O-456-14

TRADE MARKS ACT 1994

CONSOLIDATED PROCEEDINGS INVOLVING:
TRADE MARK APPLICATIONS 3026352 & 3026340
BY AJ POWER LIMITED
TO REGISTER THE FOLLOWING TRADE MARKS IN CLASS 7:

AJ Power
A.J. Power
AJPower

AND

OPPOSITIONS THERETO (NO. 401694 & 401697) BY AJ PRODUKTER I HYLTEBRUK AB

Background and pleadings

1. AJ Power Limited ("the applicant") applied to register the above figurative trade mark (no. 3026352) (the first of the above four) on 15 October 2013. It was accepted and published in the Trade Marks Journal on 8 November 2013. The goods for which registration is sought are "electric power generators", goods which fall in class 7. The applicant also filed the three words marks shown above as a series of marks (no. 3026340) on 15 October 2013. They were accepted and published in the Trade Marks Journal on 15 November 2013; the goods for which registration is sought are "electric-power generating-sets", goods which also fall in class 7.

2. AJ Produkter i Hyltebruk AB ("the opponent") opposes the registration of all these marks on the basis of section 5(2)(b) of the Trade Marks Act 1994 ("the Act"). The opponent relies on two earlier Community Trade Marks ("CTMs") that it owns:

i) CTM 1647635 for the mark AJ which was filed on 28 April 2000 and which completed its registration process on 12 November 2001. The mark is registered in respect of a variety of goods and services in classes 6, 7, 12, 16, 20, 35, 36 & 39.

ii) CTM 443879 for the mark:  which was filed on 2 January 1997 and which completed its registration process on 24 August 1999. The mark is registered in respect of a variety of goods and services in classes 5, 6, 7, 9, 10, 11, 12, 16, 20, 21, 25, 27, 35, 36, 37, 38 & 39.

3. The opponent's marks are clearly earlier marks (to those of the applicant), as per section 6 of the Act. It should be noted that both earlier marks completed their respective registration processes more than five years prior to the publication of the applicant's marks; the consequence of this is that the proof of use provisions are applicable to the earlier marks as per section 6A of the Act. This means that the earlier marks may only be relied upon to the extent that they have been used. In relation to this, in its notice of opposition, the opponent made what is called a "statement of use". It states that both earlier marks have been used in relation to all of the goods and services for which they are registered.

4. The applicant filed a counterstatement denying the claims made. In relation to proof of use, the applicant **did not** ask the opponent to provide proof of use of its earlier marks. In response to the tick box question on the notice of defence, the applicant specifically stated that proof of use was **not required**. The effect of this is that the applicant has neither denied nor not admitted the opponent's statement of use (as per rule 20(2)(c) of the Trade Marks Rules 2008, as amended) meaning that the opponent was not required to file evidence to support its statement; consequently, the opponent is able to rely on both earlier marks for all of the goods and services for which they are registered. The applicant states that on its website the opponent identifies itself as "a supplier of office, warehouse and workshop – decor" which is not consistent with the broad range of products covered by its registrations. It states that the trade marks are not similar and that the goods it sells "electric-power generating sets" are not sold by the opponent and the products are not, therefore, identical or similar.

5. The proceedings were consolidated. Both sides filed evidence. A hearing took place before me on 1 October 2014, at which the opponent was represented by Mr Michael Conway of Haseltine Lake LLP and the applicant by Mr Andrew Pigott, of the applicant company.

The evidence

6. The opponent's evidence is given by Mr Thomasin Proctor, a trainee trade mark attorney at Haseltine Lake LLP. His evidence focuses upon the similarity between the goods. Rather than summarise the evidence here, I will return to it later.

7. The applicant's evidence is given by Mr Peter Calvert, its Administrative Director. Mr Calvert provides some brief evidence in reply to that filed by Mr Proctor. I will come to this later. He also provides evidence about the business the opponent operates which, taken from the opponent's website, relates to office furniture, materials handling and storage solutions. He conducted a search on the opponent's website for terms such as generator, machine and welder – he found no results.

8. I do not need to summarise the second aspect of Mr Calvert's evidence in any more detail than this. This is because it lacks any real pertinence to the matters that need to be determined. The question before the tribunal relates to the alleged conflict with two earlier trade marks owned by the opponent. The issue must be focused upon what those earlier trade marks are protected for. It does not matter what the opponent may or may not focus upon in trade. What matters are the goods and services for which the earlier marks are registered. The comparison must be made on a notional basis, comparing the earlier marks and the goods and services for which they are registered with the applied for marks and the goods for which they seek registration. If there is a likelihood of confusion upon this basis then the opponent will succeed. It must be borne in mind, as stated earlier, that whilst the earlier marks are subject to proof of use, the applicant, in its counterstatements, indicated that it did not wish the opponent to prove use. I discussed the aspect of the proceedings with Mr Pigott at the hearing. He accepted and understood that proof of use was not a feature of these proceedings, with most of his submissions, as I will come on to say, focusing on the marks at issue.

