BL O/0424/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. 3871783

BY DMS FOODS LTD

TO REGISTER:

AS A TRADE MARK IN CLASS 43

AND

IN THE MATTER OF THE OPPOSITION THERETO

UNDER NO. 440997 BY

MC GROUP-UK LTD

AND

IN THE MATTER OF AN APPEAL TO THE APPOINTED PERSON

BY DMS FOODS LTD

AGAINST A DECISION OF CLARE BOUCHER (O/0991/25)

DATED 23 OCTOBER 2025

DECISION

Introduction

1. This is an appeal from a decision of Clare Boucher acting for the Registrar dated 23 October 2025 (**"the Decision"**) in relation to opposition proceedings brought by MC Group-UK Ltd (**"the Respondent"**) regarding UK trade mark application no. 3871783 for the mark shown above (**"the Appellant's Mark"**). The Appellant's Mark was applied for in class 43 for various services relating to restaurant and food and drink services.

2. The Respondent, the owner of an Indian restaurant and shisha bar in Northwood in Greater London, opposed the application based on sections 5(2)(b), 5(4)(a) and 3(6) of the Trade Marks Act 1994 (**"the Act"**). Under s.5(2)(b), the Respondent relied on its earlier UK trade mark no. 3296603 (**"the Earlier Mark"**), which is shown below:

3. The Earlier Mark is registered in Class 43 in respect of various restaurant and bar services. As the Earlier Mark completed its registration process less than five years before the date on which the application for the Appellant's Mark was made, the Respondent did not have to prove genuine use of the Earlier Mark.

4. Both parties relied on evidence, and neither requested a hearing, so the opposition was decided on the papers. The Respondent was represented by Jury O'Shea LLP, with final written submissions made by Beth Collett of Counsel, and the Appellant represented itself.

5. The Hearing Officer found that the opposition failed under s.3(6) but succeeded under ss. 5(2)(b) and 5(4)(a).

The Appeal

6. The Appellant filed a Notice of Appeal to the Appointed Person under s.76 of the Act. The Respondent's representatives applied out of time to have the appeal transferred to the

High Court. The Respondent had not filed a Respondent's Notice within the prescribed time limit but also sought leave for me to grant them permission to file one out of time. In response to these applications, I made the following order:

> *"On 19 November 2025, the Appellant filed a Notice of Appeal against the decision of Clare Boucher dated 23 October 2025 in O/0991/25.*
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> *The Notice of Appeal was sent to the Respondent's representatives by the UKIPO on 21 November 2025. Accordingly, any request by the Respondent pursuant to Rule 72(1)(b) had to have been made by 19 December 2025.*
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> *In an email to the UKIPO dated 24 December 2025, the Respondent requested that the appeal be referred to the High Court in accordance with Rule 72(1)(b) of the Trade Mark Rules 2008.*
>
> *The Respondent was therefore out of time in submitting the request, so the appeal will not be referred to the High Court.*
>
> *In the same email dated 24 December 2025, the Respondent also requested an extension of time within which to serve a Respondent's Notice.*
>
> *Any Respondent's Notice had to have been served within 21 days of the date on which the Notice of Appeal was sent to the Respondent, namely by 12 December 2025. The only reason given in the email for missing this deadline was "due to existing commitments", with no further explanation. Furthermore, the only reason given for seeking a further extension of time until 30 January 2026, which would have amounted to an extension of time of 7 weeks beyond the deadline, was "in light of the holiday period".*
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> *These are not appropriate reasons for altering the timetable prescribed by the Rules, even if I had the power to do so under Rule 73(4).*
>
> *Accordingly, the Respondent will not be entitled to serve a Respondent's Notice, and the appeal will continue to be heard by me.*
>
> *The Respondent is required to confirm within 7 days of today's date whether the appeal can be determined on the papers or whether the appeal should be listed for an oral hearing before me."*

7. No response was received from the Respondent's representatives, and since the Appellant had confirmed that it was happy for me to decide the appeal on the papers, I informed the parties that that was what I would do.

