It also requested that the Applicant prove use of the earlier mark in relation to the goods on which the Applicant relies.

7. Only the Applicant filed evidence and submissions. Neither party requested a hearing and only the Applicant elected to file submissions in lieu of a hearing. I make this decision following a careful consideration of the papers before me.

8. The Applicant is represented by Mathys & Squire LLP and the Proprietor is represented by Cleveland Scott York.

## **DECISION**

### **Legislation**

9. Section 5(2)(b) of the Act has application in invalidation proceedings pursuant to section 47(2) of the Act. The relevant provisions of the Act are as follows:

#### **Section 47**

(2) Subject to subsections (2A) and (2G), 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.

(2ZA) [...]

(2A) 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.

(2B) The use conditions are met if—

(a) the earlier trade mark has been put to genuine use in the United Kingdom by the proprietor or with their consent in relation to the goods or services for which it is registered—

(i) within the period of 5 years ending with the date of application for the declaration, and

(ii) within the period of 5 years ending with the date of filing of the application for registration of the later trade mark or (where applicable) the date of the priority claimed in respect of that application where, at that date, the five year period within which the earlier trade mark should have been put to genuine use as provided in section 46(1)(a) has expired, or

(b) it has not been so used, but there are proper reasons for non-use.

(2C) For these purposes—

(a) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and

(b) use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

[...]

(2E) Where an earlier trade mark satisfies the use conditions in respect of some only of the goods or services for which it is registered, it shall be treated for the purposes of this section as if it were registered only in respect of those goods or services.

(2F) Subsection (2A) does not apply where the earlier trade mark is a trade mark within section 6(1)(c).

(2G) [...]

(2H) [...]

(3) [...]

(4) [...]

(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.

(5A) [...]

(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.

Schedule 2A, Part 1, paragraph 9

(1) Section 47 applies where an earlier trade mark is a comparable trade mark (EU), subject to the modifications set out below.

(2) Where the period of five years referred to in sections 47(2A)(a) and 47(2B) (the “five-year period”) has expired before IP completion day—

(a) the references in section 47(2B) and (2E) to the earlier trade mark are to be treated as references to the corresponding EUTM ; and

(b) the references in section 47 to the United Kingdom include the European Union.

(3) Where IP completion day falls within the five-year period, in respect of that part of the five-year period which falls before IP completion day—

(a) the references in section 47(2B) and (2E) to the earlier trade mark are to be treated as references to the corresponding EUTM ; and

(b) the references in section 47 to the United Kingdom include the European Union.

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

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

(a) [...]

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

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

#### Section 100<sup>3</sup>

If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it.

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<sup>3</sup> Section 100 of the Act makes it clear that the trade mark proprietor bears the burden of proving genuine use of its trade mark. In this regard see *Ferrari SpA v DU*, C-721/18, at paragraphs 73 to 83.

## Proof of use case law

10. The law relating to genuine use of a registered trade mark was summarised by Arnold LJ in *easyGroup Ltd v Nuclei Ltd & Ors*<sup>4</sup> as follows:

“105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU [Court of Justice of the European Union] in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bunderversammlung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Marken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 P *Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

“106. [...] the principles may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Centrotherm* at [71]; *Leno* at [29]; *Ferrari* at [32].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the

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<sup>4</sup> [2023] EWCA Civ 1247.

consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed

to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].

107. [...] The General Court of the European Union has repeatedly held that genuine use of a trade mark cannot be proved by means of probabilities or suppositions, but must be demonstrated by solid and objective evidence of effective and sufficient use of the trade mark on the market concerned: see e.g. *Case T-78/19 Lidl Stiftung & Co KG v European Union Intellectual Property Office [EU:C:2020:166]* at [25]. It has also repeatedly held that the smaller the commercial volume of the exploitation of the mark, the more necessary it is for the proprietor to produce additional evidence to dispel any doubts as to the genuineness of its use: see e.g. *Lidl* at [33]. In *Awareness Ltd v Plymouth City Council [2013] RPC 24* Daniel Alexander QC sitting as the Appointed Person said:

19. For the tribunal to determine in relation to what goods or services there has been genuine use of the mark during the relevant period, it should be provided with clear, precise, detailed and well-supported evidence as to the nature of that use during the period in question from a person properly qualified to know. ...

