

**O-404-16**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO 3049993  
BY SONIA MARIE EDWARDS TO REGISTER THE TRADE MARK**

**veggings**

**IN CLASSES 25**

**AND IN THE MATTER OF OPPOSITION THERETO UNDER NO 402254  
BY SANKO TEKSTIL ISLETMELERI SANAYI VE TICARET ANONIM SIRKETI**

## Background and pleadings

1) Sonia Marie Edwards (“the applicant”) applied to register the mark “veggings” in the UK on 3 April 2014. It was accepted and published in the Trade Marks Journal on 9 May 2014 in respect of the following goods:

**Class 25:** *Leggings (trousers).*

2) Sanko Tekstil Isletmeleri Sanayi Ve Ticaret Anonim Sirketi (“the opponent”) opposes the mark on the basis of Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). This is on the basis of an earlier International Registration designating the European Union no. 1010545 (“the designation”). In its statement of grounds from 4 June 2014, it relied upon the full list of goods in Class 24 and Class 25 included in the designation. However, following an opposition to the base application in Turkey, the designation’s specifications were restricted by removal of Class 25 and a reduction in the list of terms in Class 24. With this restriction in mind, the relevant details of the designation are as follows:

Mark and relevant dates	Goods relied upon
<p data-bbox="188 1240 405 1272">IREU 1010545</p> <p data-bbox="188 1350 360 1382">JEGGINGS</p> <p data-bbox="188 1460 603 1532"><b>Date of designating EU:</b> 25 June 2009</p> <p data-bbox="188 1570 603 1641"><b>Date Protection Granted in EU:</b> 30 July 2010</p>	<p data-bbox="678 1240 1401 1989"><b>Class 24:</b> <i>curtains of textile; shower curtains of textile; oilcloth for use as table cloths; bed covers, namely, bed blankets, bed sheets, bedspreads, bed linen, diapered linen, pillowcases, quilt covers; furniture coverings of textile, namely, unfitted fabric furniture covers; table napkins of textile; bed covers of paper, bundles of textile, namely, quilts of textile, tapestries of textile; washing mitts; bath linen; hand towels; face towels of textile; bathing towels, namely, bath towels; handkerchiefs of textile; banners of textile, namely, cloth banners; flags not of paper, namely, cloth flags, fabric flags; cloth labels; traveling rugs, namely, lap rugs.</i></p>

3) At no time during the proceedings did the opponent make any reference to the specification restrictions that resulted from the opposition to the Turkish base registration, however, in its written submissions, when referring to the similarity of the parties goods, it appears to rely on a reduced scope of goods than that originally relied upon in its opposition where it claimed that the respective marks are similar and that they cover identical or similar goods. I will discuss further the reduction in the scope of the goods covered by the earlier mark when I consider the similarity of goods.

4) The applicant filed a counterstatement denying the claims made. She claims that because of the different first letters the marks will result in the respective marks not being confused. The applicant also claims that JEGGINGS is used to describe a garment "all part of the legging family". The applicant also puts the opponent to proof of use, however, because the designation completed its registration procedure (in respect of an International Registration designating the EU, this is the date protection is granted in the EU) less than 5 years before the challenged application was published, it is not subject to proof of use. The parties were notified of this at the time of the serving of the Form TM8 and counterstatement.

5) Only the opponent filed evidence in these proceedings. This will be summarised to the extent that it is considered appropriate/necessary. The opponent has also filed written submissions in lieu of a hearing. The applicant provided very brief written submissions in the form of her one page email dated 23 May 2016. I will not summarise these but I will keep them in mind in making my decision. The opponent is represented in these proceedings by Sipara Limited. The applicant is unrepresented. No hearing was requested and so this decision is taken following a careful consideration of the papers.

### **Opponent's evidence**

6) This takes the form of a witness statement by Ozan Ergin, Legal Counsel for the opponent. He makes a number of general statements about the opponent's activities, namely:

- that it is one of the world's largest textile groups;
- it sells its products globally;
- it is a major producer of denim, with a capacity to produce 250 million metres per year;
- it has an extensive product portfolio with over 2,500 products, including a range of jeans.

7) Exhibit OE3 consists of promotional material relating to its jeans products. On page 19 “stretch innovations in authentic denim” are promoted where “JEGGINGS” appears under a list of the opponent’s marks together with the “TM” symbol. Pages 20 to 25 of the same exhibit is promotional material relating specifically to “JEGGINGS™”. The text on the first of these pages begins with the following:

“JEGGINGS™ is the major revelation of recent years. The name itself has come to mean a specific item of clothing: skinny jeans ...”

