

O-424-18

**TRADE MARKS ACT 1994
IN THE MATTER OF APPLICATION No. 3188872
BY SNOOP INTERNATIONAL LIMITED
TO REGISTER THE TRADE MARK**

SNOOP
IN CLASSES 14 & 26

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER No. 408342 BY
MR CALVIN BROADUS**

BACKGROUND

1) On 3 October 2016, Snoop International Limited (hereinafter the applicant) applied to register the trade mark SNOOP in respect of the following goods:

- In Class 14: Precious metals; jewellery; precious stones; chronometric instruments.
- In Class 26: Lace; embroidery; ribbons; braid; buttons; hooks and eyes; pins; needles; artificial flowers.

2) The application was examined and accepted, and subsequently published for opposition purposes on 21 October 2016 in Trade Marks Journal No.2016/043.

3) On 23 January 2017 Mr Calvin Broadus (hereinafter the opponent) filed a notice of opposition, amended on more than one occasion. The opponent is the proprietor of the following trade mark:

Mark	Number	Dates of filing & registration	Class	Specification relied upon
SNOOP DOGG	EU 1296177	02.13.99 03.10.00	9	Sound and video recordings, records, tapes, discs, cassettes, compact discs, laser discs.
			25	Clothing, footwear, headgear.
			41	Entertainment services in the nature of live musical performances and music-based entertainment.
SNOOP DOGG	EU 15781768	25.08.16 30.12.16	9	Batteries for electronic cigarettes and vaporisers; battery chargers for electronic cigarettes and vaporisers; USB chargers for electronic cigarettes and vaporisers; car chargers for electronic cigarettes and

				vaporisers; charging cables for electronic cigarettes and vaporisers.
			24	Smoking accessories including glassware, glass smoking pipes, grinders and lighters and rolling papers for cigarettes, cigarillos and cigars; smokers' articles; matches; tobacco; herbs for smoking; electronic cigarettes; personal vaporisers; flavourings and solutions for electronic cigarettes and personal vaporisers; cartridges, tanks, sleeves and cases for electronic cigarettes and personal vaporisers; cleaning brushes for electronic cigarettes and personal vaporisers.
SNOOP JUICE	EU 11536075	31.01.13 25.06.13	32	Non-alcoholic beverages; soda; juice; non-alcoholic beverages containing fruit juices and vegetable juices; fruit beverages, fruit flavored beverages; fruit-based beverages; vegetable beverages, vegetable flavored beverages, vegetable-based beverages, fruit and vegetable beverages, soda water flavored with fruit, soda water flavored with vegetables, soda water flavored with fruits and vegetables, soda pop, fruit juice, vegetable juice, fruit and vegetable juice, fruit drinks, vegetable drinks, fruit and vegetable drinks, mixed fruit juice, mixed vegetable juice, mixed fruit and vegetable juices.
SNOOP LION	EU 11121589	15.08.12 11.01.13	9	A series of musical sound recordings; downloadable musical sound recordings; audiovisual recordings featuring music and musical entertainment; downloadable

