O/0425/26

TRADE MARKS ACT 1994

IN THE MATTER OF UK REGISTRATION NO. 3948095
IN THE NAME OF EVERYBODY REFORMER(EDEN PARK) LTD
FOR THE FOLLOWING TRADE MARK:

Everybody Reformer

IN CLASS 41

AND

AN APPLICATION FOR A DECLARATION OF INVALIDITY
THERETO UNDER NO. CA000508685
BY EVERYBODY HEALTH & LEISURE

Background and pleadings

1. The trade mark shown on the front page of this decision ("contested mark") stands registered in the name of Everybody Reformer (Eden Park) Ltd ("the proprietor"). The mark was applied for on 21 August 2023 in the UK and was registered on 17 November 2023. The contested mark stands registered for the following services:

> Class 41: Pilates instruction; Exercise and fitness classes; Exercise classes; Fitness and exercise instruction; Conducting fitness classes; Health and fitness training; Fitness training services; Physical fitness instruction; Conducting classes in exercise; Providing fitness and exercise facilities; Health and fitness club services; Exercise instruction; Personal fitness training services; Health and wellness training.

2. On 31 March 2025, Everybody Health & Leisure ("the applicant") filed an application to have the contested mark declared invalid under the provisions of Section 5(2)(b) of the Trade Marks Act 1994 ("the Act")[1], which are relevant in invalidation proceedings under Section 47 of the Act.

3. The applicant relies upon the UK trade mark registration (series of two):

1 of 2

2 of 2

[1] 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.

UK registration no. UK00003786878

Filing date 11 May 2022; registration date 23 September 2022.

Relying on the following services:

Class 41: Health and fitness club services; gymnasium services relating to weight training; physical fitness instruction; swimming instruction; providing swimming pool facilities; physical fitness training services; providing inclusive fitness and training services for people with disabilities; physical fitness education services; providing sport facilities; hire of sports facilities; non-downloadable electronic publications; education and training services; training and apprenticeship schemes; providing classes in the fields of fitness, exercise and nutrition; provision of instruction for the disabled; sports club services; sport camp services; holiday camp services; led walks; Nordic walking; sport coaching services; sporting services; sports entertainment services; tuition in sports; organisation of sporting competitions and sports events; organising community sporting events; rental of sports equipment not including vehicles; rental of stadium facilities; rental of sports facilities; providing tennis courts; rental of tennis courts; providing squash courts; rental of squash courts; providing football pitches; rental of football pitches; providing badminton courts; rental of badminton courts; providing hockey pitches; rental of hockey pitches; providing rugby pitches; rental of rugby pitches; providing basketball courts; rental of basketball courts; providing netball courts; rental of netball courts; providing cricket pitches; rental of cricket pitches; providing cricket practice nets; rental of cricket practice nets; providing table tennis tables; rental of table tennis tables; providing bowl [game] facilities; rental of bowl [game] facilities; sports entertainment services; rental of sporting apparatus; timing of sports

events; sports refereeing; conducting training seminars; production of training films and videos; personal fitness training services and consultancy; providing a website featuring information on exercise and fitness; provision of information on fitness training via an online portal; provision of information and advice in relation to individual sporting activities, personal fitness, physical training, gymnastic training and team sports; conducting training sessions on physical fitness online; providing online training and information on exercise and fitness; providing fitness classes via on-demand videos; video recordings [not downloadable] provided from the internet.

Class 44: Physical rehabilitation services; provision of exercise facilities for health rehabilitation services; medical evaluation services for patients receiving rehabilitation for purposes of guiding treatment and assessing effectiveness; health spa services; provision of spa facilities; dietician services; counselling relating to nutrition; nutrition and dietetic consultancy; providing weight loss program services; fitness testing; providing health information via a website.

4. By virtue of its earlier filing date, the applicant's registration constitutes a series of earlier marks in accordance with section 6 of the Act. The applicant's registration had not completed its registration process more than five years before (1) the date of the application in issue or (2) the filing date of the contested mark. It is, therefore, not subject to proof of use pursuant to section 47(2B) of the Act. Consequently, the applicant may rely on all of the services it has identified without having to demonstrate use.

5. The applicant claims that the marks are similar and that the respective services are identical or similar. As a result, the applicant claims that there is a risk of confusion between the marks.

6. The proprietor filed a counterstatement denying the claims made.

7. The proprietor represents themselves, and the applicant is represented by Haseltine Lake Kempner LLP. Neither party filed evidence. No hearing was requested however, the applicant filed submissions in lieu of the same, so this decision is taken following a careful perusal of the papers.

