

BL O/0697/26

TRADE MARKS ACT 1994

**IN THE MATTER OF UK APPLICATION NO. 3739581 IN THE NAME OF
CAMBRIDGE ROWING LIMITED**

**AND IN THE MATTER OF OPPOSITION NO 433477 THERETO BY THE
CHANCELLOR, MASTERS AND SCHOLARS OF THE UNIVERSITY OF
CAMBRIDGE**

DECISION

Introduction

1. This is an appeal against the decision of R Le Breton, acting on behalf of the Registrar, dated 3 February 2026 (O-0090-26) (“*the Decision*”). In the Decision the Hearing Officer upheld the opposition brought by The Chancellor and Masters and Scholars of the University of Cambridge (“*the opponent*”) in its entirety with respect to the Trade Mark Application No 3739581 in the name of Cambridge Rowing Limited (“*the applicant*”).
2. On 5 January 2022 the applicant applied to register the following trade mark



with respect to:

Class 25: Sports clothing; Sports wear; Sports jackets; Clothes for sport.

Class 35: Merchandising; Inventorying merchandise; Product merchandising; Business merchandising display services; Display services for merchandise; Product merchandising for others; Preparing promotional and merchandising material for others.

Class 41: Corporate hospitality (entertainment); Hospitality services (entertainment); Sports activities; Sport camps; Sporting services; Sporting activities; Instruction in sports; Sports entertainment services; Training in sports; Sports coaching services; Sports and fitness; Organising of sporting events, competitions and sporting tournaments; Operation of sports facilities.

3. On 12 May 2022 the opponent filed a Notice of Opposition on the basis of sections 5(2)(b), 5(3) and 5(4)(a) of the Trade Marks Act 1994 (*“the 1994 Act”*). For the purposes of these sections the opponent relied upon the following rights:

(1) Section 5(2)(b) only:

UK comparable trade mark number 901771997 for:



with respect to various goods in class 25.

UK comparable trade mark number 909896705 for:



with respect to various goods in classes 18 and 25.

UK trade mark number 3554488 for

UNIVERSITY OF CAMBRIDGE

with respect to various services in class 41.

(2) Section 5(2)(b) and section 5(3):

UK trade mark number 3015609 for

CAMBRIDGE

with respect to various services in class 41.

UK comparable trade mark no 900896449 for

UNIVERSITY OF CAMBRIDGE

with respect to goods and services in classes 25 and 41

(3) Section 5(4)(a):

The opponent relied upon the sign CAMBRIDGE which it submitted has been used in the UK since the 13th century with respect to '*Education; provision of courses of instruction; lectures and seminars; provision of recreational and sporting facilities; sporting activities; sports training; organising of sporting events; sports clothing.*'

4. The applicant filed a counterstatement denying the claims made and requesting the opponent to provide proof of use for some of the goods and services relied on.
5. Only the opponent filed evidence.
6. At the hearing below the opponent was represented by Guy Tritton instructed by Keltie LLP and the applicant was represented by Richard Bickford-Smith of Basck Limited.
7. In the Decision the Hearing Officer first considered the question of whether the opponent had established, by way of evidence, proof of use of the trade mark registrations relied upon. The Hearing Officer found that:
 - (1) The opponent had not established genuine use of its two crossed rowing blade marks (No. 901771887 and No. 909896705) in respect of the goods relied upon (paragraph [43] of the Decision).
 - (2) The opponent had established genuine use with respect to the UNIVERSITY OF CAMBRIDGE mark (No. 900896449) with respect to the '*provision of recreational and sporting facilities*' (paragraph [46] of the Decision).
 - (3) With respect to the use of the CAMBRIDGE mark (No. 3015609) proof of use was requested with respect to '*Sporting and cultural activities: sport camp services*' in class 41. The Hearing Officer found that such services would be included within other parts of the class 41 specification which were not subject to any proof of use and therefore no decision on the issue was required as it was unlikely to alter the outcome of the Decision (paragraphs [47] to [49] of the Decision).
8. There is no appeal directed to these findings, and I therefore do not refer again to the two crossed rowing blade marks in this decision.