			<p>audiovisual recordings featuring music and musical entertainment; downloadable content including ringtones, images, posters; video games, computer games, downloadable games, computer games for mobile applications; sound recordings; downloadable sound recordings; audiovisual recordings; downloadable audiovisual recordings; downloadable electronic sheet music and posters; electronic equipment namely headphones and speakers; sound and video recordings; computer application software for mobile phones; vinyl covers specially adapted for cell phones, MP3 players and laptops; sound recording apparatus and accessories; downloadable sound and video recordings; downloadable graphics; computer software and programs; downloadable computer software containing sound and/or video recordings or telephone ring tones; downloadable wallpapers, widgets, icons and photographs; downloadable banners; downloadable electronic publications and photographs; downloadable podcasts in the fields of music and entertainment; downloadable electronic publications in the nature of books, magazines, newsletters, pamphlets, booklets and brochures in the field of music and entertainment; motion picture films featuring music and entertainment; digital video discs; storage cases for CDs and DVDs; mobile telephone cases; cases</p>
--	--	--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>(including vinyl cases) for smartphones, cases for cell phones, cases for mobile telephones, cases for personal data assistants (PDAs), cases (including vinyl cases) for laptop computers, cases (including vinyl cases) for tablet computers, cases (including vinyl cases) for portable computers, cases for satellite navigation devices, cases for portable music players, cases for MP3 players, cases for cameras, cases for digital cameras, cases for portable video recorders; accessories for mobile telephones, cell phones, phones, personal data assistants [PDAs], laptop computers, tablet computers, portable computers, satellite navigation devices, portable music players, MP3 players, cameras, digital cameras and portable video cameras, the aforesaid accessories including battery chargers, mounting brackets, belt clips, stands, protective screen covers, hands-free headsets, power adapters and batteries; computer mouse pads, earphones; eyewear and sunglasses; eyewear accessories, namely straps, neck cords and head straps for eyewear.</p>
		25	<p>Clothing, including, shirts, t-shirts, jackets, headwear, including, caps; footwear, including, sneakers; clothing accessories; clothing, footwear, headgear.</p>
		41	<p>Entertainment services, including, live performances; website services, namely providing online games, including online</p>

			<p>computer games, providing online gaming and games services, providing online electronic publications; providing media and entertainment via various platforms across multiple forms of transmission media; production of motion pictures, documentaries, television programs; television programs; motion pictures; documentaries; providing a website featuring musical performances and information about recordings, performance, music, tours, and other entertainment content; providing non-downloadable audiovisual recordings; providing non-downloadable sound recordings; animation services; television programs and motion pictures featuring animation; production of television programs, motion pictures, and other entertainment vehicles featuring animation; entertainment services including periodic live musical performances; entertainment services; providing prerecorded non-downloadable musical entertainment and music videos via a global computer network and/or wireless networks; providing prerecorded non-downloadable entertainment videos via a global computer network and/or wireless networks; providing entertainment information on an entertainer and musician, his performances, discography, and also providing photographs and video clips all</p>
--	--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>via a website, online profile pages, a global computer network, and/or wireless networks; providing non-downloadable ringtones and graphics presented to mobile communication devices via a global computer network and/or wireless networks; online journals, namely, blogs featuring information on an entertainer and musician; arranging and conducting festivals featuring an entertainer/entertainers, musician/musicians; entertainment and education services; providing a website featuring entertainment information on an entertainer and musician, and his tours, performances, non-downloadable audio and audiovisual recordings featuring music, musical-based entertainment, news, appearances, photographs, biographies and other entertainment information, providing podcasts in the field of music and entertainment; online journals; fan clubs; webcasts featuring music, musical-based entertainment and entertainment.</p>
--	--	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- a) The opponent contends that his marks and the mark applied for are very similar and that the goods applied for are identical / similar to the goods /services for which the earlier marks are registered. As such the mark in suit offends against Section 5(2)(b) of the Act. He also contends that he has a family of well-known marks under section 6(1)(c) for the goods for which they are registered and jewellery.

- b) The opponent also contends that he has used his marks, in some instances, since 1992. He states that the similarity between the marks and goods/services is such that there is a likelihood of consumers assuming a link. He contends that this will enable the applicant to take

unfair advantage of the opponent's reputation and free ride on its investment in promoting and advertising the brand. Use of the mark in suit will dilute and tarnish the reputation of the opponent. He contends that the mark in suit offends against section 5(3) of the Act.

- c) He further contends that, as a result of the use made of the signs SNOOP since 1992, SNOOP DOGG since 1992, SNOOP DOGGY DOGG since 1992 and SNOOP LION since 2012, the opponent has acquired a substantial amount of goodwill and reputation in its signs in the UK in relation to music, jewellery and the goods and services for which the marks are registered such that the average consumer will assume that the goods of the applicant are those of the opponent or linked to him and therefore misrepresentation will occur. The mark in suit therefore offends against section 5(4)(a) of the Act.
- d) The opponent also contends that the applicant has no intention to use the mark, and alleges that the controlling mind and sole director behind the applicant company is Mr Gleissner who has numerous trade mark applications and registrations in the UK none of which are intended to be used other than for "blocking" purposes. The application therefore offends against section 3(6) of the Act.