Preliminary issue

8. The Registry's official letter dated 26 January 2026 set a deadline of 23 February 2026 for the filing of submissions in lieu of a hearing. The proprietor did not meet this deadline but emailed the registry on 10 May 2026. In that email, they listed several UK trade marks containing the word "everybody", submitting that the cancellation applicant does not enjoy such a broad monopoly as to prevent third parties from using that word in combination with others for Class 41 services.

9. I first note that the submissions were filed over ten weeks after the set deadline and were not accompanied by an extension of time request. I therefore do not find it appropriate to take these submissions into consideration.

10. Even if I were to consider the late-filed submissions, they would have no bearing on my decision. This is because the decision I am required to make is based on a notional assessment of the likelihood of confusion and the mere presence of "everybody" marks on the register is not evidence of how such trade marks are in fact used in the market, nor does it clarify whether consumers have or have not been confused by the presence of such marks.[2] As such, this line of argument does not assist the proprietor.

DECISION

11. Section 5(2)(b) of the Act has application in invalidation proceedings pursuant to section 47 of the Act, which states as follows:

> "47. –
>
> […]
>
> (2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-

[2] *Zero Industry Srl v OHIM*, Case T-400/06.

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

(b) […]

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

(2A) 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.

[…]

(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) An application for a declaration of invalidity may be filed on the basis of one or more earlier trade marks or other earlier rights provided they all belong to the same proprietor.

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made: Provided that this shall not affect transactions past and closed."

12. Section 5(2)(b) of the Act reads as follows:

"(2) A trade mark shall not be registered if because-

(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 or association with the earlier trade mark."

13. The following standard summary of the principles applicable to the assessment of the likelihood of confusion was approved by the Supreme Court in *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor*, [2025] UKSC 25:

(a) the likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may, in certain circumstances, be dominated by one or more of its components;

(f) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a greater degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense; and

(k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

Comparison of services

14. In *Gérard Meric v OHIM*,[3] (*"Meric*"), the General Court ("GC") held to the effect that goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by the trade mark application and vice versa. For the avoidance of doubt, this principle equally applies to services.

15. The full specification relied upon by the applicant is set out in paragraph 3 above. I have identified only those services that I consider represent the applicant's best case in the table below. With that in mind, the services to be compared are as follows:

[3] Case T-133/05

Applicant's services	Proprietor's services
Class 41: Health and fitness club services; physical fitness instruction; physical fitness training services; personal fitness training services and consultancy.	Class 41: Pilates instruction; Exercise and fitness classes; Exercise classes; Fitness and exercise instruction; Conducting fitness classes; Health and fitness training; Fitness training services; Physical fitness instruction; Conducting classes in exercise; Providing fitness and exercise facilities; Health and fitness club services; Exercise instruction; Personal fitness training services; Health and wellness training.

16. The terms *Physical fitness instruction; Health and fitness club services* and *Personal fitness training services* appear in both specifications. They are self-evidently identical.

17. The earlier specification includes the broad term *Health and fitness club services.* To my mind this would include the provision of exercise classes and the provision of exercise facilities such as gymnasiums or swimming pools. Accordingly, I find *Health and fitness club services* to be identical to the proprietor's terms of *Exercise and fitness classes; Exercise classes; Conducting fitness classes; Conducting classes in exercise* and *Providing fitness and exercise facilities* in line with *Meric.*

18. *Fitness training services* in the applicant's specification would include the proprietor's term of *personal fitness training services.* These services are therefore identical according to *Meric.*

19. I consider the applicant's terms *Fitness and exercise instruction* and *Exercise instruction* would encompass the earlier term of *physical fitness instruction.* These services are therefore identical in line with *Meric.*

20. I consider Pilates to be a form of physical fitness. As such, *physical fitness instruction* in the earlier specification would encompass *Pilates instruction.* These terms are identical based on the principle outlined in *Meric.*

Average consumer and the purchasing act

21. As the case law above indicates, it is necessary to determine who the average consumer is for the goods and services at issue. I must then determine the manner in which the goods and services are likely to be selected by the average consumer.

22. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

23. In *Iconix Luxembourg Holdings SARL v Dream Paris Europe Inc & Anor*, [2025] UKSC 25, the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)* [2024] EWCA Civ 262, where he pointed out that:

> (a) Consumers who are ill-informed or careless, or consumers with specialised knowledge or who are excessively careful are excluded from consideration;
>
> (b) The average consumer provides a standard which enables the courts to strike a balance between the competing interests involved, such as trade mark owners, their competitors and consumers;
>
> (c) The average consumer is neither a single hypothetical person nor a mathematical average; assessment from the perspective of the average consumer does not involve a statistical test. There is no single meaning rule and if, having regard to the perceptions and expectations of the average consumer, the court considers that a significant proportion of the relevant public is likely to be confused, a finding of infringement may properly be made;
>
> (d) Assessment from the perspective of the average consumer is intended to facilitate adjudication of trade mark disputes by providing an objective criterion, by promoting consistency of assessment and by and enabling courts and

tribunals to determine such issues so far as possible without the need for evidence;

(e) The average consumer's level of attention varies according to the category of goods or services in question; and

(f) the average consumer rarely has the opportunity to make direct comparisons between trade marks (or between trade marks and signs) and must instead rely upon the imperfect picture of the trade mark they have kept in their mind.

24. In my view, the average consumer of the services at issue is a member of the general public with an interest in health and fitness. The frequency with which such services are accessed is likely to vary; however, fitness-related services are commonly used on a regular basis. The cost of the services will also vary, ranging from relatively low-cost subscriptions to more expensive one-to-one personal training. In all cases, the consumer is likely to exercise a degree of care in the selection of the services, to ensure that they meet their particular requirements. These would include but not be limited to the cost of the fitness class and/or health club membership, on-site facilities, range of fitness classes on offer, the qualifications of the fitness provider, opening times and the type of fitness equipment available for use. Taking these factors into account, I consider that the average consumer will pay a medium degree of attention during the purchasing process.

25. The services are most likely to be selected through online platforms or by reference to printed promotional material or lists in physical premises. Consequently, visual considerations are likely to be of primary importance in the selection process. That said, I recognise that there is also an aural element, as word-of-mouth recommendations may influence the consumer's choice and there may be direct interactions with service providers, such as fitness trainers.

Comparison of marks

26. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual

similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

> ".....it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion."

27. It would be wrong, therefore, to dissect the trade marks artificially, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

28. The respective trade marks are shown below:

Earlier registration	Contested trade mark
1 of 2  2 of 2  	**Everybody Reformer**

Overall impression

29. The earlier registration comprises a series of two figurative marks. The marks both consist of a figurative element positioned to the left of the word “everybody”. The figurative element comprises two shapes, one resembling a number 3 and the other resembling the same number reversed. To the right, the word “everybody” appears in lowercase letters. The “every” element is presented in an italic font, and the “body” element is presented in a bold font. The first mark in the series is presented in black and orange whereas the seconds mark is presented in black and grey. Given that consumers tend to be drawn to elements of marks that can be read, I find that in the case of both marks, the wording “everybody” plays the greater role in the overall impression, and the figurative element and stylistic elements will play a lesser role.

30. The contested mark is in word-only format and comprises the words “Everybody Reformer” in title case. For reasons that will become clear when I discuss the concept of the word, I find that “Reformer” plays a lesser role in the overall impression.

Visual comparison

31. Visually, the marks overlap through use of the word “everybody”. This is the dominant and distinctive feature of the marks in the applicant’s registration and the first element of the contested mark. Differences arise between the respective marks by way of the figurative element which appears in the earlier mark and the word “Reformer” which appears in the contested mark. Considered as a whole and taking into account what I have said about the overall impressions of each mark, I find the earlier mark to be visually similar to the contested mark to a medium degree.

Aural comparison

32. The point of aural overlap between the marks lies in the word “everybody” which will be pronounced identically in both marks. The point of difference lies in the contested mark as it contains the word “reformer” at its end. Overall, I find there to be a medium degree of aural similarity.

Conceptual comparison

33. Both marks contain the identical word “everybody”. This will be understood by consumers as meaning *every person* or *all people*. The meaning of that word will be the same in both marks.

34. The contested mark also contains the word “reformer”. In respect of this word, I consider that consumers will look towards the services at issue to inform their understanding of it. In the context of health and fitness services, I consider that a significant proportion of the relevant public would understand this word as referring to a type of Pilates class or to a piece of Pilates equipment.[4]

35. I do not consider the figurative element in the earlier mark would convey any meaning to consumers. On balance, I consider that the shared reference to the word ‘Everybody’ is sufficient to find there to be a medium degree of conceptual similarity.