22. ... it is not strictly necessary to exhibit any particular kind of documentation but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the

tribunal ... comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said, the public.”

11. I also note Mr Alexander’s comments in *Guccio Gucci SPA v Gerry Weber International AG*.<sup>5</sup> He stated:

“The Registrar says that it is important that a party puts its best case up front – with the emphasis both on “best case” (properly backed up with credible exhibits, invoices, advertisements and so on) and “up front” (that is to say in the first round of evidence). [...] The rule is not just “use it or lose it” but (the less catchy, if more reliable) “use it – and file the best evidence first time round – or lose it”.”

12. The genuine use provision is not there to assess economic success or large-scale commercial use.<sup>6</sup> An assessment of genuine use is a global assessment, which includes looking at the evidential picture as a whole, not whether each individual piece of evidence shows use by itself.<sup>7</sup>

13. As regards the territorial scope of the use of an EUTM, in *Walton International*,<sup>8</sup> Arnold J (as he then was), after setting out the eight applicable principles when assessing genuine use (which are the same as the eight principles he subsequently set out in *easyGroup Ltd*),<sup>9</sup> added the further three principles when assessing genuine use in the EU:

“118. *The law with respect to genuine use in the Union*. Whereas a national mark needs only to have been used in the Member State in question, in the case of a EU trade mark there must be genuine use of the mark “in the Union”. In this regard,

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<sup>5</sup> Case BL O/424/14.

<sup>6</sup> *MFE Marienfelde GmbH v OHIM*, Case T-334/01.

<sup>7</sup> *New Yorker SHK Jeans GmbH & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-415/09, paragraph 53.

<sup>8</sup> *Walton International Ltd & Anor v Verweij Fashion BV*, [2018] EWHC 1608 (Ch), (which is also a decision by Arnold LJ, or Arnold J as he then was, that predates his decision in *easyGroup Ltd*).

<sup>9</sup> *Ibid.*, paragraphs 114 and 115.

the Court of Justice has laid down additional principles to those summarised above which I would summarise as follows:

(9) The territorial borders of the Member States should be disregarded in the assessment of whether a trade mark has been put to genuine use in the Union: *Leno* at [44], [57].

(10) While it is reasonable to expect that a EU trade mark should be used in a larger area than a national trade mark, it is not necessary that the mark should be used in an extensive geographical area for the use to be deemed genuine, since this depends on the characteristics of the goods or services and the market for them: *Leno* at [50], [54]–[55].

(11) It cannot be ruled out that, in certain circumstances, the market for the goods or services in question is in fact restricted to the territory of a single Member State, and in such a case use of the EU trade mark in that territory might satisfy the conditions for genuine use of a EU trade mark: *Leno* at [50].”

14. Pursuant to section 47(2B) of the Act, the Applicant can rely on its earlier trade only to the extent that its evidence establishes that the earlier trade mark had been put to genuine use during the following two relevant periods (each of which must be satisfied):

(i) the period of 5 years ending with the date of application for the declaration of invalidity,<sup>10</sup> being 20 March 2020 to 19 March 2025 (“the Later Relevant Period”);

**and**

(ii) the period of 5 years ending with the date the contested mark was filed, being<sup>11</sup> 7 September 2018 to 6 September 2023 (“the Earlier Relevant Period”).

15. As the earlier mark is a comparable mark (EU), use in the EU remains relevant since a part of the two relevant five-year periods fall prior to IP Completion Day (i.e.

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<sup>10</sup> Section 47(2B)(a)(i) of the Act.

