

O/0748/26

**TRADE MARKS ACT 1994**

**IN THE MATTER OF REGISTRATION NO.**

**UK00003142935**

**BY HARJOT SINGH CHANDHOK**

**FOR THE TRADE MARK:**

**mason knight yager**

**IN CLASSES 9, 14, 18, 25 AND 35**

**AND**

**AN APPLICATION FOR REVOCATION**

**UNDER NO. 509082**

**BY LIDLINGTON, LLC**

## BACKGROUND AND PLEADINGS

1. Harjot Singh Chandhok is the registered proprietor (“the proprietor”) of the following trade mark:

UK registration no. UK00003142935

**Mason knight yager**

Filing date: 5 January 2016

Registration date: 25 March 2016

Registered for goods and services in:

Class 9: Sunglasses

Class 14: Jewellery

Class 18: Leather

Class 25: Clothing

Class 35: Advertising

2. Lidlington, LLC (“the applicant”) made an application to revoke the registered mark on 26 June 2025. The applicant seeks revocation of the registered mark under sections 46(1)(a) and (b) of the Trade Marks Act 1994 (“the Act”); the application is directed against all of the registered goods and services.
3. The applicant claims non-use under section 46(1)(a) in the five-year period following the date on which the mark was registered, i.e. 26 March 2016 to 25 March 2021 (the “first relevant period”). The applicant requests an effective date of revocation of 26 March 2021. Non-use is also alleged under section 46(1)(b) for the five-year period between 26 June 2020 and 25 June 2025 (the “second relevant period”), seeking an effective revocation date from 26 June 2025.
4. The proprietor filed a counterstatement defending its registered mark for all the goods and services for which non-use is claimed, claiming use since 2020. No claim is made to there being any proper reasons for non-use.

5. Both parties filed evidence in these proceedings.
6. The applicant is professionally represented by D Young & Co LLP; the proprietor represents itself.
7. The applicant requested a hearing and later in the proceedings, it was agreed that a short format hearing would take place. Prior to the hearing the proprietor stated that he would not be attending due to health reasons. However, as he had not previously indicated that he intended to attend the hearing, and moreover, did not seek an adjournment, I decided to proceed with the hearing as scheduled.
8. The hearing took place before me on 4 August 2026 by videoconference. At the hearing the applicant was represented by Mr Dick; as discussed above the proprietor was not in attendance. However, both parties filed skeleton arguments prior to the hearing. Therefore, this decision is taken following a careful consideration of all the papers before me and the oral submissions of Mr Dick at the hearing.

#### Relevance of EU law

9. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

#### Evidence

10. The proprietor filed evidence in the form of the witness statement of Harjot Chandhok, the proprietor, electronically signed and dated 3 September 2025. The witness statement is accompanied by exhibits 1 to 8.
11. The purpose of the evidence is to show use within the relevant periods of the contested mark. I note that the witness statement contains some submissions;

however, I do not consider it too onerous a task to separate the opinions of Mr Chandhok from his statements of fact. Therefore, I will adopt a pragmatic approach, treating the submissions as legal arguments and/or opinions rather than factual statements, even though they are nevertheless conveyed in a witness statement accompanied by a statement of truth.

12. The applicant also filed evidence in the form of the witness statement of Matthew James Dick of D Young & Co LLP (the applicant's representatives in these proceedings), signed and dated 5 November 2025. The witness statement is accompanied by exhibit MJD1.

13. The purpose of this evidence is to show the size of the UK market in relation to jewellery.

## **LEGISLATIVE PROVISIONS**

14. Section 46 of the Act states:

“(1) The registration of a trade mark may be revoked on any of the following grounds-

(a) that within the period of five years following the date of completion of the registration procedure it has not been put to genuine use in the United Kingdom, by the proprietor or with his consent, in relation to the goods or services for which it is registered, and there are no proper reasons for non-use;

(b) that such use has been suspended for an uninterrupted period of five years, and there are no proper reasons for non-use;

(c) [...]

(d) [...]