9. The Hearing Officer then considered the opposition under sections 5(2)(b), 5(3) and 5(4)(a) of the 1994 Act. The Hearing Officer found that the ground of opposition under:
 - (1) Section 5(2)(b) was partially successful succeeding on certain services in class 41 and failing with respect the remaining goods and services in classes 25 and 35 (paragraphs [132] and [133] of the Decision).
 - (2) Section 5(3) succeeded in its entirety (paragraph [156] of the Decision).
 - (3) Section 5(4)(a) was successful with respect to the goods and services in class 25 and 41 and unsuccessful with respect to the contested services in class 35 (paragraph [187] of the Decision).
10. Based on those findings the Hearing Officer, subject to any appeal, refused the application for registration with respect to all the goods and services applied for and ordered the applicant to pay the opponent the sum of £2,400 as a contribution to the costs of the proceedings.

The appeal

The grounds of appeal

11. The applicant appealed. Having identified the grounds of opposition at paragraph 1.3 as being under sections 5(2)(b), 5(3) and 5(4)(a) of the 1994 at paragraph 1.5 of the Statement of Grounds the scope of the appeal was identified as follows:

This appeal is brought pursuant to section 76 of the Act against the Decision insofar as the opposition succeeded in respect of:

- (i) Class 25 goods under section 5(4)(a); and
 - (ii) Class 41 services under sections 5(2)(b), 5(3) and 5(4)(a).
12. From this paragraph it would seem that there was no appeal against the finding of conflict under section 5(3) with respect to the class 25 goods; and no appeal with respect to the any of the findings with respect to the class 35 services.
13. The effect of this statement of position is that (1) whether or not the appeal against the findings under section 5(4)(a) of the 1994 Act with respect to the class 25 goods is successful it can make no difference to the result; and (2) the findings in the Decision with respect to the class 35 services stand unchallenged.
14. At the hearing of the appeal, it was confirmed by the applicant's representative that the scope of the appeal was effectively limited to an appeal against the findings under section 5(2)(b), 5(3) and 5(4)(a) with respect to the services in class 41. In the circumstances this Decision only considers the appeal in so far as it is directed to the

services in class 41 and I say no more about the Hearing Officer's specific findings in relation to the other classes of goods and services.

The Respondent's Notice

15. On 25 March 2026 a Respondent's Notice was filed on behalf of the opponent. In the Respondent's Notice it was maintained that the Hearing Officer was fully correct in upholding the section 5(3) objection on the grounds of unfair advantage (paragraph [158] of the Decision). However, it was further put forward that in the event that the finding of unfair advantage was overturned on appeal, then the two further heads of damage, detriment to distinctive character and detriment to repute which the Hearing Officer declined to consider should be the subject of further consideration.

Hearing

16. At the hearing of the appeal which took place by video link the applicant was represented by Mr Richard Bickford-Smith of Basck Limited and the opponent by Jonathan Moss KC instructed by Keltie LLP.

Standard on Appeal

17. There was no dispute as to the approach to be taken on appeal. The most recent authority in the UK Supreme Court is Lifestyle Equities CV v. Amazon UK Services Ltd [2024] UKSC 8 at [46] to [50] which states:

46. This is another important matter, and it is appropriate to summarise the correct approach at this stage. A finding that an activity is or is not targeted at consumers in the UK necessarily involves an evaluation by the judge of a range of different facts and matters. It requires, in other words, a multifactorial assessment of the documents, the evidence and the submissions made by the parties. The evaluation is also one which, when made in that way, the trial judge is peculiarly well placed to carry out.

47. Conversely, an appeal court is inevitably at a disadvantage, as Lord Hoffmann explained in *Biogen Inc v Medeva plc* [1997] RPC 1, 4, and so, where the application of a legal standard such as negligence or obviousness involves no question of principle, but is simply a matter of degree, an appellate court should be very cautious in differing from the judge's evaluation.