<sup>11</sup> Section 47(2B)(a)(ii) of the Act.

before 31 December 2020). Therefore the Applicant can rely upon use of the corresponding EUTM in the EU, including the UK, prior to IP Completion Day. However, any use after IP Completion Day (i.e. 1 January 2021) must relate solely to use in the UK in order to count towards genuine use.

### **Applicant's evidence**

16. The Applicant's evidence is provided in the witness statement of Gemma Vanson, dated 19 August 2025 and is accompanied by three exhibits labelled GV1 to GV3. Ms Vanson is the Applicant's Brand Manager, a position she has held since 2022.

17. Ms Vanson states that one of the Applicant's brands is 'AWDis' which sells a range of clothing under the TOODIE trade mark throughout the UK and the EU and that the TOODIE mark has been in continuous use since 2015.

18. Ms Vanson states that the following turnover figures "*relate exclusively to sales under the TOODIE trade mark in the UK and EU combined*":<sup>12</sup>

UK and EU Turnover (£)	2021	2020	2019	2018
	£34,393	£49,769	£36,582	£49,108

19. A selection of 10 invoices are provided, which Ms Vanson states show "*clothing sales under the TOODIE trade mark to customers in the United Kingdom and European Union.*" I note the following in relation to the invoices:

- (1) They are dated in October and November 2018; February 2019; February, May and September 2020; and October 2021.
- (2) The October 2021 (i.e. after IP Completion Day) invoices are to one customer based in Hungary. The remainder of the invoices are issued to a few customers based in the UK and two of the three 2020 invoices provided are to a single customer in Germany.

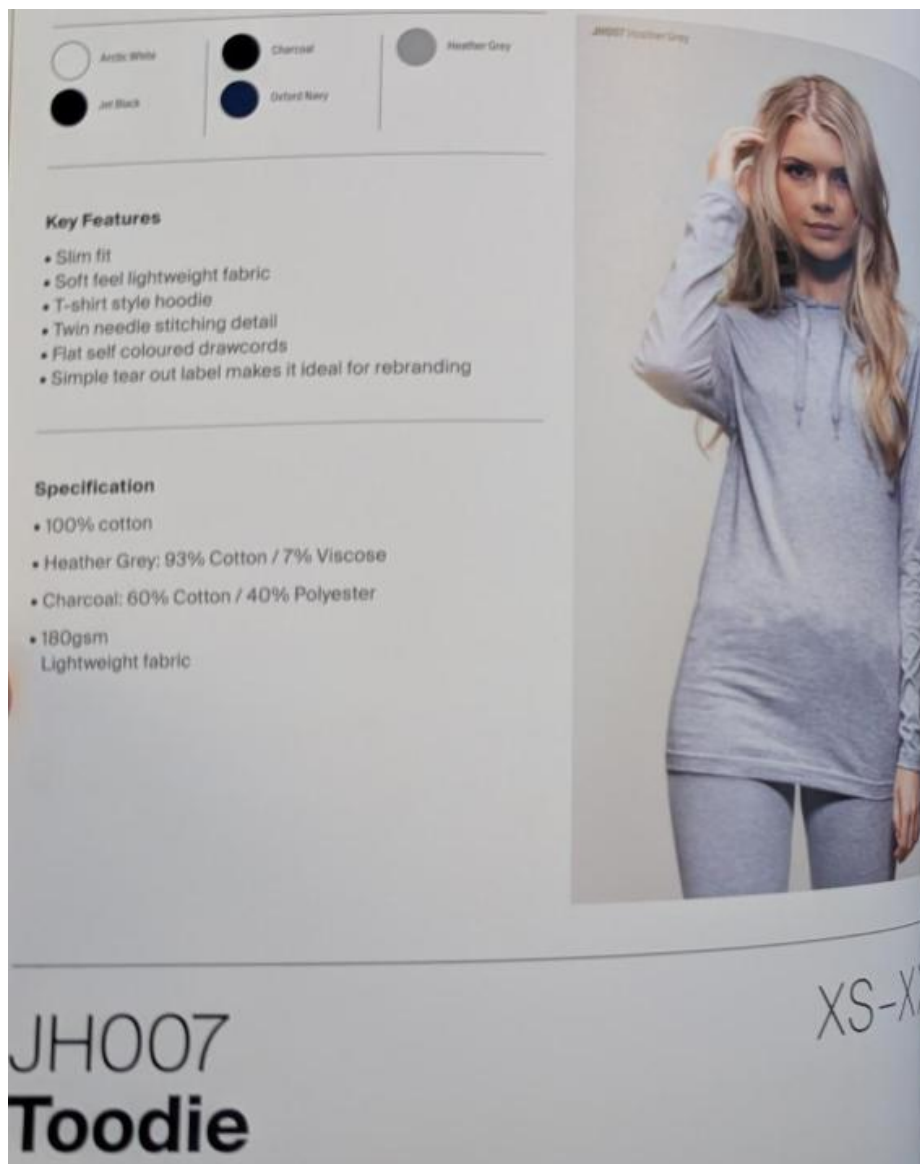
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<sup>12</sup> Exhibit GV1.