(2) For the purpose of subsection (1) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of

whether or not the trade mark in the variant form is also registered in the name of the proprietor), and use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(3) The registration of a trade mark shall not be revoked on the ground mentioned in subsection (1)(a) or (b) if such use as is referred to in that paragraph is commenced or resumed after the expiry of the five-year period and before the application for revocation is made:

Provided that, any such commencement or resumption of use after the expiry of the five-year period but within the period of three months before the making of the application shall be disregarded unless preparations for the commencement or resumption began before the proprietor became aware that the application might be made.

(4) [...]

(5) Where grounds for revocation exist in respect of only some of the goods or services for which the trade mark is registered, revocation shall relate to those goods or services only.

(6) Where the registration of a trade mark is revoked to any extent, the rights of the proprietor shall be deemed to have ceased to that extent as from-

(a) the date of the application for revocation, or

(b) if the registrar or court is satisfied that the grounds for revocation existing at an earlier date, that date”.

15. Section 100 is also relevant, which reads:

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

## CASE LAW

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

“105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 *P Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bundervsvereinigung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Marken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 *P Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

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

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

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

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

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

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

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

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

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

17. Further, proven use of a mark which fails to establish that the “commercial exploitation of the mark is real” because the use would not be “viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services protected by the mark” is not, therefore, genuine use.

18. I am also guided by *Awareness Limited v Plymouth City Council*, Case BL O/236/13, Mr Daniel Alexander Q.C. as the Appointed Person stated that:

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

[...]

22. The burden lies on the registered proprietor to prove use [...] However, it is not strictly necessary to exhibit any particular kind of documentation, but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if,

notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the tribunal (which in many cases will be the Hearing Officer in the first instance) comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said, the public.”

and further at paragraph 28:

“28. [...] I can understand the rationale for the evidence being as it was but suggest that, for the future, if a broad class, such as “tuition services”, is sought to be defended on the basis of narrow use within the category (such as for classes of a particular kind) the evidence should not state that the mark has been used in relation to “tuition services” even by compendious reference to the trade mark specification. The evidence should make it clear, with precision, what specific use there has been and explain why, if the use has only been narrow, why a broader category is nonetheless appropriate for the specification. Broad statements purporting to verify use over a wide range by reference to the wording of a trade mark specification when supportable only in respect of a much narrower range should be critically considered in any draft evidence proposed to be submitted.”

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

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

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

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

## **DECISION**

### **Genuine use**

20. I pause here to mention that whilst I will not repeat them here, I have fully considered the parties' skeleton arguments and the oral submissions of Mr Dick made at the hearing when reaching my findings.

21. As referenced above, Harjot Chandhok is the director of Mason Knight Yager, a position he has held since 28 August 2020.<sup>1</sup> He explains that the company has been using the trade mark since the same date, and that the brand is based purely online.<sup>2</sup> As genuine use can be use of a trade mark by the proprietor or by a third party with authority to act,<sup>3</sup> I accept that the proprietor, Harjot Chandhok, who is also director of Mason Knight Yager, will have given the company consent to use the registered mark.

22. Harjot Chandhok confirms that the business sells a wide range of products from jewellery to homeware.<sup>4</sup> To support this the proprietor has provided websites from third party stores, including, Frasers, DealDoodle, Watchshop, Sports Direct. The website evidence shows mainly jewellery, namely necklaces and earrings for sale under the mark,<sup>5</sup> although I also observe a single instance of a basket for sale under the mark. Further, prices are only visible for some of the goods displayed on the Watchshop website. I note from the narrative evidence that Mr Chandhok states that this is evidence of live trading of our stock right now in the year 2025.<sup>6</sup> Having considered the evidence, the screenshots are either undated or dated 19 July 2025, which is outside of both relevant periods.