48. We consider that the position was well summarised by Lewison LJ in *FAGE UK Ltd v Chobani UK Ltd* [2014] FSR 29, para 114 in these terms:

“Appellate courts have been repeatedly warned, by recent cases at the highest level, not to interfere with findings of fact by trial judges, unless compelled to do

so. This applies not only to findings of primary fact, but also to the evaluation of those facts and to inferences to be drawn from them. The best known of these cases are: *Biogen Inc v Medeva plc* [1977] RPC 1; *Piglowksi v Piglowski* [1999] 1 WLR 1360; *Datec Electronics Holdings Ltd v United Parcels Service Ltd* [2007] 1 WLR 1325; *In re B (A Child) (Care Proceedings: Threshold Criteria)* [2013] 1 WLR 1911 and, most recently and comprehensively, *McGraddie v McGraddie* [2013] 1 WLR 2477. These are all decisions either of the House of Lords or of the Supreme Court. The reasons for this approach are many. They include:

- (i) The expertise of a trial judge is in determining what facts are relevant to the legal issues to be decided, and what those facts are if they are disputed.
 - (ii) The trial is not a dress rehearsal. It is the first and last night of the show.
 - (iii) Duplication of the trial judge's role on appeal is a disproportionate use of the limited resources of an appellate court, and will seldom lead to a different outcome in an individual case.
 - (iv) 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.
- ... ”

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 LJ) 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.

18. Further guidance as to the way appellate courts should approach the writing of judgments was recently set out by the Court of Appeal in Unik Bond SA v. Catbalogan Holdings Sarl [2025] EWCA Civ 1594 as follows:

59. In *Re Portsmouth City Football Club Ltd (in liquidation)* [2013] EWCA Civ 916, [2013] Bus LR 1152 Mummery LJ (with whom Rimer and Underhill LJ agreed) posed the question at [36]:

“What sensible purpose could be served by this court repeating in its judgments detailed discussions of every point raised in the grounds of appeal and the skeleton arguments when they have already been dealt with correctly and in detail in the judgment under appeal? No purpose at all, in my view.”

60. He continued at [38]:

“The proper administration of justice does not require this court to create work for itself, for other judges, for practitioners and for the public by producing yet another long and complicated judgment only to repeat what has already been fully explained in a sound judgment under appeal. If the judgment in the court below is correct, this court can legitimately adopt and affirm it without any obligation to say the same things over again in different words. The losing party will be told exactly why the appeal was dismissed: there was nothing wrong with the decision appealed or the reasons for it.”

19. I have kept these principles in mind when considering this appeal.

The Decision

20. Turning to the grounds of the appeal relied upon by the applicant, in paragraph 1.6 of the Statement of Grounds it was stated that:

The Applicant contends that the Hearing Officer erred in principle and/or reached conclusions that were not reasonably open on the evidence in relation to goodwill, misrepresentation, likelihood of confusion, unfair advantage, and damage.

21. There followed 12 pages of what were in effect submissions. These submissions were not entirely easy to follow but were broadly directed to the Hearing Officer’s failure

to analyse the evidence correctly and/or consistently apply their findings of fact to each of the grounds of opposition and/or to adequately explain the reasoning behind the conclusions that were made on the basis of those findings of fact. In reality, as in my view was correctly submitted on behalf of the opponent, the grounds of appeal were in essence a list of points upon which the applicant disagreed with Hearing Officer.

22. For the reasons explained by Iain Purvis KC sitting as the Appointed Person in GREYBOX TM (O-106-20) it is not helpful either for the conduct of the appeals generally or for the chances of success for an appellant in an individual case to proceed in this way.
23. In the skeleton of argument filed on behalf of the applicant the scope of the appeal was summarised as follow:

The [applicant's] case is therefore not that the [opponent] lacks rights, but that those rights have gradually expanded beyond their proper scope.

24. The skeleton went on to state that '[t]hree themes' underpinned the applicant's submissions/grounds of appeal namely '*First, limitations recognised at one stage of the analysis are subsequently not consistently maintained. Secondly, the geographical nature of the CAMBRIDGE is not consistently respected. Thirdly, findings reached for one statutory ground subsequently inform findings under another without sufficient additional reasoning.*'
25. Against that background, at the hearing before me, it was confirmed by the applicant's representative that there was no challenge to the Hearing Officer's identification of the applicable legal principles that they should apply to the issues before them.
26. In addition, at the hearing before me, it was confirmed on behalf of the applicant's representative as follows:

Applicant's representative: . . . This appeal instead concerns the legal consequences subsequently attributed to those accepted facts. The [applicant] respectfully submits that the decision contains a number of individually sustainable findings which, when viewed cumulatively, gradually expand the [opponent's] rights beyond the evidential foundation supporting them. As such, this appeal is not directed towards isolated conclusions; instead, it concerns the consistency of reasoning which links those conclusions together.