8) Mr Ergin states that the opponent, as a manufacturer of products, has collaborated with a number of high profile fashion brands such as DIESEL and BARBOUR INTERNATIONAL. Exhibit OE4 is provided in support of this and shows various of the opponent’s “ISKO” marks being used to identify fabrics used in the manufacture of clothing by these third parties. The mark “JEGGINGS” does not appear.

9) Mr Ergin states that “over the last few years”, the opponent has started selling finished products as well as the fabric. He states that these finished products are sold under its JEGGINGS mark.

10) Mr Ergin states that the applicant trades through her company Cwtchy Cwtchy and at Exhibit OE5, he provides extracts from this company’s website illustrating that it is trading in “denim v leggings” specifically designed with a “v” shaped waist and also leg wear identified as “Veggings”

## **DECISION**

### **Preliminary Point**

11) The applicant sent an email to the Registry on 16 August 2016 making a request to submit “additional evidence”. The comments amount to submissions rather than evidence and, consequently, I comment on them briefly here. One submission is that the opponent’s designation has been restricted in terms of its scope of goods, but that the applicant was not made aware of this. This is something I have taken into full account when making the decision that follows.

12) The applicant also makes reference to a dictionary reference identifying the word JEGGINGS as a plural noun and how this is inconsistent with the opponent’s claim to it being its trade mark. This point is not new and is fully taken into account in my decision that follows.

13) The applicant makes reference to her threat to challenge the opponent’s mark on the basis that it is generic in the UK. I have not been made aware of any such challenge and, in any case, the removal of Class 25 from the designation would appear to remove the scope of any such challenge. I need not say more on this point.

14) The applicant also states that “it was also noted that many others have used” the word JEGGINGS alongside other names and that some are registered. I must consider the position from the perception of the UK average consumer and therefore, third party use in Europe is not relevant in this context. Rather, only use in the UK is relevant. However, no evidence of either has been submitted to support the claim.

15) The applicant also makes reference to negotiations between the parties, to the opponent’s failed attempt to oppose a third party EU trade mark application and to the opponent’s application to register the mark MISS JEGGINGS. These are issues not relevant to my considerations under Section 5(2) of the Act.

16) In summary, the applicant's email contains no information that will influence my decision. It does, however, refer to information (namely, the dictionary reference for the word JEGGINGS) that I too intend to refer as I am entitled to do (see *Forex Trade Mark* BL – O/100/09).

**The legislation**

17) Sections 5(2)(b) of the Act is as follows:

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

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

**Comparison of goods**

18) As I have already noted, Class 25 forms no part of the designation and its list of Class 24 goods have also been restricted. Therefore, the respective goods that I must consider are:

Opponent's goods	Applicant's goods
<p><b>Class 24:</b> <i>curtains of textile; shower curtains of textile; oilcloth for use as table cloths; bed covers, namely, bed blankets, bed sheets, bedspreads, bed linen, diapered linen, pillowcases, quilt covers; furniture coverings of textile, namely, unfitted fabric furniture covers; table napkins of textile; bed covers of paper, bundles of textile, namely, quilts of textile, tapestries of textile; washing mitts; bath linen; hand towels; face towels of textile; bathing towels, namely, bath towels; handkerchiefs of textile; banners of textile, namely, cloth banners; flags not of</i></p>	<p><i>Leggings (trousers)</i></p>

<i>paper, namely, cloth flags, fabric flags; cloth labels; traveling rugs, namely, lap rugs.</i>	
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19) In the judgment of the Court of Justice of the European Union (“CJEU”) in *Canon*, Case C-39/97, the court stated at paragraph 23 of its judgment that:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary”.

20) The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

- a) The respective users of the respective goods or services;
- b) The physical nature of the goods or acts of services
- c) The respective trade channels through which the goods or services reach the market
- d) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;
- e) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

21) In its written submissions the opponent relies only upon its *home textiles*. This term does not appear in its specification, but I interpret it as being a collective reference to the terms listed that could all be described as *home textiles*, such as *curtains of textile, bed covers and bed linen, furniture coverings of textile, bath linen; hand towels, face towels of textile and bathing towels*. It submits that they are made from the same materials and found in the same sales outlets as the applicant's goods, such as department stores. I reject this approach. Merely because the goods are made from the same material does not mean that the goods are similar in nature, purpose, method of use, trade channels or that they are in competition or complementary. In the current case, they are different in all these respects. Regarding trade channels, just because two items are sold within a department store is an insufficient reason to find similarity. By their very nature, department stores stock a very wide range of goods and it is plain wrong to conclude that all goods are similar to one another purely because they are sold in the same department store. They are likely to be sold from different departments within a department store. I find that there is no, or very little similarity between these goods.