(3) It is clear that they are wholesale invoices, given the quantities sold and the bulk orders of the same item in the same size.

(4) Each invoice provided itemises 'TOODIE' sales in amongst other clothing items.

20. Ms Vanson provides “a selection of promotional brochures demonstrating the use of the TOODIE trade mark in relation to clothing, namely hoodies”. These are product catalogues, dated 2019 and 2020 (i.e. within both relevant periods). The TOODIE trade mark is listed in these catalogues under the ‘hoodies’ section; images of TOODIE clothing are images of hoodies described as t-shirt style hoodies with tear out labels to make them ideal for rebranding (see image below):<sup>13</sup>



<sup>13</sup> Ibid. page 13.

The Earlier Relevant Period - 7 September 2018 to 6 September 2023

21. The Appointed Person in *EROS BODYGLIDE*, BL O/0984/25 at [25] stated that:

“It is clear that where sales figures are provided for a year and the relevant period begins or ends in the middle of that year then it cannot be assumed that all the sales for that year fall within the relevant period.”

22. Whilst the turnover figures are provided exclusively in relation to products sold under the TOODIE brand, they are nonetheless yearly figures and have not been broken down by month. Further, they are combined figures including UK and EU sales and have not been broken down by territory.

23. The first issue with these turnover figures is that with regard to the 2018 figures, it is impossible for me to deduce, without further evidence, what proportion of the sales fall before the relevant period and which fall during the relevant period of 7 September 2018 to 6 September 2023. Although two invoices have been provided for 2018 (dated within the relevant period),<sup>14</sup> these are insufficient on their own to demonstrate what proportion of the 2018 turnover figures relate to the relevant period.

24. Another issue with the turnover figures is that they do not extend beyond 2021. As the 2021 figures are combined figures relating to sales in the UK and EU combined, I am unable to determine what proportion relates to the UK alone. Since the Applicant can only rely on sales in the UK from 2021 onwards (post IP completion day), these combined figures for 2021 cannot be relied on as I cannot assume what proportion of the sales relate to the UK; it is entirely possible that the majority of those sales were in the EU. Moreover, the only invoice evidence provided for 2021 is to a customer based in Hungary, therefore this evidence does not assist the Applicant in demonstrating genuine use as it does not relate to the relevant territory (i.e. UK).

25. The only turnover figures on which the Applicant can rely are those for 2019 and 2020; I also take into account the two 2018 invoices.

