

O/0701/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00004074132

BY

CHEF'S CHOICE FOODS MANUFACTURER CO., LTD

TO REGISTER:



AS A TRADE MARK IN CLASSES 29 & 30

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. OP000450573

BY KTC (EDIBLES) LIMITED

BACKGROUND AND PLEADINGS

1. On 10 July 2024, Chef 's Choice Foods Manufacturer Co., Ltd (“the applicant”) applied to register the trade mark shown on the cover page of this decision in the UK. The application was published for opposition purposes on 2 August 2024. The applicant seeks registration for the following goods:

Class 29: Preserved and Frozen Fruits and Vegetables; Dried and Cooked Fruits and Vegetables; Processed Fruits and Vegetables; Canned Fruits and Vegetables; Frozen Prepared Meals consisting principally of Vegetables; Aloe Vera in Syrup; Coconut jelly for use in drinks; fruit based jelly for use in drinks; Frozen Fruits; Frozen Vegetables; Milk; Milk products; Edible Oils and Fats; Canned Coconut Milk and Cream; UHT Coconut Milk and Cream; Milk Substitutes including Vegan Milk Substitutes; Condensed Coconut Milk; Vegan Evaporated Coconut Milk; Condensed Oat Milk; Oat Milk; Coconut Whipping Cream; Oat Whipping Cream; Evaporated Milk substitute/alternative; Condensed Milk substitute/ alternative; Whipping Cream substitute/alternative; Condensed Milk; Evaporated milk; Whipping Cream.

Class 30: Spices; Condiments; Dipping Sauces; Thai Curry Paste; Tom Yum Paste; Thai Chilli Paste; Savory sauces, chutneys and pastes; Curry Pastes; Chilli Pastes; Chilli Sauces; Stir-fry Sauces; Cooking Sauces; Rice Stick Noodle; Rice Vermicelli; Chinese Noodle; Rice; Tapioca and Sago; Caramel Sauce; Salted Caramel Sauce; Butterscotch Sauce; Chocolate Fudge Sauce; Matcha Sauce; Dairy-free Dessert Toppings; Dessert Toppings; Fish Sauce; Soy Sauce.

2. On 4 November 2024, the application was opposed by KTC (Edibles) Limited (“the opponent”). The opposition is brought under section 5(2)(b) of the Trade Marks Act 1994 (“the Act”).¹ The opponent relies on the following mark:

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

Chef's Choice



UKTM No. 911461258²

Filing date: 31 December 2012

Registration date: 29 May 2013

Relying on the following goods:

Class 29: Edible oils and fats; cooking oil; sunflower oil; palm oil; olive oil; pomace olive oil; extra virgin olive oil; coconut oil; nut oils; poppy seed oil; sesame seed oil; almond oil; mustard oil; corn oil; vegetable oil; rapeseed oil; soya bean oil; linseed oil for culinary purposes; ghee; vegetable fat; margarine; ground almonds; nuts; dried nuts; ground nuts; preserved nuts; prepared nuts; roasted nuts; salted nuts; beans; dried beans; canned beans; chick peas; lentils; dried lentils; preserved lentils; pulses; canned pulses; dried pulses;

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.

² The opponent's mark is a comparable mark based on an earlier EUTM. On 1 January 2021, in accordance with Article 54 of the Withdrawal Agreement between the UK and the European Union, the UK IPO created comparable UK trade marks for all right holders with existing EUTMs. These comparable marks enjoy the same filing and registration dates as their European counterparts.

canned vegetables; pickled vegetables; preserved vegetables; processed vegetables; preserved tomatoes; fish paste; meat paste; tomato paste; garlic paste; ginger paste; milk; coconut milk; coconut flakes; dessicated coconut; creamed coconut; condensed milk; dairy produce; hotdog sausages; sausages; meat; fish; poultry; corned beef; seeds; fruit juices for cooking; vegetable juices for cooking.

Class 30: Pappadums; rice; tapioca and sago; flour and preparations made from cereals; vinegar; sauces (condiments); spices; flour; cornflour; cereal flour; corn starch flour; dough flour; flour of oats; coconut flour; maize flour; rice flour; potato flour; gram flour; rye flour; soya flour; tapioca flour; vegetable flour; wheat flour; prepared rice; puffed rice; steamed rice; cooked rice; creamed rice; fried rice; curry powder; chilli powder; coriander powder; cumin powder; turmeric; paprika powder; seeds; cloves; ketchup; chutney; seasoning; processed herbs; pasta.