4) On 1 September 2017 the applicant filed a counterstatement, basically denying all the grounds, pointing out the differences between the parties' marks and in particular the differences in the goods and services of the two parties. It puts the opponent to strict proof of use of his mark 1296177 on all goods and services for which it is registered.

5) Only the opponent filed evidence. Both parties seek an award of costs in their favour. Neither side wished to be heard. Both parties provided written submissions which I shall refer to as and when necessary in my decision.

DECISION

6) I shall first consider the ground of opposition under section 3(6) which reads:

“(6) A trade mark shall not be registered if or to the extent that the application is made in bad faith.”

7) The law in relation to section 3(6) of the Act ("bad faith") was summarised by Arnold J. in *Red Bull GmbH v Sun Mark Limited and Sea Air & Land Forwarding Limited* [2012] EWHC 1929 (Ch):

"130. A number of general principles concerning bad faith for the purposes of section 3(6) of the 1994 Act/Article 3(2)(d) of the Directive/Article 52(1)(b) of the Regulation are now fairly well established. (For a helpful discussion of many of these points, see N.M. Dawson, "Bad faith in European trade mark law" [2011] IPQ 229.)

131. First, the relevant date for assessing whether an application to register a trade mark was made in bad faith is the application date: see Case C- 529/07 *Chocoladenfabriken Lindt & Sprüngli AG v Franz Hauswirth GmbH* [2009] ECR I-4893 at [35].

132. Secondly, although the relevant date is the application date, later evidence is relevant if it casts light backwards on the position as at the application date: see *Hotel Cipriani Srl v Cipriani (Grosvenor Street) Ltd* [2008] EWHC 3032 (Ch), [2009] RPC 9 at [167] and cf. Case C-259/02 *La Mer Technology Inc v Laboratoires Goemar SA* [2004] ECR I-1159 at [31] and Case C-192/03 *Alcon Inc v OHIM* [2004] ECR I-8993 at [41].

133. Thirdly, a person is presumed to have acted in good faith unless the contrary is proved. An allegation of bad faith is a serious allegation which must be distinctly proved. The standard of proof is on the balance of probabilities but cogent evidence is required due to the seriousness of the allegation. It is not enough to prove facts which are also consistent with good faith: see *BRUTT Trade Marks* [2007] RPC 19 at [29], *von Rossum v Heinrich Mack Nachf. GmbH & Co KG* (Case R 336/207-2, OHIM Second Board of Appeal, 13 November 2007) at [22] and *Funke Kunststoffe GmbH v Astral Property Pty Ltd* (Case R 1621/2006-4, OHIM Fourth Board of Appeal, 21 December 2009) at [22].

134. Fourthly, bad faith includes not only dishonesty, but also "some dealings which fall short of the standards of acceptable commercial behaviour observed by reasonable and experienced men in the particular area being examined": see *Gromax Plasticulture Ltd v Don & Low Nonwovens Ltd* [1999] RPC 367 at 379 and *DAAWAT Trade Mark* (Case C000659037/1, OHIM Cancellation Division, 28 June 2004) at [8].

135. Fifthly, section 3(6) of the 1994 Act, Article 3(2)(d) of the Directive and Article 52(1)(b) of the Regulation are intended to prevent abuse of the trade mark system: see *Melly's Trade Mark Application* [2008] RPC 20 at [51] and *CHOOSI Trade Mark* (Case R 633/2007-2, OHIM Second Board of Appeal, 29 February 2008) at [21]. As the case law makes clear, there are two main classes of abuse. The first concerns abuse vis-à-vis the relevant office, for example where the applicant knowingly supplies untrue or misleading information in support of his application; and the second concerns abuse vis-à-vis third parties: see *Cipriani* at [185].

136. Sixthly, in order to determine whether the applicant acted in bad faith, the tribunal must make an overall assessment, taking into account all the factors relevant to the particular case: see *Lindt v Hauswirth* at [37].