Standard of Review

8. It is well established that, in order to interfere with the decision of the Hearing Officer, I must be satisfied that there was a distinct and material error of principle in the decision or that the Hearing Officer was wrong. The relevant principles were set out in *Axogen Corporation v Aviv Scientific Limited* [2022] EWHC 95 (Ch) at [24]. An appeal is by way of

review, not a rehearing. Neither surprise at a Hearing Officer's conclusion nor a belief that she or he has reached the wrong decision will justify interference. The decision of the lower court will be *"wrong"* if the judge makes an error of law, which might involve asking the wrong question, failing to take account of relevant matters or taking into account irrelevant matters. In the absence of an error of law, the appellate court would be justified in concluding that the decision of the lower court was wrong if the judge's conclusion was *"outside the bounds within which reasonable disagreement is possible"* (*Actavis Group PTC v ICOS Corporation* [2019] UKSC 1671 at [80]). In the case of a multifactorial assessment or evaluation, involving the weighing of different factors against each other, the appeal court should show a real reluctance, but not the very highest degree of reluctance, to interfere in the absence of a distinct and material error of principle. Special caution is required before overturning such decisions (*TT Education v Pie Corbett Consultancy* [2017] RPC 17 at [52(iv)], *REEF Trade Mark* [2003] RPC 5 at [28] and *Fine & Country Ltd v Okotoks Ltd* [2014] FSR 11 at [50]-[51]).

9. In the judgment of the Court of Appeal in *Lidl Great Britain Ltd v. Tesco Stores Ltd* [2024] EWCA Civ 262, Arnold LJ said at [110]:

> *"It is common ground that, in so far as the appeals challenge findings of fact made by the judge, this Court is only entitled to intervene if those findings are rationally insupportable: Volpi v Volpi* [2022] EWCA Civ 464, [2022] 4 WLR 48 at [2](v) (Lewison LJ)."

10. The Supreme Court recently restated the approach to appeals of this kind in its judgment in *Iconix Luxembourg Holdings SARL v. Dream Paris Europe Inc* [2025] UKSC 25 at [94] to [95] as follows:

> *"94. It is perhaps obvious, and certainly an inevitable conclusion drawn from experience, that reasonable minds, and in particular reasonable judicially trained minds, each faithfully applying the relevant law and principles, will come to different conclusions about the answer to these multifactorial questions. While of course the decision of an appellate court trumps that of the court below, the law has imposed structured constraints designed to prevent a free for all in a higher court whenever a party (with the necessary resources) wishes to challenge the first instance decision of the trial judge. The reasons for these constraints are set out in a string of well-known authorities including, in the intellectual property context, Fage UK Ltd v Chobani UK Ltd [2014] EWCA Civ 5; [2014] FSR 29, per Lewison LJ at para 114. The reasons there set out relevantly include the following:*
>
> *(i) The trial is not a dress rehearsal. It is the first and last night of the show.*

> *(ii) Duplication of the trial judge's role on appeal is a disproportionate use of the limited resources of an appellate court.*
>
> *(iii) In making his decisions the trial judge will have regard to the whole of the sea of evidence presented to him, whereas an appellate court will only be island hopping.*
>
> *95. In Lifestyle Equities CV v Amazon UK Services Ltd [2024] UKSC 8; [2024] Bus LR 532 this court reviewed those constraints in a trade mark context. After citing from the Fage case this court in a joint judgment said, at paras 49- 50:*
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> > *"49. That does not, however, mean the appeal court is powerless to intervene where the judge has fallen into error in arriving at an evaluative decision such as whether an activity was or was not targeted at a particular territory. It may be possible to establish that the judge was plainly wrong or that there has been a significant error of principle; but the circumstances in which an effective challenge may be mounted to an evaluative decision are not limited to such cases. Many of the important authorities in this area were reviewed by the Court of Appeal in In re Sprintroom Ltd [2019] 2 BCLC 617, paras 72–76. There, in a judgment to which all members of the court (McCombe, Leggatt and Rose LJJ) contributed, the court concluded, at para 76, in terms with which we agree, that on a challenge to an evaluative decision of a first instance judge, the appeal court does not carry out the balancing exercise afresh but must ask whether the decision of the judge was wrong by reason of an identifiable flaw in the judge's treatment of the question to be decided, such as a gap in logic, a lack of consistency, or a failure to take into account some material factor, which undermines the cogency of the conclusion.*
> >
> > *50. On the other hand, it is equally clear that, for the decision to be 'wrong' under CPR r 52.21(3), it is not enough to show, without more, that the appellate court might have arrived at a different evaluation."*

11. I have borne those principles firmly in mind.

Grounds of Appeal

12. The Appellant's Grounds of Appeal set out five grounds, three of which related to the decision under s.5(2)(b) ground, one which related to the decision under s.5(4)(a) ground, and a final ground of appeal relating to the treatment of the evidence by the Hearing Officer, which appears to relate to both s.5(2)(b) and s.5(4)(a). I will consider each of them in turn.