3. The opponent claims that the marks are similar and that the respective goods are identical or similar, with the result that there is a likelihood of confusion.
4. The trade mark relied upon by the opponent qualifies as an earlier trade mark pursuant to section 6 of the Act. The opponent's mark had completed its registration process more than 5 years prior to the application date of the mark at issue. As a result, the opponent's mark is subject to proof of use pursuant to section 6A of the Act.
5. The applicant filed a counterstatement denying the claims and requesting that the opponent provide proof of use for its earlier mark.
6. Only the opponent filed evidence and the applicant filed submissions. A short format hearing took place before me on 6 July 2026, by video conference. The opponent was represented by Ms Sarah Williams of Walker Morris LLP who have represented the opponent during these proceedings. The applicant was represented by Mr James Moore of Novagraaf UK who have represented the

applicant throughout these proceedings. Both parties filed skeleton arguments prior to the hearing.

EVIDENCE

7. The opponent's evidence came in the form of the witness statement of Mr Mark Ward dated 26 August 2025. Mr Ward is the Chief Financial Officer of the opponent. His statement is accompanied by seven exhibits, being MW1 to MW7, and was adduced to prove use of the opponent's mark.
8. I do not intend to summarise the evidence in full here. However, I confirm that I have taken all filed documents into account and will summarise them to the extent that I deem necessary below.

DECISION

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

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

(a)...

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

10. Section 5A of the Act is as follows:

“5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

Proof of use

11. I will begin by assessing whether and to what extent the evidence supports the opponent's statement that it has made genuine use of the mark in relation to the goods relied upon.

12. The relevant statutory provisions are set out in Section 6A of the Act, which states:

“(1) This section applies where -

- (a) an application for registration of a trade mark has been published,
- (b) there is an earlier trade mark of a kind falling within section 6(1)(a), (aa) or (ba) in relation to which the conditions set out in section 5(1), (2) or (3) obtain, and
- (c) the registration procedure for the earlier trade mark was completed before the start of the relevant period.

(1A) In this section “the relevant period” means the period of 5 years ending with the date of the application for registration mentioned in subsection (1)(a) or (where applicable) the date of the priority claimed for that application.

(2) In opposition proceedings, the registrar shall not refuse to register the trade mark by reason of the earlier trade mark unless the use conditions are met.

(3) The use conditions are met if -

- (a) within the relevant period the earlier trade mark has been put to genuine use in the United Kingdom by the proprietor or with his consent in relation to the goods or services for which it is registered,
- or

(b) the earlier trade mark has not been so used, but there are proper reasons for non- use.

(4) For these purposes -

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

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

(5)- (5A) [Repealed]

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

13.As the earlier mark is a comparable mark, paragraph 7 of Part 1, Schedule 2A of the Act is also relevant. It reads:

“7.— (1) Section 6A applies where an earlier trade mark is a comparable trade mark (EU), subject to the modifications set out below.

(2) Where the relevant period referred to in section 6A(3)(a) (the “five-year period”) has expired before IP completion day—

(a) the references in section 6A(3) and (6) to the earlier trade mark are to be treated as references to the corresponding EUTM; and

(b) the references in section 6A(3) and (4) to the United Kingdom include the European Union.

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

—

(a) the references in section 6A(3) and (6) to the earlier trade mark are to be treated as references to the corresponding EUTM ; and

(b) the references in section 6A to the United Kingdom include the European Union”.

14. Section 100 is also relevant, which reads:

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

15. Pursuant to section 6A of the Act, the relevant period for assessing whether there has been genuine use of the earlier mark is the five-year period ending with the filing date of the application at issue i.e., **11 July 2019 to 10 July 2024**.

Relevant case law

16. In *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247, Arnold LJ summarised the law relating to genuine use as follows:

“105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and*

Designs) [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bundervsvereinigung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Marken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 *P Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

106. Ignoring issues which do not arise in the present case, such as use in relation to spare parts or second-hand goods and use in relation to a sub-category of goods or services, the principles may be summarised as follows:

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

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

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not

suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

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

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

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72]; *Leno* at [55].

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

107. The trade mark proprietor bears the burden of proving genuine use of its trade mark: see section 100 of the 1994 Act and *Ferrari* at [73]-[83]. The General Court of the European Union has repeatedly held that genuine use of a trade mark cannot be proved by means of probabilities or suppositions, but must be demonstrated by solid and objective evidence of effective and sufficient use of the trade mark on the market concerned: see e.g. Case T-78/19 *Lidl Stiftung & Co KG v European Union Intellectual Property Office* [EU:C:2020:166] at [25]. It has also repeatedly held that the smaller the commercial volume of the exploitation of the mark, the more necessary it is for the proprietor to produce additional evidence to dispel any doubts as to the genuineness of its use: see e.g. *Lidl* at [33]. In *Awareness Ltd v Plymouth City Council* [2013] RPC 24 Mr Daniel Alexander KC sitting as the Appointed Person said:

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

...