22) The opponent also relies upon its *handkerchiefs*. It submits that such goods are highly similar because they are used as costume accessories worn around the neck, or as a pocket square. The nature of the respective goods is somewhat different with handkerchiefs being a square of fabric and leggings being fashioned items of clothing fitted to the wearers' body. Their intended purpose is different with handkerchiefs primarily used and intended for wiping the nose. I accept that some may also be decorative and so encourage the purchaser to use them as a fashion accessory, however this creates no more than a low level of similarity with the applicant's goods by virtue of both being fashion items. Nevertheless, the trade channels are likely to be different and even where a store may sell both types of goods they will appear in different parts of the store. They are clearly not in competition with each other.

23) Finally, as to whether these respective goods are complementary, in *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criteria capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade*

*Marks and Designs*) (*OHIM*), Case T-325/06, the General Court (“GC”) stated that “complementary” means:

“...there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking”.

24) In *Sanco SA v OHIM*, Case T-249/11, the GC indicated that goods and services may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken* against *transport services for chickens*. The purpose of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amelia Mary Elliot v LRC Holdings Limited* BL-0-255-13:

“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes.”

25) Whilst on the other hand:

“.....it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together.

26) Having due regard to this guidance I find that handkerchiefs and leggings are not complementary in the sense set out above. This is because, the nature of the respective goods results in neither being important or essential to the other.

27) Taking all of this into account, there is no more than a low level of similarity.

## Comparison of marks

28) It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

29) 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.

30) Both parties' marks consists of single words and it is, therefore, self-evident that the dominant and distinctive element of the marks are these words.

31) The respective marks are shown below:

<b>Opponent's mark</b>	<b>Applicant's mark</b>
JEGGINGS	veggings

32) Visually, the marks differ by virtue of having different first letters, but in every other respect the marks are the same. Both consist of eight letters, the last seven being identical. The respective marks share a high level of visual similarity.

33) From an aural perspective, the opponent's mark is likely to be pronounced as the two syllables JEG-INGS. The applicant's mark is may be pronounced in one of two ways. The mark may appear to some consumers to consist of an interplay between the abbreviation VEG (meaning "vegetables") and LEGGINGS. The sound attributed to the "G" element may therefore be soft (as in "vegetables") or hard (as in "beg"). The later aural characteristic will result in the applicant's mark having a high level of aural similarity with the opponent's mark, but the former will result in a lower level of similarity. However, on balance and taking account that the consumer is familiar with the word LEGGINGS and also possibly JEGGINGS that are both pronounced with a hard "G", I find that the average consumer is more likely to aurally perceive the applicant's mark in the same way and the level of similarity will, accordingly be high.

34) The Oxford Dictionary of English contains the following entry:

"jeggings

*plural noun*

*(trademark in the UK)* tight-fitting stretch trousers for women, styled to resemble a pair of denim jeans."<sup>1</sup>

35) There is no evidence before me in respect of the UK public's understanding of the term, but the opponent's own evidence includes a statement that "the name [jeggings] itself has come to mean a specific item of clothing: skinny jeans". This statement concurs with my understanding as an ordinary UK consumer. Whilst the dictionary reference does not disclose the trade mark holder in the UK, I note that if it is a reference to the opponent, its Class 25 specification has now been removed from the designation. In light of all of this, and the meaning attributed to the word in the dictionary, I find that, at best, the opponent's mark is a term understood as being highly allusive of tight-fitting denim look trousers for women. Despite the dictionary reference acknowledging the term as being a trade mark in the UK, with the Class 25 specification now removed from the opponent's application, I cannot rule out that its

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[http://www.oxfordreference.com/view/10.1093/acref/9780199571123.001.0001/m\\_en\\_gb0994380?rsk ey=xS86l2&result=2](http://www.oxfordreference.com/view/10.1093/acref/9780199571123.001.0001/m_en_gb0994380?rsk ey=xS86l2&result=2)

mark will be perceived as wholly descriptive of such goods. If this is so, then, by extension it may lead to the mark, when used in respect of its Class 24 goods, functioning in some allusive way to suggest goods with similar characteristics to jeggings such as being made from denim material and/or having similar stretch characteristics.

36) As I have already stated, the applicant's mark may create some weak allusion to vegetables and a stronger suggestion to leggings. If this is so, both marks consist of words that are a play on the word "leggings", there is a certain level of conceptual similarity, but this is offset by the opponent's mark alluding to "jeans" and the applicant's mark alluding to "vegetables". The same conceptual link exists between both marks even where the beginning of the applicant's mark does not bring "veg" to mind.

#### **Average consumer and the purchasing act**

37) 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*.

38) In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

"60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words "average" denotes that the person is typical. The term "average" does not denote some form of numerical mean, mode or median."