Ground 1: Identification of the average consumer – error of principle

13. The Appellant criticised the Hearing Officer's conclusion in paragraph 45 of the Decision that *"In the absence of evidence, the most I think I can say is that some consumers are likely to be aware that "Namaste" refers to a greeting, while others will not be aware of*

this.". In the previous paragraph of the Decision, the Hearing Officer had cited Ms Anna Carboni, sitting as the Appointed Person in *Chorkee Ltd v Cherokee Inc.*, BL O/048/08 , when she said at [36]:

> *"Judicial notice may be taken of facts that are too notorious to be the subject of serious dispute. But care has to be taken not to assume that one's own personal experience, knowledge and assumptions are more widespread than they are."*

14. The Appellant submitted that the Hearing Officer misapplied the principle relating to judicial notice in two ways. Firstly, by assuming *"without evidence, that a significant proportion of the relevant public for Indian restaurants does not understand the mearing of "Namaste""*, and secondly by failing *"to recognise that knowledge of a basic cultural greeting widely used in Indian restaurants … is a matter of ordinary linguistic fact, verifiable by reference to major English dictionaries (Oxford, Cambridge)"*.

15. There was no evidence of the meaning of the word "Namaste" to assist the Hearing Officer, and I do not agree that the Hearing Officer was required to take judicial notice of its meaning. Instead, she proceeded to consider the position both from the point of view of the average consumer who would understand the meaning of the word, and the average consumer who would not. This was the appropriate way of proceeding, and did not, as the Appellant submitted, result in an erroneous distinctiveness and confusion analysis. The Appellant was wrong to suggest that the Hearing Officer assumed that *"the largest or decisive consumer group is the one who does not understand "Namaste"*. The Hearing Officer did not express any opinion as to which of the two groups were bigger, but undertook her analysis of the distinctiveness of the Earlier Mark and the likelihood of confusion from the perspective of each type of consumer she had identified.

16. Accordingly, I reject the Appellant's first ground of appeal that the Hearing Officer prioritised the wrong average consumer.

Ground 2: Distinctiveness of the Earlier Mark – Errors in analysis

17. The Hearing Officer found (at [49]-[50]) that, for consumers who do not understand the meaning of "Namaste", the Earlier Mark was inherently distinctive to a high degree, and for those who do understand its meaning, the Earlier Mark was inherently distinctive to between a low and medium degree. The Hearing Officer found that the additional elements of the mark did not increase the mark's inherent distinctiveness. The Hearing Officer also found [at 51] that evidence of search results of the UK IPO trade marks register showing 13 entries for marks including the word "Namaste" in Class 43, one of

which was the Appellant's Mark, could not show that the inherent distinctive character of the Earlier Mark had been weakened because they were not evidence of what was happening in the market at the date of application of the Appellant's Mark. Similarly, the Hearing Officer found that evidence of search results of Google Maps showing the name of 11 restaurants which featured "Namaste" or "Namaaste" in their name, including those run by each of the parties, did not assist the Appellant in establishing that the word "Namaste" was commonly used in the industry at the relevant time because the evidence was undated, the search parameters were not explained, and there was no evidence of the position in the market and the extent to which any of the restaurants operated under the signs.

18. The Appellant criticised the Hearing Officer firstly for *"improperly prioritising the "high distinctiveness" group"*, giving that group *"decisive weight"*. However, as I explained above, nowhere in the Hearing Officer's decision does she make any assessment as to which of the two groups of consumers was larger than the other, but simply applied the relevant criteria to each of the two groups in turn. When she reached her ultimate conclusion in paragraph 71 that *"a significant proportion of the public is likely to be directly confused, even where the services are similar to only a medium degree"* she did not identify which of the two groups she was referring to, but when read in the context of the whole Decision there is nothing to suggest that her conclusion was not reached in relation to each of the two groups of consumers. In any event, it would have been sufficient if just those consumers who did not understand the meaning of the word "Namaste" were likely to be confused, if they consisted a significant proportion of the relevant public, which need not be a majority of consumers (see *Interflora v Marks and Spencer* [2014] EWCA Civ 1403 at [128]-[130]). Since the Hearing Officer did not indicate which of the two groups of consumers were larger than the other, but gave them equal treatment in her considerations, I conclude that she considered each group to represent a significant proportion of the relevant public.