Decision

9. Section 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,
>
> there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark".

10. The following principles are gleaned from the decisions of the EU courts 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 will wrongly believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

The goods/services

11. In its statement of case the opponent relied upon all of its goods and services. This is not a helpful approach. Its specifications cover a broad range of goods and services, many of which bear little similarity to the goods of the applied for marks. However, its attack gained more focus during the evidence stage and at the hearing, resulting in the following goods being relied upon:

> Machines (this appears as a self-standing term in class 7 of the opponent's word mark)
>
> Pneumatic machines (as covered by the term "pneumatic pumps, motors and machines" in class 7 of the opponent's figurative mark)
>
> Electric welding machines (this appears as a self-standing term in class 7 of the opponent's figurative mark)
>
> Various electrical goods in class 9 of the opponent's figurative mark for the accumulation, control and distribution of electricity (class 9 of the opponent's figurative mark)

12. This is to be compared with the applicant's class 7 goods:

> Electric power generators (the applicant's figurative mark)
>
> Electric-power generating-sets (the applicant's word marks)

13. The opponent's first submission focused on the term "machines" and "pneumatic machines", the argument being that the applied for goods were machines and so covered by the opponent's terms. The principle underlying the argument is consistent with the judgment in *Gérard Meric v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)* Case T-133/05 – "*Meric*") which supports the proposition that, when comparing goods, if a term clearly falls within the ambit of a term in the competing specification then identical goods must be considered to be in play. Mr Pigott accepted at the hearing that generators and generator sets (which he said were the same things) were a type of machine (or more accurately two machines in one). On this basis the goods must be considered as identical to "machines" on the *Meric* principle. Whilst the decision of the Court of Justice of the European Union ("CJEU") in the *IP Translator* case has called for clarity in specifications, and whilst the term machines can be said to lack clarity on the basis of its breadth, in circumstances where it is simply a question of whether X falls within the ambit of Y (which the applicant accepts it does) then I consider it appropriate to give the earlier mark the protection for which it is registered. Of course, had the applicant put the opponent to proof of use then it is highly unlikely that a term that broad would remain. That the applicant did not put the opponent to proof is down to it and is not something that can now be overlooked. **The applied for goods are identical to the term machines in class 7.** I do not, however, consider that the above finding should apply to pneumatic machines, as it is not clear to me whether the applied for goods have pneumatic functionality.

14. The above findings will put the opponent in its strongest position (as I have found identity of goods), so considering whether other goods are similar is somewhat redundant. However, in case I am found to be wrong on the above finding, I will consider some of the other claims. One of those relates to the term "electric welding machines", the opponent claiming that such goods are similar to the applied for goods. When making a comparison, all relevant factors relating to the goods should be taken into account. In *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer* the CJEU stated at paragraph 23 of its judgment:

> "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 includ*e, inter ali*a, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary."

15. Guidance on this issue has also come from Jacob J In *British Sugar Plc v James Robertson & Sons Limited* [1996] RPC 281 where the following factors were highlighted as being relevant when making the comparison:

> "(a) The respective uses of the respective goods or services;
>
> (b) The respective users of the respective goods or services;
>
> (c) The physical nature of the goods or acts of service;
>
> (d) The respective trade channels through which the goods or services reach the market;
>
> (e) 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;
>
> (f) 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."

16. In terms of being complementary (one of the factors referred to in *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer*), this relates to close connections or relationships that are important or indispensible for the use of the other. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)* Case T- 325/06 it was stated:

> "It is true that goods are complementary if 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 (see, to that effect, Case T-169/03 *Sergio Rossi* v *OHIM – Sissi Rossi* (*SISSI ROSSI*) [2005] ECR II-685, paragraph 60, upheld on appeal in Case C-214/05 P *Rossi* v

OHIM [2006] ECR I-7057; Case T-364/05 *Saint-Gobain Pam* v *OHIM – Propamsa* (*PAM PLUVIAL*) [2007] ECR II-757, paragraph 94; and Case T-443/05 *El Corte Inglés* v *OHIM – Bolaños Sabri* (*PiraÑAM diseño original Juan Bolaños*) [2007] ECR I-0000, paragraph 48)."

17. In relation to complementarity, I also bear in mind the guidance given by Mr Daniel Alexander QC, sitting as the Appointed Person, in case B/L O/255/13 *LOVE* were he warned against applying too rigid a test:

> "20. In my judgment, the reference to "legal definition" suggests almost that the guidance in *Boston* is providing an alternative quasi-statutory approach to evaluating similarity, which I do not consider to be warranted. It is undoubtedly right to stress the importance of the fact that customers may think that responsibility for the goods lies with the same undertaking. However, 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. I therefore think that in this respect, the Hearing Officer was taking too rigid an approach to *Boston*."