Distinctive character of the applicant’s registration

36. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

> “22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).
>
> 23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not

[4] For the avoidance of doubt, I consider that ‘Reformer’ in this context is descriptive hence the finding above that it plays a lesser role in the overall impression of the contested mark. I can confirm that I have reached this finding whilst bearing in mind that ‘Everybody’ (the distinctiveness of which I will assess below) is not particularly remarkable from a trade mark perspective either. However, I am of the view that it carries more weight in the contested mark than the descriptive ‘Reformer’.

contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51)."

37. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of marks can be enhanced through use. The applicant has not pleaded that its registration has obtained an enhanced level of distinctiveness, nor has it filed any evidence to that effect. As a result, I only have the inherent position to consider.

38. "Everybody" is a known dictionary-defined term and, although it is not descriptive of the services, when seen in the context of health and fitness services, it is likely to be understood as an inclusive message suggesting that the services are suitable for everybody. Whilst the figurative presentation and device add some distinctive character, they are not sufficient to significantly alter the overall impression conveyed by the word element. Taking these factors into account, I find that the mark possesses a below average degree of inherent distinctive character for the services at issue.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion

39. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be

offset by a greater degree of similarity between the respective goods and services and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the goods and services and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he or she has retained in their mind.

40. I have found the services at issue to be identical. I have found that the average consumer will comprise of members of the general public with an interest in health and fitness who will select the services via primarily visual means (though not discounting an aural component) whilst paying a medium degree of attention. I have found the marks to be visually, aurally and conceptually similar to a medium degree. I have found the marks in the applicant's registration to hold a below average level of inherent distinctive character.

41. Considering the respective marks as a whole, there are clear differences between them visually and aurally. I find that these differences will not go unnoticed by the average consumer even when paying a medium degree of attention on services that are identical. I do not find that the proprietor's mark will be mistaken the earlier mark and as such, I do not consider there to be a likelihood of direct confusion.

42. I will therefore proceed to consider whether there is a likelihood of indirect confusion, whilst reminding myself that, as James Mellor QC sitting as the Appointed Person pointed out in *Cheeky Italian Ltd v Sutaria* (O/219/16) at [16], 'a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion.'

43. In *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

> "16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it

is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: 'The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark'.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right ('26 RED TESCO' would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as 'LITE', 'EXPRESS', 'WORLDWIDE', 'MINI' etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension ('FAT FACE' to 'BRAT FACE' for example)".

44. These examples are not exhaustive but provide helpful focus.

45. I recognise that the Court of Appeal has emphasised that, where there is no direct confusion, there must be a "proper basis" for finding indirect confusion.[5] In this connection, it is not sufficient that a mark merely calls to mind another mark: this is mere association not indirect confusion.[6]

46. I am of the view that a significant proportion of relevant consumers would believe that the marks originate from the same or economically linked undertakings. I say this because the shared "everybody" element would be viewed as the as the indicator of origin for both marks. Whilst the earlier mark contains a stylised and figurative element, I have found that this plays a lesser role in the overall impression and, as such, the word "everybody" will be the primary indicator of origin. On that basis, it is my view that category (b) of *L.A Sugar* applies here. Whilst I acknowledge that this element is not highly distinctive, I note that weak distinctive character of the earlier trade mark does not preclude a likelihood of confusion.[7] Further, I have found that the additional word "Reformer" in the contested mark holds less weight in the contested mark because it would be understood by a significant proportion of relevant consumers as referring to a type of Pilates class or to a piece of Pilates equipment. I therefore find that the differences between these marks would be perceived as logical indicators of a sub-brand or brand extension particularly when viewed in relation to identical services. For example, the addition of "Reformer" in the contested mark would be viewed as the "Everybody" brand of health and fitness services offering a specific service, such as a Reformer Pilates class. Taking the above into account, I find that there exists a likelihood of indirect confusion between the marks at issue.

CONCLUSION

47. The application for invalidation succeeds in its entirety and the contested mark is, subject to any successful appeal of my decision, invalidated in its entirety.

[5] *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207
[6] *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17
[7] *L'Oréal SA v OHIM*, Case C-235/05 P

COSTS

48. The applicant 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 proprietor the sum of £800 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Preparing a statement and considering	
the other side's statement:	£250
Filing submissions in lieu:	£350
Official fee:	£200

49. I therefore order Everybody Reformer (Eden Park) Ltd to pay Everybody Health & Leisure the sum of £800. The above 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 18th day of May 2026

Catrin Williams

For the Registrar