Appointed Person: So, if I could just clarify, . . . I think you just made a submission that your case is that a different conclusion could have been reached on the basis of the findings that the [Hearing Officer] made. Is that right?

Applicant's representative: We are saying that, yes, when viewed cumulatively, the individual findings on individual statutory grounds may in isolation have been reasonable, but when viewed together there are inconsistencies, and those findings should have informed each other. . . .

27. On one view that answer could be said on the basis of the case law set out above, to be a sufficient basis to dismiss the appeal. However, in case that is not the correct view, I turn to consider the appeal as pursued before me.
28. As noted above, effectively the only issue that remains for determination on appeal before me is whether or not the Hearing Officer was correct to uphold the opposition with respect to the services in class 41.
29. In this connection, as pointed out by the opponent, this approach raises a difficulty from the perspective of the applicant. That difficulty, which was not touched on in the Grounds of Appeal or the skeleton of argument filed on behalf of the applicant is how and on what basis, the Hearing Officer's reasoning with respect to the class 41 services can be said to be plainly wrong when the findings with respect to conflict with respect to the other classes are not challenged. That difficulty was reinforced by the way in which submissions were made both in writing and before me. That is to say the submissions were not restricted to or focussed upon the issues relating to a challenge to the findings relating to class 41 but rather to all complaints with regard to other matters, particularly issues relating to the findings with respect to the goods class 25, that were before the Hearing Officer for determination.
30. Against this background I turn to consider, as best I can, the points made by the applicant on the appeal. I have kept in mind the '*three themes*' identified by the applicant when writing this decision.
31. As a preliminary point it is important to acknowledge that, having reviewed the Decision, with regard to the Hearing Officer's assessment of both proof of use and conflict it is clear that the Hearing Officer specifically and separately assessed the issues before them by reference to the services in class 41.
32. With regard to the question of proof of use the findings were set out in paragraphs [44] to [48] of the Decision. Those findings were made by reference to the evidence that had been summarised in paragraphs [15] to [29].
33. It is to be noted that the evidence of use, which was filed on behalf of the opponent, was unchallenged by the applicant. That evidence was filed in support of the need to provide evidence of use but also to support the claims of acquired distinctive character, reputation and goodwill. No error in the Hearing Officer's summary of the evidence is put forward on this appeal.

34. So far as the analysis under section 5(2)(b) and the comparison of the services the analysis by reference to class 41 is clearly set out in paragraphs [58], [60] to [64] and [67] to [72] of the Decision. Class 41 was also specifically addressed with regard to (1) the comparison of the marks in paragraph [83] of the Decision; (2) the average consumer in paragraphs [94] to [96] of the Decision; (3) distinctive character at [108] to [111] of the Decision; and (4) likelihood of confusion at [126] to [128] and [131] of the Decision.
35. Likewise with respect to the analysis under section 5(3) the Hearing Officer specifically analysed the objection from the perspective of the services in class 41 in paragraphs [142] where the Hearing Officer expressly recognised that the assessments in relation to class 25 and 41 ‘*are not identical*’, and [143] to [144] of the Decision. Whilst the final conclusions under section 5(3) were given ‘in the round’ it is clear from the earlier paragraphs and the context that the Hearing Officer was fully aware of each of the different classes that were the subject of their conclusions.
36. Further so far as the assessment under section 5(4)(a) was concerned the Hearing Officer expressly considered misrepresentation from the position of the applicant’s class 41 services at paragraphs [181] and [182] of the Decision. A likelihood of damage and a risk of damage was also found with respect to class 41 services at [186]. I should note at this juncture that there was no evidence of actual damage before the Hearing Officer but as a matter of law this is not a requirement to establish conflict under section 5(4)(a). To the extent that it is suggested otherwise on behalf of the applicant I reject that submission.
37. I now turn to address certain points that have been raised on behalf of the applicant on this appeal and in particular the ‘themes’ identified in the skeleton of argument filed on behalf of the applicant.
38. First, to the extent that the applicant sought to challenge the findings as to the degree of similarity of the marks and/or the goods and services for the reasons explained in paragraph [35] of TVIS Ltd v. Howserv Services Ltd [2024] EWCA Civ 1103 this is not a valid ground of appeal:

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.