26. The catalogue evidence shows that the TOODIE mark is present and is being used in relation to clothing items, namely, hoodies. Whilst it is clear that the Applicant

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<sup>14</sup> Exhibit GV2, pages 2 and 8.

produced catalogues during 2019 and 2020, the expenditure in producing them is not disclosed, nor are details as to their dissemination. It is therefore unclear to what extent the goods were marketed under the TOODIE brand during the relevant period.

27. In conclusion, there are some shortcomings in the evidence relating to the Earlier Relevant Period, in particular, the turnover figures for 2018 and 2021 cannot be relied on because the 2018 figures do not show the level of sales within the relevant period (i.e. 7 September 2018 to 31 December 2018) and, as regards the 2021 turnover, within the relevant territory (i.e. the UK). Nevertheless the two invoices from 2018, as well as the turnover figures for 2019 and 2020 (all of which amount to circa £93K) count towards genuine use. Further, although there are no marketing figures, there is evidence of marketing in the form of catalogues falling within the relevant period and there are supporting invoices to a number of wholesalers. Whilst the pieces of evidence are not particularly strong individually, the level of sales, combined with their geographical spread and the evidence of marketing are, on balance sufficient to show genuine use within this period.

#### *The Later Relevant Period - 20 March 2020 to 19 March 2025*

28. The Applicant is unable to rely on the 2021 turnover figures for the reasons stated above. As no figures are provided beyond 2021, I turn to the 2020 figures, which are in excess of £49K. As the relevant period begins on 20 March 2020, it cannot be assumed that all the sales for that year fall within the 20 March 2020 to 31 December 2020 period. Although three invoices have been provided for 2020 dated within the relevant period,<sup>15</sup> these do not demonstrate what proportion of the 2020 turnover figures relate to the relevant period and are, in any event, insufficient on their own to satisfy the requirement to prove genuine use during the five-year period in question, since they are confined to May and September 2020 and relate to only a relatively modest level of sales (circa £11.6K for around 3.2K items). This is particularly so given the nature of the market concerned, because even though I have no evidence of the size of the wholesale clothing market, I take judicial notice that it is likely to be substantial. The sales from May and September 2020 are therefore not examples of

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<sup>15</sup> Exhibit GV2, pages 19, 21 and 28.

solid and objective evidence of effective and sufficient use of the trade mark on the market concerned during this later five-year period.

29. Even considering the evidence about the catalogues, it is not sufficiently strong to sustain (together with the three relevant invoices) a finding of genuine use. This is because, although they show some marketing activities in 2020, they are not without fault, as it is not clear to what extent the catalogues have been distributed.

30. In conclusion, the only evidence that is pertinent to the Later Relevant Period is the three invoices from 2020 and the 2020 catalogue. The fact that I found the evidence to be sufficient for the Earlier Relevant Period does not mean that it can compensate for the insufficiency of the evidence for the later period. Overall, taking into account the absence of specific turnover figures broken down by year and by territory, and the absence of marketing figures, I find that what has been shown is insufficient to demonstrate real commercial exploitation of the mark on the market for the goods concerned, within the required period and within the relevant territory.

31. The onus was on the Applicant to file evidence that was clear, solid, and conclusive; in my view, it has failed to do so. Accordingly, the Applicant has failed to prove genuine use of the earlier mark within the Later Relevant Period.

32. Since it is a requirement that the Applicant prove use in both relevant periods specified under section 47(2B) of the Act, the Applicant has failed to satisfy the use conditions necessary to rely on its trade mark registration in these invalidation proceedings. Its application therefore fails.

## **OUTCOME**

33. The application to invalidate UK trade mark registration number TM No. 3953688 is unsuccessful. Subject to any appeal against my decision, the contested registration shall remain registered.

## **COSTS**

34. The Proprietor has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances, I award the applicant the sum of £400, for its preparation of the notice

of defence and counterstatement and considering the Applicant's evidence and submissions.

35. I therefore order Norty Limited to pay CBHR Ltd the sum of **£400** 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 13th day of May 2026**

**Daniela Ferrari**

**For the Registrar**