19. The Appellant also criticised the Hearing Officer for failing to treat "Namaste" as an inherently weak/non-distinctive cultural greeting, stating *that "for a very large proportion of consumers, especially those familiar with Indian restaurants, "Namaste" is a greeting, not a badge of origin"*. There was no evidence before the Hearing Officer to assist her in relation to the proportion of relevant consumers who would understand "Namaste" as a greeting. However, I have found that she did reach her conclusion taking into account those consumers who would understand the meaning of "Namaste", for whom she found

that the inherent distinctive character of the Earlier Mark would be between low and medium. The Appellant suggested that this finding should have lead the Hearing Officer to find *"reduced protection, a narrower scope of similarity and reduced likelihood of confusion"*, rather than using *"the high-distinctiveness group as a foundation for finding confusion applicable to the whole public"* (which I have already found she did not do).

20. Lord Justice Arnold said the following in *TVIS Limited v Howserv Services Limited and others* [2024] EWCA Civ 1103 when dealing with the appellant's submission that the judge had erred by simply holding that the marks in issue in that case were visually and aurally *"similar"* rather than *"highly similar"*:

> *"34. I do not accept this argument for two reasons. The first is that no error of principle on the part of the judge has been identified. The assessment of the degree of visual and aural similarity between a sign and a trade mark is a matter for the first instance tribunal. Nor can it be said that the judge's assessment is plainly wrong.*
>
> *35. The second and more fundamental reason is that, while it is conventional for first instance tribunals in trade mark cases to articulate their assessment of the degree of visual and aural similarity between signs and trade marks using words such as "high", "medium" or "low", there is no legal requirement for tribunals to do so. All that is required is for the tribunal to assess the nature and extent of any similarities. This is because what matters is not the verbal label that is applied to the assessment, but whether the similarities in conjunction with the other factors which must be taken into account lead to a likelihood of confusion. It is possible for there to be no likelihood of confusion despite a relatively high degree of visual and aural similarity. Equally it is possible for there to be a likelihood of confusion despite a relatively low degree of visual and aural similarity. It depends on the other factors that are in play."*

21. For the same reasons, the Appellant is wrong to suggest that the Hearing Officer must have erred by finding a likelihood of confusion where the inherent distinctiveness of the Earlier Mark was found to be low to medium. While it is correct that the lower the distinctiveness of the Earlier Mark, the narrower the scope of protection and the lower the likelihood of confusion, that does not mean that when all the relevant factors are considered as part of a global assessment, there cannot be a likelihood of confusion.

22. I reject the Appellant's submissions that the Hearing Officer was wrong to give no weight to the third party use evidence in the form of the Google Maps search results, and that she applied an overly technical requirement of formality to an unrepresented appellant. Firstly, the Hearing Officer did consider the evidence, but concluded that it did not assist the Appellant in establishing that the word "Namaste" was commonly used in the industry at the relevant date. Secondly, her criticisms of the evidence were justifiable and

did not represent findings of fact which were "*rationally insupportable"*, so that I am not entitled to intervene.

23. Finally, I reject the Appellant's assertions that, even if the evidence fell short of proving common industry use, *"it was still probative of (i) the inherent character of "Namaste", (ii) its cultural meaning, (iii) its linguistic nature as a greeting and (iv) reduced distinctiveness of the earlier mark"*. Evidence of the location of restaurants using the name "Namaste" from the results of a search on Google Maps have no bearing on any of (i),(ii) or (iii), and I agree with the Hearing Officer's criticisms of the evidence to the extent that it was relevant to (iv).

24. The Appellant has therefore failed to identify any errors made by the Hearing Officer under Ground Two.

Ground 3: Global assessment of likelihood of confusion – errors of principle

25. The Appellant again submitted that the Hearing Officer erred by *"over-weighting the allegedly "high distinctiveness" consumer group"*. I have already rejected that argument.