18. For the opponent, Mr Proctor filed evidence as follows:

- An extract from the website genset.co.uk which shows a generator being sold alongside a welder.
- An extract from the website westermans.com (there are indications that this is a UK business) which shows various welders (and other goods such as plasma cutters) being sold alongside "power sources".
- An extract from hss.com (with prices in £s) showing a welder generator, a generator specifically for use in connection with welding equipment.
- An extract from morrismachinery.co.uk showing various other welder generators.

19. Mr Calvert responded to the above by providing information about Genset and Westermans, in that when providing standard industrial classification codes to Companies House, the principal activity was of "wholesale of other machinery and equipment", the point being that neither considers manufacturing as their principal business activity. In other words, the businesses do not manufacture generators and welding equipment, presumably they just sell them.

20. It is clear from the evidence that a sub-category of generators exist to work in conjunction with welding machines. Mr Conway initially suggested that this may just be a marketing ploy, but he also suggested that it may be something to do with the higher voltages likely to be required by welding machines. To that extent, it seems to me that there would be a clear and obvious complementary relationship with generators (and generator sets) given the important link between them. Although there is no evidence in relation to this, it seems logical to conclude that the nature of that relationship is one where the consumer may think that the responsibility for both goods lies with the same undertaking. **I consider that electric welding machines are reasonably similar to welding generators (and welding generator sets).** It does not follow that all generators are similar to electric welding machines. Without that key complementary relationship that exists with regard to a welder generator,

the other aspects of similarity are weak. Therefore, there is insufficient evidence to support the conclusion that all generators are similar to electric welding machines. Other generators may be wholly incompatible with electric welding machines.

21. The other goods relied upon are electrical apparatus for accumulation, control and distribution of electricity. There is no evidence as to what such goods actually are and whether there is any real similarity with generators or generator sets. These are not everyday goods upon which the tribunal can make an informed assessment. Absent evidence or any clear and obvious points of similarity, I hold that the goods are not similar.

Average consumer and the purchasing act

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

23. In relation to where the goods conflict, the average consumer will not be a member of the general public. They are specialist products purchased by people in the relevant trade. They do not strike me as casual purchases and neither are they likely to be inexpensive. All of this is indicative of a good deal of care and consideration going into the selection of the goods concerned, a level of care and consideration higher than the norm. The goods will no doubt be purchased after perusal of websites, brochures, etc and/or seeing the product in real-life. The visual impact of the marks is important, although, I will not ignore the aural aspects altogether.

Comparison of marks

24. 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."

25. 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. The marks to be compared are:

The applied for marks:	**The earlier marks:**
 **AJ Power** **A.J. Power** **AJPower**	 **AJ**

26. In the applied for figurative mark, the overall impression made on the average consumer will be of the letters/word AJ Power, surrounded by an oval border, with two overlapping curved lines to the right of the letters AJ. In terms of the relative weights of those components, whilst none are negligible (otherwise they would not contribute to the overall impression) the overall impression is strongly dominated by the verbal element AJ Power. In relation to the applied for non-figurative marks, the overall impression is more simple, all being made up of a letters/word combination AJ Power – even though one mark is conjoined and that one mark has dots, this is how it will be perceived and this is what contributes most to the overall impression, although, it would be wrong to completely ignore the dots and conjoining.

27. In relation to the earlier mark(s), the AJ word mark has just one component so its overall impression will be based solely upon this. In relation to the earlier figurative mark, the overall impression will be based upon the letters AJ, its somewhat unusual script and its triangular background. The overall impression will, however, be strongly dominated by the letters AJ.

28. Comparing the earlier word mark with the three applied for word marks, whilst the word POWER in the applied for marks creates a difference, I still consider there to be a reasonably high degree of visual and aural similarity on account of the sharing of the letters AJ/A.J. Beyond being letters, there is no strong conceptual similarity or difference. The earlier word only mark is slightly less similar visually to the applied for figurative mark on account of the additional stylistic elements (the oval border and curved lines), but given the prominence of the letters AJ, the marks

are visually similar to a reasonable degree; the aural and conceptual assessment is the same as I have already made.

29. In relation to the earlier figurative mark, similar assessments run through the analysis, leading, in my view, to the same aural and conceptual outcomes and roughly the same visual assessment; regardless of which applied for mark is considered there is at least a reasonable degree of visual similarity.

Distinctive character of the earlier trade mark

30. The degree of distinctiveness of the earlier mark is another important factor to consider. This is because the more distinctive the earlier mark (based either on its inherent qualities or because of the use made of it), the greater the likelihood of confusion (see *Sabel BV v. Puma AG*, paragraph 24). 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 *WindsurfingChiemsee* 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)."