137. Seventhly, the tribunal must first ascertain what the defendant knew about the matters in question and then decide whether, in the light of that knowledge, the defendant's conduct is dishonest (or otherwise falls short of the standards of acceptable commercial behaviour) judged by ordinary standards of honest people. The applicant's own standards of honesty (or acceptable commercial behaviour) are irrelevant to the enquiry: see *AJIT WEEKLY Trade Mark* [2006] RPC 25 at [35]-[41], *GERSON Trade Mark* (Case R 916/2004-1, OHIM First Board of Appeal, 4 June 2009) at [53] and *Campbell v Hughes* [2011] RPC 21 at [36].

138. Eighthly, consideration must be given to the applicant's intention. As the CJEU stated in *Lindt v Hauswirth*:

"41. ... in order to determine whether there was bad faith, consideration must also be given to the applicant's intention at the time when he files the application for registration.

42. It must be observed in that regard that, as the Advocate General states in point 58 of her Opinion, the applicant's intention at the relevant time is a subjective factor which must be determined by reference to the objective circumstances of the particular case.

43. Accordingly, the intention to prevent a third party from marketing a product may, in certain circumstances, be an element of bad faith on the part of the applicant.

44. That is in particular the case when it becomes apparent, subsequently, that the applicant applied for registration of a sign as a Community trade mark without intending to use it, his sole objective being to prevent a third party from entering the market.

45. In such a case, the mark does not fulfil its essential function, namely that of ensuring that the consumer or end-user can identify the origin of the product or service concerned by allowing him to distinguish that product or service from those of different origin, without any confusion (see, inter alia, Joined Cases C-456/01 P and C-457/01 P *Henkel v OHIM* [2004] ECR I-5089, paragraph 48)."

8) In the same case Arnold J. also held that a possible or contingent intention to use the mark in relation to the goods/services covered by the application would normally be sufficient to prevent a finding of bad faith on the grounds of no intention to use the mark. He stated:

"161. If the UK's requirement for a declaration of intention to use is compatible with the Directive, and the making by the applicant of a false declaration of intent to use can amount to bad faith, the next issue concerns the intention which the applicant must have in order to be able to declare in good faith that he intends to use the mark in relation to the goods or services specified in the application in the UK. Counsel for the Defendants submitted that a concrete present intention was required, whereas counsel for Red Bull submitted that a possible or contingent future intention was sufficient.

162. In *Knoll* Neuberger J. said that "whether a contemplated use, or a possible or conditional intention to use, can suffice must depend upon the circumstances". In that case, he found that the proprietor had had a definite intention to use the mark in relation to pharmaceutical preparations for the treatment of obesity and contemplated that it might use the mark in relation to other pharmaceutical products. In those circumstances he held that it was unarguable that the proprietor had acted in bad faith by making a false declaration that it intended to use the mark in relation to pharmaceutical preparations and dietetic substances. In *32Red* the Court of Appeal appears to have accepted that a possible future use of the mark in relation to the services applied for was enough to defeat an allegation of bad faith on the ground of lack of intention to use in the circumstances of that case, albeit without any detailed consideration of the law.

163. Neuberger J's statement in *Knoll* appears to me to be not only correct in principle, but also supported by the subsequent jurisprudence of the CJEU in *Lindt v Hauswirth* and *Internetportal*

v Schlicht. I therefore conclude that a possible or contingent intention to use the mark at some future date may suffice. Whether it does suffice will depend on all the circumstances of the case, and in particular whether there are other factors present of the kind mentioned in paragraph 139 above”. [i.e. whether the application is an attempt to gain protection for an unregistrable mark or to block others from using the mark]

9) Whilst I also note that in *Ferrero SpA’s Trade Marks* [2004] RPC 29, Mr David Kitchen QC (as he then was), as the Appointed Person, upheld a finding that the proprietor had applied to register trade marks in bad faith on the basis of unanswered evidence that it had been ‘stockpiling’ unused marks. He said:

“I have also come to the conclusion that the hearing officer was entitled to find the allegation established on the basis of the materials before him. By the date of Mr Rickard's declaration the registered proprietors had filed in excess of 60 applications to register trade marks including the word KINDER but had only ever used six. The number of applications had increased to some 68 by the date of Ms Bucks' witness statement. The large number of unused applications and the period of time over which the applications had been made led Mr Rickard to conclude that the registered proprietors were filing applications without any real and effective intention to use them. The evidence of Mr Rickard was never answered by the registered proprietors. No attempt was made to justify or explain the filing policy.”