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

entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said the public.”

17. In *Dosenbach-Ochsner Ag Schuhe Und Sport v Continental Shelf 128 Ltd*, Case BL O/404/13, Mr Geoffrey Hobbs Q.C. as the Appointed Person stated that:

“21. The assessment of a witness statement for probative value necessarily focuses upon its sufficiency for the purpose of satisfying the decision taker with regard to whatever it is that falls to be determined, on the balance of probabilities, in the particular context of the case at hand. As Mann J. observed in *Matsushita Electric Industrial Co. v. Comptroller- General of Patents* [2008] EWHC 2071 (Pat); [2008] R.P.C. 35:

[24] As I have said, the act of being satisfied is a matter of judgment. Forming a judgment requires the weighing of evidence and other factors. The evidence required in any particular case where satisfaction is required depends on the nature of the inquiry and the nature and purpose of the decision which is to be made. For example, where a tribunal has to be satisfied as to the age of a person, it may sometimes be sufficient for that person to assert in a form or otherwise what his or her age is, or what their date of birth is; in others, more formal proof in the form of, for example, a birth certificate will be required. It all depends who is asking the question, why they are asking the question, and what is going to be done with the answer when it is given. There can be no universal rule as to what level of evidence has to be provided in order to satisfy a decision-making body about that of which that body has to be satisfied.

22. When it comes to proof of use for the purpose of determining the extent (if any) to which the protection conferred by registration of a trade mark can legitimately be maintained, the decision taker must form a view as to what the evidence does and just as importantly what it does not ‘show’ (per Section 100 of the Act) with regard to the actuality of use in relation to goods or services covered by the registration. The evidence in question can properly be

assessed for sufficiency (or the lack of it) by reference to the specificity (or lack of it) with which it addresses the actuality of use.”

Evidence of use

18. I note from the witness statement of Mr Ward that the opponent’s company was incorporated in 1979 and prior to this, had been trading since 1973. Exhibit MW1 provides print outs from the Companies House website confirming that the company was incorporated on 29 June 1979.
19. Mr Ward explains that the opponent is the owner of two UK trade mark registrations for its “Chef’s Choice” brand. Print outs of the two registrations shown on the Intellectual Property Office website are included in exhibit MW2. I note however, that only the earlier mark ending in ‘258 is relied upon in these proceedings and as such, I do not consider any reference to the opponent’s registration ending in ‘314 to be relevant to my assessment of use.
20. Exhibit MW3 includes domain information confirming that the opponent has held the domain for the website ktcfoodgroup.co.uk since 6 March 2024.
21. Mr Ward explains that the opponent serves customers in over 65 countries worldwide through its network of distributors. I note however, that no further details or supporting evidence are provided in this regard.
22. UK turnover figures have been provided in relation to goods sold in connection with the “Chef’s Choice” mark between 2020 and 2025 (to the end of May). As the relevant period is 11 July 2019 to 10 July 2024, I only reproduce the turnover figures from 2020 to 2024 below:

Year	Turnover (£)
2020	3,735,840
2021	4,240,939
2022	3,790,189

2023	3,009,002
2024	2,271,300 ³

23. The above figures have not been broken down in relation to each good relied upon. Phillip Johnson, sitting as the Appointed Person, stated in *W Sternoff LLC v Peter Kertels*, (“*Eros Bodyglide*”) BL O/0984/25:

“26. Where global sales figures are provided for multiple goods sold under one trade mark this is not going to be evidence of use for any of those goods. The sales could all be in relation to good A or all in relation to good B or a split between the two. This is why particularisation is so important as without it the figures provide no evidence of use for either good A or good B. The same applies where the same good is sold under trade mark A and trade mark B.

27. Evidence of sales is only useful for establishing genuine use where it sets out the sales revenue for a particular and identified good (or service) and it is clear that that good or service is sold under the trade mark. Only where there is only one good being sold and it is sold under only one trade mark can global figures be sufficient.”

24. I do not take the above comments of Professor Johnson to automatically mean that there cannot be genuine use if the turnover is not broken down. Instead, I must be satisfied that, on balance of the evidence as a whole, it is reasonable to infer a level of use that is sufficient to be deemed genuine. Where it relates to a wide range of goods, the absence of a breakdown may make it difficult to apportion turnover with any accuracy. However, where the evidence relates mainly to one or two goods or services, it may be reasonable to draw such an inference, provided the level of use appears sufficient.