31. No use of the earlier mark(s) has been presented so I have only the inherent characteristics of them to consider. The letters AJ have no particular significance in relation to the relevant goods. Although letters are often used in trade, as initials for example, there is no reason to accord the letters in question only a low level of distinctiveness. Whilst I cannot say that the marks are inherently high in distinctiveness (such as an invented word) they have at least a normal level of inherent distinctive character. The earlier figurative mark may be a little higher in distinctiveness, however, this is not pertinent because the aspect of the mark that gives it extra distinctiveness is not something which is in common with the applied for mark(s).

Likelihood of confusion

32. The factors assessed so far have a degree of interdependency (*Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 17), a global assessment of them must be made when determining whether there exists a likelihood of confusion (*Sabel BV v. Puma AG,* paragraph 22). However, there is no scientific formula to apply. It is a matter of considering the relevant factors from the viewpoint of the average consumer and determining whether they are likely to be confused.

33. The earlier word mark covers identical goods to those of the application. The earlier word mark is reasonably high in visual and aural similarity to the applied for word marks with neither a strong conceptual difference nor similarity. Mr Pigott considered that in totality the marks had sufficient difference to enable the average consumer to distinguish between them. He referred to the applied for marks being very distinctive and that the applicant's mark has a good level of recognition in the marketplace. This latter point is not pertinent because no evidence has been submitted, nor would it, in any event, indicate that the average consumer would differentiate between the marks when the notional test before the tribunal is applied. In terms of the marks, the main difference between them is the presence of the word POWER in the applied for marks. Such a word is wholly descriptive and will, in my view, have little impact in terms of enabling the consumer to differentiate between them. The stylistic differences between them are borne in mind (the dots and the conjoining in the 2nd and 3rd marks of the series) but these play a more minor role in the overall impression. This is so notwithstanding the higher than average degree of care and consideration likely to be used by the average consumer. Even if the average consumer recalled that one mark has the word power and the other mark did not and/or recalled the stylistic differences, the common presence in the marks of the letters AJ, in relation to the identical goods at issues, will signal to the average consumer that the goods are the responsibility of the same of an economically linked undertaking. **There is a likelihood of confusion between the earlier word mark and the applied for word marks.** In my view, the same outcome is apparent when comparing the earlier word mark with the applied for figurative mark. Whilst there is more visual difference (on account of the additional figurative elements in the applied for mark) the overall impression of the mark is still strongly dominated by the verbal element. Bearing in mind imperfect recollection, I consider that the marks could still be mistaken for one another. However, even if this were not likely, the presence in both marks of the letters AJ will strongly indicate a shared trade responsibility as previously mentioned. The word POWER (for reasons already explained) will not remove this assumption, neither will the figurative differences, as this will be put down to the same undertaking simply adding embellishments to its branding. **There is a likelihood of confusion between the earlier word mark and the applied for figurative mark.**

34. As a fall-back finding, I will also consider the position with regard to the earlier figurative mark. The position here is that the goods (electric welding machines and welding generators) are reasonably similar. Regardless of which applied for mark is being compared to the earlier figurative mark, I have found that there is at least a reasonable degree of visual similarity, with the same degree of aural similarity as above and conceptual neutrality. That the goods are only similar as opposed to identical is borne in mind, however, the nature of the relationship between those

goods is one where the level of similarity between the marks will still, in my view, result, at the very least, in an assumption of shared trade origin. That the earlier mark has its own figurative aspect is not sufficient, even when weighing the other differences within the applied for marks, to alter such an assumption in the mind of the average consumer. **There is a likelihood of confusion between the earlier figurative mark and all the applied for marks to the extent that the applied for marks notionally cover welding generators.** Had this finding been the only one I could make in favour of the opponent then I may have returned to the parties to direct submissions on a revised specification that would remove the likelihood of confusion. However, given that the opponent has already succeeded in full then this course of action is unnecessary.

Outcome

35. The applied for marks are refused in their entirety.

Costs

36. The opponent has been successful and is entitled to a contribution towards its costs. In the circumstances, I award the opponent the sum of £1700 as a contribution towards the costs of the proceedings. Although there were two oppositions I have only awarded one set of costs (except in relation to the official fee) given that the proceedings were consolidated and, even before consolidation, the initial statements of case were essentially the same. The sum is calculated as follows:

Preparing a statement(s) and considering the other side's statement(s) - £300

Official fee x 2 - £400

Filing and considering evidence - £500

Attending the hearing - £500

37. I therefore order AJ Power Ltd to pay AJ Produkter i Hyltebruk AB the sum of £1700. The above sum should be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 22nd day of October 2014

Oliver Morris
For the Registrar,
The Comptroller-General