Imperfect recollection

26. The Appellant submitted that the Hearing Officer misapplied the "imperfect recollection" principle, by overlooking the fact that the Earlier Mark contained the word "LOUNGE", the Appellant's Mark contained the word "WATFORD", and the materially different stylisation, fonts and devices.

27. The Hearing Officer found that the word "Namaste" made the greatest contribution to the overall impression of the Appellant's Mark, with the word "WATFORD" not contributing to the distinctive character of the mark because it would be perceived as the geographical location of the services [40]. With respect to the Earlier Mark, the Hearing Officer found the words "LOUNGE", "BAR" and "SHISHA" were all descriptive of the services provided, and that the word "Namaste" was the dominant and distinctive element of the Earlier Mark, with the device making a smaller contribution, and the stylisation and colour of the letters playing even smaller roles [41]. These were all conclusions she was entitled to reach.

28. The Hearing Officer summarised her findings in paragraph 65 as follows:

> *"65. Earlier in my decision, I found that:*

a) The parties' services are identical, highly similar or similar to a medium degree;

b) The average consumer for the majority of the services is a member of the general public paying a medium degree of attention;

c) Some of the services will be purchased by businesses and other organisations. While they may pay a slightly higher degree of attention than a member of the general public, it would still be in the medium range;

d) The purchasing process is largely visual, although there is a role for word-of mouth recommendations;

e) The word "NAMASTE" is the dominant and distinctive element of the earlier mark;

f) The word "namaste" makes the greatest contribution to the overall impression of the contested mark;

g) The marks are visually similar to a medium degree and aurally similar to a high degree;

h) For those groups of consumers who understand the meaning of the word "namaste", the marks are conceptually highly similar; for those who do not understand it, the marks are conceptually dissimilar; and

i) The earlier mark has a low to medium degree of inherent distinctive character for the first group of consumers and a high degree for the second group. The inherent distinctive character has not been enhanced through use."

29. After discussing evidence which the Respondent had relied on to suggest that confusion had actually occurred, which the Hearing Officer said she did not need to rely on in reaching her conclusion on the likelihood of confusion, she continued as follows:

> *"70. I consider it important to stress the point I made earlier in this decision, that I need to consider notional and fair use of both marks. Therefore, the applicant's arguments that the two parties cater to different parts of the dining market and to people in different geographical locations are not relevant. I accept that there are differences between the marks, but must also remember that the average consumer is prone to imperfect recollection. The dominant and distinctive element of the earlier mark, "NAMASTE", is identical to the element that makes the greatest contribution to the distinctive character of the contested mark. The fact that they are presented in upper case or lower case is not likely to be remembered. At this point, I remind myself that I found that there were two groups of consumers, and the earlier mark would have a different degree of distinctive character for each of these. In Comic Enterprises Ltd v Twentieth Century Fox Film Corporation [2016] EWCA Civ 41, Kitchin LJ (as he then was) said:*
>
> > *"34. ...*
> >
> > *...*

iv) the issue of a trade mark's distinctiveness is intimately tied to the scope of the protection to which it is entitled. So, in assessing an allegation of infringement under Article 5(1)(b) of the Directive arising from the use of a similar sign, the court must take into account the distinctiveness of the trade mark, and there will be a greater likelihood of confusion where the trade mark has a highly distinctive character either per se or as a result of the use which has been made of it. It follows that the court must necessarily have regard to the impact of the accused sign on the proportion of consumers to whom the trade mark is particularly distinctive.

v) If, having regard to the perceptions and expectations of the average consumer, the court concludes that a significant proportion of the relevant public is likely to be confused such as to warrant the intervention of the court then it may properly find infringement."

71. In my view a significant proportion of the public is likely to be directly confused, even where the services are similar to only a medium degree."

30. It is therefore clear that the Hearing Officer reminded herself of all of the relevant criteria and did apply a global assessment of the likelihood of confusion, with the "imperfect recollection principle" being just one of those factors that she took into consideration in reaching her conclusion.

<u>*Conceptual similarity*</u>

31. The Appellant also argued that the Hearing Officer erred in her findings relating to the conceptual similarity of the respective marks, submitting that her conclusions were the opposite of what she should have found. For consumers who did not know the meaning of the word "Namaste", the Appellant submitted that conceptual similarity was *"(at most) neutral"*. The Hearing Officer found the marks to be conceptually dissimilar for those consumers. The greater the conceptual similarity, the more likely it is that there would be a likelihood of confusion, so this finding of dissimilarity by the Hearing Officer had no detrimental effect on her decision to the Appellant.