10) Further, in *Copernicus-Trademarks v EUIPO (LUCERO)* Case T-82/14, the General Court found that the filing of EU trade marks for the purposes of blocking applications by third parties, and without an intention to use the mark, was an act of bad faith.

11) The opponent in the witness statement, dated 5 December 2017, by Mr Bigger stated that the sole director of the applicant company was Michael Gleissner. A copy of a print-out from Companies House was provided at exhibit SB22 which corroborates this statement. Reference was also made to the decision of the Registry in O-015-17 where it was found that Mr Gleissner had “a track record of trading in domain names”. The decision also noted that one of Mr Gleissner’s associates had admitted that his job entailed “reverse domain name high jacking”. The decision found that there was no intention to use the mark involved in that case, as it and the numerous others sought to be registered were never intended for use by the applicant. The decision was upheld on appeal by Mr G Hobbs, acting as the Appointed Person. In the appeal decision (O-036-18) Mr Hobbs commented

“20. I do not doubt that any attempt to establish bad faith must allow for the fact that there is nothing intrinsically wrong in a person exercising *“the right to apply the rules of substantive and procedural law in the way that is most to his advantage without laying himself open to an accusation of abuse of rights”* as noted in paragraph [121] of the Opinion delivered by Advocate General Trstenjak in Case C-482/09 *Budejovicky Budvar NP v Anheuser-Busch Inc* EU:C:2011:46. See also the observations of Arnold J in paragraph [189] of his judgment at first instance in *Hotel Cipriani SRL v. Cipriani (Grosvenor Street) Ltd* [2009] EWHC 3032 (Ch), which were not called into question in the judgment of the Court of Appeal in that case: [2010] EWCA Civ 110. They were re-affirmed by Arnold J. in *Och-Ziff Management Europe Ltd v. Och Capital LLP* [2010] EWHC 2599 (Ch) at paragraph [37].

21. The line which separates legitimate self-interest from bad faith can only be crossed if the applicant has sought to acquire rights of control over the use of the sign graphically represented in his application for registration in an improper manner or for an improper purpose. I accept that the provisions of s.32(3) of the Act should not be interpreted and applied so as to establish a more onerous requirement for use than that which is substantively imposed and regulated by the provisions of the legislative scheme relating to revocation of trade mark registrations for non-use.

22. However, that does not detract from the proposition that a declaration made pursuant to the requirements of s.32(3) can be false by reason of the absence of any bona fide intention to use a mark, with that in fact being indicative or symptomatic of the relevant mark having been put forward for registration in relation to goods or services of the kind specified in an improper manner or for an improper purpose, such as to justify refusal of the relevant application for registration on the ground of bad faith.”

12) In the instant case the opponent alleges that there was no intention to use the mark in suit, it is a blocking strategy to obtain money from third parties who are already using or likely to use the mark in suit, and that it was part of a pattern of conduct amounting to abuse of the trademark system.

13) In response the applicant contended that the case under section 3(6) was not substantiated on the basis that:

- A person is presumed to have acted in good faith unless the contrary is proved. An allegation of bad faith is a serious allegation which must be distinctly proved. The standard of proof is on the balance of probabilities but cogent evidence is required due to the seriousness of the allegation. It is not enough to prove facts which are also consistent with good faith.
- The Opponent has not provided concrete evidence to rebut this presumption, and largely relies on hearsay evidence in the form of third party articles.
- The Applicant's intent to use the Subject Mark, at the application stage, has to be reconciled with the financial and legal risks that the Applicant is exposed to. In the event that the application mark is used, at the application stage, the Applicant exposes itself to either infringement or opposition proceedings.
- The manner of the application and registration procedure at the UKIPO, is that, after the application date, the application mark is published and will be susceptible to opposition. This occurs to all application marks, regardless of whether proper due diligence has been executed to ascertain similar marks. Thereafter, the application mark will only proceed to registration in the event that there is no opposition, or, when any potential opposition is surmounted. As such, due to the application process of the UKIPO, the Applicant ought to be given a reasonable time, after the completion of the registration process, to show that there was intent to use the mark.