25. Exhibit MW4 contains a list of invoices dated from 2 January 2020 to 26 June 2025. I note that the list of invoices shows sales for one product only, being

³ I recognise that some of the 2024 figures may fall after the end of the relevant period given that the relevant period ends in July 2024. I have no way to calculate how much but this is a point I will bear in mind.

“Chef’s Choice Green Drum Rapeseed Oil Chinese 20l”. An image of this product is reproduced in the evidence and I will refer to this below. I also note that this list of invoices is approximately 28 pages in length with around 90 invoices listed on each page.

26. Mr Ward states that over 70% of UK restaurants, as well as establishments such as hotels, healthcare providers and educational institutions, rely on the opponent for their supply of food oils and fats. He also states that the opponent supplies over 7 million litres of oil each week to customers throughout Europe, making it the market leader in food oils and fats. I note these claims, but the evidence shows that the opponent sells other edible fats and oils which do not bear the “Chef’s Choice” mark. It is therefore difficult to determine what proportion of the opponent’s sales and market share is attributable to goods sold under that mark.
27. Exhibit MW5 includes an article from the website www.thegrocer.co.uk titled, “Oil specialist KTC Edibles bought by Whitworths Food Group”. Whilst the article is dated after the relevant period, it sheds light on the opponent’s business during the relevant period. The article states that the opponent is a packer and distributor of edible oils and one of the UK’s biggest food and drink suppliers. For the year ending December 2023, its revenue stood at over £500 million. I note however, that the article makes no mention of “Chef’s Choice” labelled goods.
28. The same website also published an interview with the opponent’s Sales Director, Mike Baldrey on 8 July 2008. A copy of the article is provided in exhibit MW6. I note that in the article Mr Baldrey says that the opponent offers about 700 products for sale. The article also describes the opponent as “Britain’s largest independent manufacturer and distributor of oils and fats” however, I note again that the article does not mention the opponent’s “Chef’s Choice” goods.
29. Exhibit MW7 contains the opponent’s product guides for the years 2020, 2022, 2024 and 2025. I note the following mark and description included in each product guide:



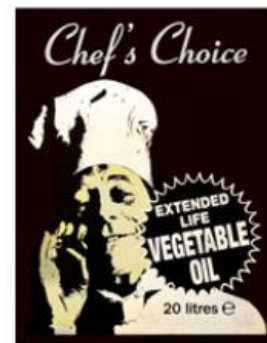
30. The product guides show a wide variety of food items predominantly labelled with the “KTC” mark as shown above. There are several food items that display the “Chef’s Choice” mark. These include edible oils, spices and seasonings, mayonnaise, ground almonds and poppadoms. An illustrative example is now shown below:⁴



Chef's Choice New Green Drum (Chinese) Rapeseed (Can) Code: 2585
 Size: 1 x 20L | Layer Qty: 14
 No. of Layers: 3 | Pallet Qty: 42



Chef's Choice Vegetable Oil (Can) Code: 2090
 Size: 1 x 20L | Layer Qty: 14
 No. of Layers: 3 | Pallet Qty: 42



Chef's Choice Vegetable Oil (Bottle in Box) Code: 2092
 Size: 1 x 20L | Layer Qty: 16
 No. of Layers: 3 | Pallet Qty: 48

⁴ The product to the left of the image is the sole product that is covered by the invoice list at MW4 discussed above.



Chef's Choice Garam Masala

Code: 4419
 Size: 3x5kg | Layer Qty: 7
 No. of Layers: 7 | Pallet Qty: 49



Chef's Choice Turmeric (Haldi) Powder

Code: 4421
 Size: 3x5kg | Layer Qty: 7
 No. of Layers: 8 | Pallet Qty: 56



Chef's Choice Coriander Seeds

Code: 4422
 Size: 3x3.5kg | Layer Qty: 7
 No. of Layers: 5 | Pallet Qty: 35



Chef's Choice Ground Almonds

Code: 4830
 Size: 1 x 10kg | Layer Qty: 10
 No. of Layers: 6 | Pallet Qty: 60



Chef's Choice Poppadoms

Code: 4820
 Size: 60 x 200g | Layer Qty: 7
 No. of Layers: 11 | Pallet Qty: 77

31. That concludes my summary of the opponent's evidence to the extent that I consider it necessary.

Form of the mark

32. Before I move on to assess the sufficiency of the evidence, I shall begin by addressing the way in which the contested mark has been displayed in relation to the relevant goods in the evidence.