32. With respect to those consumers who would understand the meaning of "Namaste", the Appellant argued that the Hearing Officer should have found the marks to be conceptually different because the word LOUNGE was a word associated with bars/nightlife, whereas the word WATFORD was a geographic term signalling location. However, this overlooks the Hearing Officer's finding that the word "Namaste" was the *"dominant and distinctive element"* of the Earlier Mark, and was identical to the *"element that makes the greatest contribution to the distinctive character"* of the Appellant's Mark. This was a finding she was entitled to reach given the descriptive

nature of the words LOUNGE and WATFORD when used in the context of restaurant and food and drink services.

33. Finally, the Appellant relied on the fact that the *"stylisation, font and devices differ materially"*, but none of these elements have any bearing on the conceptual meaning of the marks.

Aural similarity

34. The Appellant submitted that the Hearing Officer erred by giving *"determinative weight"* to the word "Namaste" in her assessment of a high aural similarity between the marks and overlooked the fact that *"consumers expect restaurants to include locations in their names"*, with the word "WATFORD" being a well-known UK location which provided *"a distinctive semantic element"*. The Appellant is incorrectly incorporating conceptual considerations into the aural comparison of the marks. Even if the Appellant is correct to suggest that consumers expect restaurants to include locations in their names (although clearly many restaurants do not), that does not mean that the descriptive location would be articulated, rather than just the dominant element "Namaste". In paragraph 43, the Hearing Officer stated:

> *"While it is possible that some consumers would say "Namaste Watford", it is, in my view, more likely that, on seeing the contested mark, the average consumer would perceive it as indicating services supplied under the name "Namaste" in Watford. I do not think that it is likely that a consumer would say "I went to Namaste Watford yesterday", rather than "I went to Namaste yesterday". I find that the marks are aurally highly similar. If I am wrong in this, and they would say "Namaste Watford", I would still find the marks to be aurally similar to a high degree based on the identical beginnings and the descriptiveness of the remaining spoken elements."*

35. It is therefore clear that the Hearing Officer considered that the word "WATFORD" would not be articulated (which I agree with), so that the comparison would be between "NAMASTE LOUNGE" and "NAMASTE" (since she also found that the third line of the Earlier Mark would not be articulated). Furthermore, she went on to state that even if the word "WATFORD" was articulated, the marks were still aurally similar to a high degree in light of the identical first word, which consumers would be likely to pay more attention to. I do not consider that conclusion to be one that a reasonable tribunal could not have reached.

36. I therefore find that the Hearing Officer made no error in her findings regarding the similarity of the marks, or her overall conclusion on the likelihood of confusion.

Ground 4: Passing off under s.5(4)(a) – Errors of principle

37. The Appellant submitted that the Hearing Officer's findings resulting in her conclusion that the ground under s.5(4)(a) succeeded *"depend entirely on the HO's earlier confusion analysis, which was flawed"*. Since I have rejected the Appellant's submissions that her analysis of the likelihood of confusion was flawed, the Appellant's appeal also fails under this ground.

Ground 5: Failure to adopt a fair approach to judicial notice & evidence

38. I have already dealt with the Appellant's submissions regarding judicial notice and the fact that no evidence of the meaning of the word "NAMASTE" had been submitted by the Appellant under Ground 1 above. With respect to the Hearing Officer's treatment of the evidence relating to other restaurants which used the word "NAMASTE" as part of their name, I have rejected any criticism of the Hearing Officer's approach under Ground 2 above. I did not identify any *"imbalance"* in the treatment of the evidence relied on by the Appellant and the evidence relied on by the Respondent, as alleged by the Appellant.

39. Accordingly, the appeal fails under this ground as well.

Conclusion

40. The appeal has failed for the reasons set out above.

Costs

41. Since the Appellant has been unsuccessful, and the Respondent took no part in the appeal, I shall make no order in respect of the costs of the appeal. The Hearing Officer ordered the Appellant to pay the sum of £2,200 to the Respondent in respect of the proceedings before her. Accordingly, I order that the Appellant shall pay the sum of £2,200 to the Respondent within 21 days of the date of this decision.

Simon Clark
The Appointed Person
18 May 2026