14) In the instant case the applicant is Snoop International Ltd., not Mr Gleissner. However, Professor Ruth Annand, sitting as the Appointed Person, held in *Joseph Yu v Liaoning Light Industrial Products Import and Export Corporation* (BL O/013/15) that:

“22. [A] claim of bad faith is not avoided by making an application in the name of an entity that is owned or otherwise controlled by the person behind the application”.

15) The applicant has not disputed that Mr Gleissner is the sole director, and therefore in control of, the applicant. Accordingly, Mr Gleissner's motives can be attributed to the applicant. I also note that the applicant has not commented upon the actual allegations or sought to deny them. The applicant asserts that it should be given a reasonable time after the completion of the registration process to show that there was intent to use the mark. It is clear from *Red Bull* at [131] and [138] that the relevant date for assessing the applicant's intention is the date of application. By signing the

application form, the applicant confirmed, in accordance with s. 32(3), that the mark was being used or that there was a *bona fide* intention it would be used. In *CKL Holdings NV v Paper Stacked Limited* (BL O/036/18), Geoffrey Hobbs Q.C., sitting as the Appointed Person, said:

“22. [...] a declaration made pursuant to the requirements of s.32(3) can be false by reason of the absence of any bona fide intention to use a mark, with that in fact being indicative or symptomatic of the relevant mark having been put forward for registration in relation to goods or services of the kind specified in an improper manner or for an improper purpose, such as to justify refusal of the relevant application for registration on the ground of bad faith”.

16) Even if this were not the case, I note that the opposition was filed on 23 January 2017. This means that the applicant has had seventeen months since the opposition was filed to provide evidence to counter the allegations. I note that the applicant contends that the onus in a case such as this is on the opponent. It also submits that there is no concrete evidence of bad faith and that the presumption of good faith lies with the applicant.

17) However, as shown in paragraphs 9 & 10 once a prima facie case has been established, it is incumbent on the applicant to answer the charges. The presumption of good faith and the burden of proof on the opponent are merely the starting point. It is clear from the previous decisions such as *Viva Media GmbH v Viva Technologies Limited* (BL O/015/17) involving Mr Gleissner that he has established multiple shelf companies in the names of which he has sought to register a large number of trade marks. In the case named above it was found that it was part of a blocking strategy and there had been no intention to use the mark in accordance with its essential function. However, I accept that it is not possible simply to transfer the findings in *Viva* to the present opposition.

18) I note that no evidence has been filed by the applicant and its submissions on the section 3(6) ground were limited as shown above. The applicant has not provided a clear statement that it intends to use the mark in suit, nor any explanation as to why it filed the application. Nor has the applicant made any response to the opponent's reliance upon previous decisions of the Registry, including the Appointed Persons. In my opinion, a prima facie case has been made, which has not been answered let alone rebutted. **The ground of opposition under section 3(6) therefore succeeds in full.**

19) In the light of this finding I decline to consider the other grounds of opposition.

CONCLUSION

20) The opposition in relation to all the goods applied for has been successful under section 3(6).

COSTS

21) As the opponent has been successful it is entitled to a contribution towards its costs.

Expenses	£200
Preparing a statement and considering the other side's statement	£300
Preparing evidence & filing written submissions	£800
TOTAL	£1,300

45) I order Snoop International Limited to pay Mr Calvin Broadus the sum of £1,300. This sum to be paid within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 16th day of July 2018

George W Salthouse
For the Registrar,
the Comptroller-General