33. I remind myself that the earlier registered mark is as follows:

Chef's Choice



34. This mark is shown in the evidence on goods such as ground almonds, poppadoms and vegetable oils, for example. So long as any such use is sufficient, it is clearly capable of being relied upon under the issue of genuine use.

35. In considering the form of the mark, I remind myself that the list of invoices provided makes reference to just one product, being product code 2585, which is described as "Chef's Choice New Green Drum (Chinese) Rapeseed". Cross-referencing that product code and description with the product lists in exhibit MW7 shows that the rapeseed oil was sold in the following form:



**Chef's Choice New Green
Drum (Chinese) Rapeseed
(Can)** Code: 2585
Size: 1 x 20L | Layer Qty: 14
No. of Layers: 3 | Pallet Qty: 42

36. Clearly, the above product does not show the mark as registered. Therefore, in order to determine whether the above use may be relied upon, I must consider whether it covers an acceptable variant of the mark as registered.
37. The correct approach to assessing whether a mark has been used in an acceptable variant form is to compare the registered mark with the form shown in the evidence, identify any differences between them and determine whether said differences result in an alteration to the distinctive character of the mark. If the distinctive character has been altered, then the form shown in evidence is not an acceptable variant of the registered mark meaning that it will be incapable of being relied upon. Guidance on this point was provided by Professor Phillip Johnson, sitting as the Appointed Person, at paragraphs 13 to 17 in the case of *Lactalis McLelland Limited v Arla Foods AMBA*, BL O/265/22. In short, this sets out that the alteration or omission of a non-distinctive element does not alter the distinctive character of the mark as a whole. Further, where a mark contains words and a figurative element the word element will usually be more distinctive so changes in figurative elements are usually less likely to change the distinctive character than those related to the word elements.
38. The earlier mark, as registered, comprises the words “Chef’s Choice” together with a highly stylised figurative depiction of a chef positioned below. Despite what I have said above in that word elements are usually more distinctive, this is not always the case. Here, the words ‘Chef’s Choice’ are likely to be understood as a laudatory message indicating products chosen or endorsed by chefs. Therefore, such words are not particularly distinctive from a trade mark perspective. Further, the stylised nature, and size, of the figurative element present in the opponent’s mark is such that it plays a significant role in the overall distinctive character of the mark.
39. In comparing the mark as registered to the above example of use, I note the wording “Chef’s Choice” appears in a small cursive font above the wording “Green Drum”. The device element is absent. At the hearing, Mr Moore submitted that the wording “Chef’s Choice” alone is not sufficient to represent the earlier mark in its totality.

40. Given what I have said above regarding the distinctive character of the mark, I find that the removal of the prominent and highly stylised chef device is not the simple removal of a non-distinctive element. Therefore, I find that the omission of the device from the form used is not a negligible alteration and changes the distinctive character of the mark as registered. It follows that the opponent cannot rely on this form as an acceptable variant.

Assessment of genuine use

41. An assessment of genuine use is a global assessment, which includes looking at the evidential picture as a whole, not whether each piece of evidence shows use by itself.⁵ Genuine use depends upon a variety of factors, including the nature of the goods and the characteristics of the market, the consistency of sales over time and whether the use is warranted to create or maintain a share in that market.

42. Whether the evidence is sufficient for this purpose will depend on whether it demonstrates that there has been real commercial exploitation of the mark, in the course of trade, sufficient to create or maintain a market for the goods at issue in the relevant territory during the relevant five-year period. In making this assessment, I am required to consider all relevant factors, including:

- The scale and frequency of the use shown;
- The nature of the use shown;
- The goods for which use has been shown;
- The nature of those goods and the market(s) for them; and
- The geographical extent of the use shown.

43. I have carefully considered the evidence provided by the proprietor and whether this meets the requirements for genuine use as per *easyGroup*, set out earlier in this decision. I am also mindful of the guidance from the *Dosenbach-Ochsner* and *Awareness* appeal cases emphasising the need to consider what the evidence

⁵ *New Yorker SHK Jeans GmbH & Co. KG v OHIM*, General Court of the European Union, Case T 415/09

fails to “show”, and what might reasonably have been conclusively shown. There are several shortcomings in the opponent’s evidence.

44. I have found above that the only invoice-supported use shown in the evidence relates to product code 2585, described as “Chef’s Choice New Green Drum (Chinese) Rapeseed”. Cross-referencing that product code with the product guides shows that this product was sold in the form reproduced at [36]. The number of invoices referenced in that exhibit show that this is clearly a significant part of the opponent’s business. For the reasons I have already given, I do not consider that to be an acceptable variant of the earlier mark and as such, cannot be relied upon for the purpose of opposition.