39. Second, turning to the suggestion that in making the required assessments the Hearing Officer erred in not analysing how the evidence filed '*translated into rights within each specific commercial sector under consideration*' thus leading to an expansion of the rights attributed to the opponent. It seems to me that Hearing Officer had this issue firmly in mind when considering (1) whether and to what extent the opponent had provided evidence of use where such use was required, (2) the extent to which it could be said that any of the earlier rights relied upon had (a) acquired distinctive character, (b) reputation, and/or (c) goodwill. However, it was not enunciated or properly enunciated on behalf of the applicant how the relevant parts of the Decision which specifically addressed these issues or the multifactorial assessments that followed demonstrated an error or principal or were clearly wrong.
40. Moreover, that the Hearing Officer had firmly in mind these issues is, by way of example, amply demonstrated in the following paragraphs of the Decision namely paragraphs [44] to [49] on proof of use, paragraphs [70] to [72] on similarity of class 41 services, likelihood of confusion at [131], reputation at paragraphs [142] to [143], link at paragraph [144] and misrepresentation at paragraph [181]. Of particular note is the extensive discussion and findings in paragraphs [102] to [112] of the Decision as to acquired distinctive character. In this passage the Hearing Officer expressly noted the position of the applicant in paragraphs [103] and [104] including with regard to the extent of the 'commercial' activities of the opponent. The Hearing Officer then proceeded to set out the admissions made on behalf of the applicant at paragraph [105] before going on to note at paragraph [106] that '*as I have no explicit admission of an enhanced distinctive character of the marks in relation to particular services, whilst I keep these comments in mind, I will go on to consider the evidence filed, to determine the extent to which I consider the opponent to have shown the distinctiveness of its earlier marks to have been enhanced in this instance*'. The Hearing Officer then proceeded to do exactly that task in paragraphs [107] to [112].
41. Having reviewed those parts of the Decision in which the Hearing Officer had to consider the scope of the applicant's rights I have not been able to identify any or any material error in their assessment. Rather on the basis of the evidence before them it seems to me that it was open to the Hearing Officer to make the findings that they did with respect to each of the assessments that they were required to make.
42. Third, turning to address the approach of the Hearing Officer to the word Cambridge and the fact that it is a geographical location it is clear that the Hearing Officer had this in mind at all stages of the decision-making process. See in particular the analysis by the Hearing Officer at paragraphs [122] *et seq* in the Decision where the Hearing Officer specifically addressed the applicant's submissions on this issue. I note that as part of this analysis at paragraph [125] the Hearing Officer correctly noted that '*as a registered mark CAMBRIDGE solus must be afforded a level of distinctive character*'. Further examples of where the Hearing Officer had in mind and took

account of the fact that Cambridge is a geographical location from the Decision include paragraphs [83], [88] to [90] (conceptual comparison) and [99] to [100] (distinctive character).

43. Having reviewed the Decision it does not seem to me that the Hearing Officer erred in their approach to the word Cambridge in making their assessment of conflict. In the context of each of the grounds of opposition the Hearing Officer had firmly and appropriately in mind that Cambridge is city in England i.e., a geographical location and made their assessment against that background. In the circumstances, I do not accept that there has been any or any material inconsistency in the Hearing Officer's approach to this issue.
44. I should emphasise that all the evaluations that the Hearing Officer was required to make in assessing conflict under these provisions requires a multi-factorial assessment that is what the Hearing Officer did. In order to maintain the required distance between the role of the decision taker at first instance and the decision taker on appeal it is necessary for this Tribunal to proceed on the basis that the Decision below should stand unless the matters on which the opponent relies are by force of what they reveal sufficient to establish that the Decision is vitiated by error. See paragraph [19] of LADY LOUISA WATERFORD TM (O-0646-24).
45. To conclude, I can see no basis upon which it can be said that the Hearing Officer erred by (1) failing to consider limitations recognised at one stage of the analysis to later parts of their analysis; or (2) giving a wider protection to the opponent's earlier registered marks in respect of the class 41 services or rights under the law of passing off than was supported by the unchallenged evidence. The Hearing Officer was not clearly wrong, and, in my view, it was open to them on the materials before them to reach the conclusions that they did.
46. Lastly complaint is made that the Hearing Officer relied on findings reached for one statutory ground to subsequently inform findings under another without sufficient additional reasoning.
47. In considering this ground or 'theme' I note the following from the judgment of Lewison LJ in Fage UK Ltd v. Chobani UK Ltd (above) at [115]:

115. It is also important to have in mind the role of a judgment given after trial. The primary function of a first instance judge is to find facts and identify the crucial legal points and to advance reasons for deciding them in a particular way. He should give his reasons in sufficient detail to show the parties and, if need be, the Court of Appeal the principles on which he has acted and the reasons that have led him to his decision. They need not be elaborate. There is no duty on a judge, in giving his reasons, to deal with every argument presented by counsel in support of his case. His function is to reach conclusions and give reasons to support his view, not to spell

out every matter as if summing up to a jury. Nor need he deal at any length with matters that are not disputed. It is sufficient if what he says shows the basis on which he has acted. These are not controversial observations: see *Customs and Excise Commissioners v A* [2002] EWCA Civ 1039; [2003] Fam. 55; *Bekoe v Broomes* [2005] UKPC 39; *Argos Ltd v Office of Fair Trading* [2006] EWCA Civ 1318; [2006] U.K.C.L.R. 1135.

48. It is correct that at various points in the Decision the Hearing Officer refers back to earlier findings that they made with respect to other statutory grounds of objection. However, no error of principle or material error is identified where the Hearing Officer adopted this course. Rather what is said is that the Hearing Officer should have provided further additional reasoning.
49. Having reviewed the Decision in the light of this criticism it seems to me that the Hearing Officer made appropriate cross-references to findings that they had made earlier in the Decision on other statutory grounds. The Hearing Officer did so in a context and manner which allowed the reader of the Decision to understand the basis upon which the Hearing Officer was reaching their conclusions (see by way of example ‘*The degree of similarity between the conflicting marks*’ and ‘*Whether there is a likelihood of confusion*’ both at paragraph [144]). These cross-references were used to identify certain conclusions of relevant common factors to the assessments that had to be made on the different statutory grounds. Separate multi-factorial assessments were then made in accordance with the relevant statutory ground in order to reach a conclusion. That approach was and is clearly sufficient for the purposes identified by Lewison LJ in *Fage* and I therefore reject this ground or ‘theme’ of appeal.
50. For the avoidance of any doubt to the extent that it is suggested on appeal that there was not sufficient reasoning with respect to other aspects of the Hearing Officer’s Decision I do not accept them. Having reviewed the Decision I am of the view that the Hearing Officer clearly, and as rightly accepted by the applicant, correctly identified the legal principles that were to be applied to the task that was before them, correctly summarised the evidence (as to which there was no challenge) before going on to set out the reasons for reaching their Decision. There is in my view simply no substance to the complaint that the reasoning in this case was not sufficient.
51. Given the findings that I have made with respect to the applicant’s appeal it is not necessary for me to consider the points raised in the Respondent’s Notice.

Conclusion

52. On the basis of my findings set out above it does not seem to me that the applicant has identified any error of principle or material error in the Decision. Moreover, it is not in my view appropriate to interfere with the evaluations that the Hearing Officer made

in reaching the conclusions that they did. In the result the appeal fails and is dismissed.

53. As the appeal has been dismissed the opponent is entitled to a contribution towards the costs of the appeal. That includes the costs associated with the Respondent's Notice. The opponent did not make an application for off scale costs but nonetheless submitted, given the way that the appeal had been put together, that the costs should be at the higher end of the scale. Against the background of this appeal, it seems to me in the exercise of my discretion that the applicant should pay to the opponent a contribution of £2,600 to the opponent's costs of the appeal.
54. The Hearing Officer ordered the applicant to pay to the opponent £2,400 with respect to its costs at first instance. In those circumstances I order that Cambridge Rowing Ltd pay The Chancellor, Masters and Scholars of the University of Cambridge the total sum of £5000 on or before 28 August 2026.

EMMA HIMSWORTH KC

Appointed Person

31 July 2026