39) The average consumer of the applicant's goods will be ordinary members of the public who wish to purchase clothing. The purchase is normally made from high street or Internet retailers. In respect of the nature of the purchasing act for these goods, I am mindful of the comments of Mr Simon Thorley, sitting as the Appointed Person, in *React trade mark* [2000] R.P.C. 285:

“There is no evidence to support Ms Clark's submission that, in the absence of any particular reputation, consumers select clothes by eye rather than by placing orders by word of mouth. Nevertheless, my own experience tells me it is true of most casual shopping. I have not overlooked the fact that catalogues and telephone orders play a significant role in this trade, but in my experience the initial selection of goods is still made by eye and subsequent order usually placed primarily by reference to a catalogue number. I am therefore prepared to accept that a majority of the public rely primarily on visual means to identify the trade origin of clothing, although I would not go so far as to say that aural means of identification are not relied upon.”

40) The GC has continued to identify the importance of visual comparison when considering the purchasing act in respect of clothing (see for example Joined Cases T-117/03 to T-119/03 and T-171/03 *New Look Ltd v OHIM (NLSPORT et al)* [2004] ECR II-3471 at [49]-[50] and Case T-414/05 *NHL Enterprises BV v OHIM (LA KINGS)* [2009] ECR II.). There is nothing before me in the current proceedings to lead me to conclude differently and, consequently, taking into account the above comments, I conclude that the purchasing act will generally be a visual one. However, I do not ignore the aural considerations that may be involved. The purchase of clothing is, if not quite an everyday purchase, certainly a regular purchase for most consumers. Whilst these goods vary in cost, they are not normally very expensive. Taking account of this, the level of attention paid by the consumer is reasonable rather than high.

41) The purchasing act for the opponent's goods is likely to involve the same level of care and attention because its goods are also presented to the consumer in a way that they can visually peruse the goods and select those most favourable to the eye.

In such circumstances, visual considerations dominate, but I keep in mind that aural considerations may still play a part.

### **Distinctive character of the earlier trade mark**

42) 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).”

43) The opponent's earlier mark consists of the single word JEGGINGS. It is a word that is widely understood as describing a type of ladies leg wear. In respect of the various home textiles, flags, banners, rugs and handkerchiefs, it will be perceived as a recognised word but one with little relevance to the goods. Consequently, the mark is endowed with a normal level of inherent distinctive character, neither particularly low or high.

44) There is nothing in the opponent's evidence that sheds light on the scale of use in the UK of its mark in respect of the goods covered by the designation. Consequently, I am unable to conclude that the mark benefits from any enhanced level of distinctive character.

#### **GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion.**

45) The following principles are gleaned from the decisions of the CJEU in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:

(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 be dominated by one or more of its components;

(f) however, it is also 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 great 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;

(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.

46) The opponent submits that there is a likelihood of confusion and that the consumer does not have a photographic recollection of the visual details of the marks, but rather they will recall a mark by its general impression. Whilst my findings generally concur with the opponent when considering the similarity of the marks, I have not found the same level of similarity between the goods as it submitted and, in fact, I have found that the level of similarity is no more than low. Further, I have dismissed its claims regarding reputation in the UK and therefore its claim that this will increase the risk of confusion. The respective average consumers are different,

but I have found that the purchasing act for the respective goods shares the same level of care and attention.

47) Whilst the marks are highly similar, there is one difference that is unlikely to go unnoticed by the consumer. As the opponent states in her written submissions, its mark is a compound word based on a combination of the word “jeans” and the word “leggings”. As a consequence, there is an allusion to 'jeans' whereas the applicant's mark has no such allusion to “jeans”. The absence of this concept will play a part in differentiating the marks in the minds of the consumer. I note that the origin of the applicant’s mark is that the letter “V” at the start of the mark alludes to the shape of the waist of the goods, but it is not clear to me that such an allusion will be apparent to the average UK consumer without first being educated through use.

48) Taking all of the above into account and, in particular, the low level of similarity between the goods, I conclude that there is no likelihood of confusion. The average consumer will not confuse one mark for the other and neither will the consumer consider that the goods sold under the respective marks originate from the same or linked undertakings.

49) In light of these findings, the opposition fails in its entirety.

## **COSTS**

50) The applicant has been successful and is entitled to a contribution towards her costs, according to the published scale in Tribunal Practice Notice 4/2007. I take account that only the opponent filed evidence and that the applicant was unrepresented and therefore did not accrue any legal costs. With this in mind, I award costs as follows:

Considering opponent’s statement and preparing counterstatement £100

Considering opponent’s evidence £50

Considering opponent’s submissions and preparing own submissions £50

**Total: £200**

51) I order Sanko Tekstil Islemmeleri Sanayi Ve Ticaret Anonim Sirketi to pay Sonia Marie Edwards the sum of £200, which, in the absence of an appeal, should be paid within 14 days of the expiry of the appeal period.

**Dated this 22nd day of August 2016**

**Mark Bryant**  
**Principal Hearing Officer**  
**For the Registrar,**