45. I accept that the product guides also contain examples of other goods on which a form closer to the earlier mark appears. However, the evidence does not provide invoices or other sufficiently solid evidence showing the scale, frequency or extent of sales of those goods during the relevant period. Where turnover figures are provided, they are general and not broken down by product, and the invoice list before me relates only to a product that the opponent cannot rely upon. In those circumstances, I am unable to infer genuine use of the earlier mark in relation to the goods relied upon.

46. It follows that the opponent has not shown genuine use of the earlier mark, within the meaning of section 6A of the Act. The use conditions are therefore not met and the earlier mark cannot be relied upon for the purposes of this opposition. The opposition under section 5(2)(b) fails accordingly.

47. In case I am wrong in that finding, I will go on to consider the substantive merits of the opposition under section 5(2)(b). This is because if my findings on variant use are appealed and subsequently overturned, the appellate body would not have a first instance decision on the substantive grounds to consider which, in turn, might result in remittance and further delay for the parties. In relation to this fall-back approach, and to be clear as to what I am considering, if use were

acceptable, the fair specification would be limited to *Edible oils and fats* and *cooking oil* only.

Section 5(2)(b) case law

48. 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 goods

49. The applied for goods are set out in [1] of this decision.

50. In light of my findings in relation to genuine use, the opponent may rely upon *Edible oils and fats and cooking oil only*. The term *Edible Oils and Fats* also appears in the applicant's specification, so these goods are identical.

51. For reasons which will shortly become clear, I shall proceed on the basis most favourable to the opponent namely, that all of the applicant's goods are identical to goods within the opponent's specification. If the opponent is unable to succeed on this basis, it will be in no better position if its goods are only to be regarded as similar to those of the applicant.

The average consumer and the purchasing act

52. 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.

53. 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.

54. In *Iconix Luxembourg Holdings* (cited above), 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 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.

55. The average consumer for the goods at issue will be members of the general public or businesses concerned with the provision of food such as restaurants. The goods will be purchased fairly frequently and be relatively inexpensive and I would therefore expect the general public to pay no more than a medium degree of attention. Business users will likely pay a medium degree of attention when purchasing goods on behalf of a business

56. Where the average consumer is the general public, the goods at issue will be self-selected from supermarkets (or their online equivalents). Where the average consumer is a business, the goods will be self-selected from wholesalers of foodstuffs (or their online equivalents), or via brochures. Accordingly, I consider that the selection process for both the goods at issue will be primarily visual for both consumer groups, however, I do not discount the aural aspect.

Comparison of the marks

57. It is clear from *Sabel v Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade 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 trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components.

58. 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.”

59. It would be wrong, therefore, to artificially dissect the trade marks, 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.

60. The respective trade marks are shown below:

The opponent's mark	The applicants' mark
	

Overall impression

61. The opponent's mark is a composite mark consisting of verbal and figurative elements. The words "Chef's Choice" appear at the top of the mark in a stylised cursive font. Beneath them is a large, stylised depiction of a chef wearing a chef's hat and making an "OK" hand gesture. While, in the case of marks containing both word and figurative elements, the word element will generally be regarded as more distinctive than the figurative element,⁶ that is not always the case. In *Metamorfoza d.o.o. v EUIPO*,⁷ the General Court confirmed that where a word element is descriptive or weakly distinctive, it will not necessarily dominate the overall impression of a composite mark. The Court observed that the public will not generally regard a descriptive or weakly distinctive element as the distinctive and dominant component of a mark as a whole.

62. In the present case, I consider that the words "Chef's Choice" are inherently weak in relation to the goods at issue because they convey a laudatory message suggesting goods selected, approved or recommended by a chef. In those circumstances, the wording cannot be regarded as clearly dominant. Rather, I find that the overall impression of the mark is created by the combination of the verbal element and the prominent chef device.

63. The applicant's mark consists of the words "Chef's Choice" presented in a stylised purple font within a large yellow chef's hat device. The wording is prominent by virtue of its size and position and is likely to be used by consumers when referring to the mark. However, the chef's hat device is also significant. It forms the shape of the mark, occupies a substantial proportion of it and reinforces the concept conveyed by the words. Accordingly, although the verbal element plays the greater role in the overall impression due to its size and placement, the overall impression is created by the combination of the wording and the chef's hat device.

⁶ see *Migros-Genossenschafts-Bund v EUIPO – Luigi Lavazza (CReMESPRESSO)*, Case T-189/16, paragraph 52

⁷ Case T-70/20, EU:T:2021:253, paragraphs 57-58

Visual comparison

64. Visually, the marks coincide in the identical words "Chef's Choice". They differ, however, in their respective figurative elements and overall presentation. The earlier mark contains a large, stylised depiction of a chef, whereas the applicant's mark consists of the wording presented within a yellow chef's hat device. While both marks display chef-related figurative elements, they are visually distinct and create different overall appearances. Taking into account the overall impressions of the marks, I find them to be visually similar to between a low and medium degree.

Aural comparison

65. Both marks will be pronounced in the ordinary way as "Chef's Choice". The figurative elements in each mark will not be verbalised. The marks are therefore aurally identical.

Conceptual comparison

66. At the hearing, Ms Williams submitted that the marks are conceptually identical as they have the same meaning, the "choice of the chef" which suggests a higher level of quality.

67. On behalf of the applicant, Mr Moore referred to the skeleton arguments and submitted that the public would perceive the marks as being conceptually different on the basis that the earlier mark is a "realistic" representation of a chef, whilst the later mark is a stylised/abstracted representation of a hat.

68. I am of the view that both marks convey the idea of a chef's preferred or recommended choice of food products. That concept arises primarily from the identical wording "Chef's Choice" and is reinforced by the respective chef-themed figurative elements. While the earlier mark depicts a chef and the applicant's mark contains a chef's hat device, those differences do not materially alter the concept

conveyed by the marks. Consequently, I find the marks to be conceptually identical.

Distinctive character of the earlier mark

69. 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 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).”

70. 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 a mark can be enhanced by virtue of the use that has been made of it.

71. The opponent submits that its earlier mark enjoys a medium level of distinctiveness, particularly given the use that has been made of the mark.

72. The applicant submits that the earlier mark has a normal level of inherent distinctive character, albeit the word element has low to no distinctiveness because of its descriptiveness.

73. While the parties differ in their reasoning, both appear to accept that the earlier mark enjoys a medium/normal degree of distinctive character.

74. I find it important to bear in mind that the words “Chef’s Choice” are weakly distinctive for the goods at issue as they convey a laudatory message suggesting that the goods have been selected or approved by a chef. The figurative element, whilst also being allusive, is heavily stylised and prominent within the mark so it also contributes to the mark’s distinctiveness. Accordingly, I consider that the distinctive character of the earlier mark resides not in the verbal element alone, but in the combination of the wording and the figurative element. Overall, I consider there to be a low to medium degree of inherent distinctiveness.

75. I will now consider whether the evidence filed by the opponent demonstrates that the distinctiveness of the earlier mark has been enhanced through use. I rely on the summary of the opponent’s evidence that I provided in paragraphs 18-30 earlier in this decision. The relevant date for this assessment is the filing date of the applicant’s mark being 10 July 2024 and the relevant market for assessing enhanced distinctiveness is the UK market.

76. Even if I had accepted the evidence as showing use of an acceptable variant of the earlier mark, I would not have found that use sufficient to establish that the mark’s distinctiveness had been enhanced. This is because I have no information about the advertising expenditure in the UK or any activities taken to promote the opponent’s goods in this jurisdiction. The evidence relating to the “Chef’s Choice” mark consists only of turnover figures and an invoice list, neither of which shows

the geographical spread of use. Although I note the opponent's claim that 70% of UK restaurants, as well as hotels, healthcare providers and educational institutions, rely on it for food oils and fats, the evidence does not show that this relates specifically to goods sold under the "Chef's Choice" mark, particularly as the opponent also sells fats and oils under its "KTC" mark.

77. I remind myself that the bar for proving enhanced distinctiveness is considerably higher than demonstrating genuine use. This is because it requires a level of knowledge of the mark amongst average consumers leading to the mark having a greater capacity to identify the goods as coming from a particular undertaking, not simply that there has been an attempt to create or maintain a market for goods under the mark. Taking into account all the evidence, I am not satisfied that the distinctiveness of the earlier mark has been enhanced through use.

Likelihood of confusion

78. 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 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 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 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.

79. In *Face2FaceHR Partners Limited v Peninsula Business Services Limited*, O/0368/23, Emma Himsworth K.C., as the Appointed Person, reviewed the case law in *Whyte and Mackay v Origin* [2015] EWHC 1271 (Ch) and *Nicoventures Holdings Limited v The London Vape Co Ltd* [2017] EHC 3303 (Ch), as well as guidance in the Common Communication on the Common Practice of Relative Grounds of Refusal - Likelihood of Confusion (impact of non-distinctive/weak components) dated 2 October 2014, which is referred to in the case law. Miss Himsworth summarised the correct approach when assessing the likelihood of confusion where the only common element between the marks in issue has no or low distinctiveness as follows, at paragraph 44:

“(1) The distinctiveness of the mark as a whole must be assessed, taking into account that a minimum degree of distinctiveness must be acknowledged.

(2) The distinctiveness of each of the components of both marks must be assessed with priority being given to the coinciding elements.

(3) The focus of the assessment of the likelihood of confusion should be on the impact of the non-coinciding components on the overall impression of the mark.

(4) Account must be taken of the similarities/differences in the non-coinciding elements of the marks.

(5) A coincidence of an element with a low level of distinctiveness will not usually lead to a likelihood of confusion.

(6) There may be a finding of a likelihood of confusion if (a) the non-coinciding elements of the mark are of lower (or equally low) degree of distinctiveness or are of insignificant visual impact and the overall impression is similar; or (b) the overall impression of the marks is highly similar or identical.”

80. I have found at least some of the goods to be identical. I have found that the average consumer will comprise of members of the general public and businesses concerned with the provision of food. During the purchasing process, the general public will pay no more than a medium degree of attention whereas

business users will pay a medium degree. For both user groups, the purchasing process is predominantly visual, although I do not discount an aural component. I have found the marks to be visually similar to between a low and medium degree. I have found the marks to be aurally and conceptually identical. I found the earlier mark to hold a low to medium degree of inherent distinctiveness; however, it has not achieved an enhanced level of distinctiveness.

81. Taking all of the relevant factors into account, I do not consider there to be a likelihood of direct confusion. I accept that the marks share the identical words “Chef’s Choice” and that at least some of the goods are identical. However, the shared words are weakly distinctive for the goods at issue because they convey a laudatory message suggesting goods selected, approved or recommended by a chef. The identity in aural and conceptual terms therefore arises from an element which has a weak distinctive character. Whilst I accept that a low level of distinctiveness does not preclude a likelihood of confusion,⁸ the marks differ significantly in their visual presentation. The earlier mark contains a large, stylised depiction of a chef, whereas the applicant’s mark consists of the words presented within a yellow chef’s hat device. Those differences are not negligible and make a meaningful contribution to the overall impressions of the marks. Given that the purchasing process is predominantly visual, I consider that the visual differences between the marks will be noticed and remembered, even when users pay no more than a medium degree of attention. Even allowing for imperfect recollection, I do not consider that the average consumer would mistake one mark for the other.

82. I will proceed to consider a likelihood of indirect confusion. I am reminded of the case of *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, wherein 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

⁸ *L’Oréal SA v OHIM*, Case C-235/05 P

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)".

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

84. I accept that a significant proportion of average consumers will recognise the common wording "Chef's Choice", however, I do not consider they would attribute the differences between them to the same undertaking having adopted a brand

extension, sub-brand or updated version of its mark. As noted in *Face2FaceHR*, where the common element between the marks has a low level of distinctiveness, greater weight should be given to the differing elements when assessing the likelihood of confusion. In the present case, the shared wording "Chef's Choice" is weakly distinctive for the goods at issue, and the marks differ in the elements which contribute most significantly to their overall impressions. In particular, the applicant's mark does not retain the prominent chef device that forms part of the distinctive character of the earlier mark. In my view, consumers would regard the marks as different brands which happen to use the same laudatory expression, rather than as different iterations of the same brand. Any association arising from the common wording would therefore be perceived as mere coincidence instead of giving rise to a belief that the goods originate from the same or economically linked undertakings. Accordingly, I find no likelihood of indirect confusion.

CONCLUSION

85. The opposition under section 5(2)(b) of the Act has failed. Subject to any appeal against this decision, the application shall proceed to registration.

COSTS

86. The applicant has succeeded and is entitled to a contribution towards its costs. Awards of costs in proceedings commenced on or after 1 February 2023 are governed by Annex A of Tribunal Practice Notice ('TPN') 1 of 2023. Using that TPN as a guide, I award the applicant the sum of **£1200** as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Preparing a counterstatement and considering the statement of grounds:	£250
Preparing written submissions:	£350
Preparing for and attending a hearing:	£600

Total:

£1200

87. I therefore order KTC (Edibles) Limited to pay Chef's Choice Foods Manufacturer Co., Ltd the sum of £1200. 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 4th day of August 2026

Catrin Williams

For the Registrar