23. Mr Chandhok claims that exhibit 4 is live software from Frasers Group PLC.<sup>7</sup> It is said that this shows its brand is trading with their business with over 200 lines in stock and more going in over the Christmas period. He further explains that this is the live stock take system for Frasers Group PLC and imaging portal and that it shows the brand is live and trading with Frasers Group. Having considered the evidence, I cannot see a reference to 200 lines of products being provided to House of Fraser under the contested mark. Whilst the screenshot shows a list of 'jpg' image files, all dated 24 December 2024, the images themselves have not been provided, and I am unable to determine what products are listed with Frasers Group PLC. Further this evidence and the website evidence

---

<sup>1</sup> Witness statement of Harjot Chandhok, paragraph 1

<sup>2</sup> Ibid, paragraphs 2 and 3

<sup>3</sup> See above *Ansul* at [35] and [37]

<sup>4</sup> Witness statement of Harjot Chandhok, paragraph 4

<sup>5</sup> Exhibit 2

<sup>6</sup> Witness statement of Harjot Chandhok, paragraph 3

<sup>7</sup> Ibid, paragraph 6

discussed above, does not tell me how many sales were actually generated as a result of any listings with Frasers Group PLC.

24. Mr Chandhok has produced what he refers to as a catalogue of products of Mason Knight Yager that are now [available] for Autumn winter 2026.<sup>8</sup> This appears to be a catalogue of products for business-to-business sales; provided by the proprietor to House of Fraser (who is listed as the customer) of the products that the proprietor could provide.<sup>9</sup> Despite the proprietor's claim within its skeleton argument that this evidence contains its mark,<sup>10</sup> I note that the contested mark is not visible on the evidence. Whilst there is an order number at the top of this document, and there are quantities given for each item along with a wholesale price and a retail price, there are no corresponding invoices for this document. Moreover, even taking into account that 2026 is a typo and is supposed to be 2025,<sup>11</sup> the delivery date is stated 'winter 2025', therefore, this evidence would still fall outside of both relevant periods.

25. As for invoices,<sup>12</sup> the largest invoice is dated 29 January 2025, within the second relevant period, and is for the sum of £4052.18 inclusive of VAT. However, unfortunately, the invoice does not specify the precise goods and services that it is for, instead under product description it merely states 'Goods and services'.<sup>13</sup> In addition to this, there are also three invoices found at exhibit 8. These are all dated within the (second) relevant period, 5 May 2024, 30 June 2024, and 27 October 2024, respectively. The invoices are all addressed to House of Fraser in Shirebrook. However, again, the particular goods or services supplied under these invoices are not specified. Further, the invoices are for rather small sums, ranging from £44.68 to £176.96 only.

---

<sup>8</sup> Ibid paragraph 8

<sup>9</sup> Exhibit 6

<sup>10</sup> See paragraph 22.

<sup>11</sup> This would seem to be the case given that the Proprietor's skeleton argument refers to this exhibit as the Autumn/Winter 2025 product catalogue (see paragraph 23) and given the date of the witness statement.

<sup>12</sup> See exhibits 3 and 8

<sup>13</sup> Exhibit 3

26. Company accounts have also been provided for the year ended 31 August 2024,<sup>14</sup> but they do not assist in determining the annual turnover for any of the goods at issue. '*Current assets*' show £6,484 and the '*total assets less current liabilities*' show £403.

27. Finally, I can see that there is evidence of invoices that have been billed to the proprietor's company for use of IT services provided by the Cunningham epos group. However, this does not take the proprietor's case any further as it is merely evidence of the operation of the proprietor's business and is not evidence of the proprietor using its mark on the market in relation to the goods and services for which it is registered.

28. I remind myself that an assessment of genuine use is a global assessment, which involves looking at the evidential picture as a whole, not whether each individual piece of evidence shows use by itself.<sup>15</sup> I do not discount that there has been some use of the contested mark in relation to jewellery in particular, necklaces and earrings. Nevertheless, as indicated above, not every commercial use of a mark may automatically be deemed to constitute genuine use. Although there is some website evidence of jewellery under the mark being displayed for sale, by third party retailers, these are dated after the relevant period, and moreover, I have no turnover figures to establish the scale or extent of any sales. Nor do I have any marketing and expenditure figures. Whilst I have some invoices, these do not state the exact goods or services sold and the invoicing figures are tiny compared with the relative size of the jewellery market provided under exhibit MJD1 through the witness statement of Matthew James Dick of D Young & Co LLP. This evidence shows in 2023 the estimated UK market size for jewellery and watches to be £5,950 million. Whilst I have no evidence in relation to the size of other markets, I have also seen no evidence of goods or services other than jewellery being offered under the mark, save for one display of a basket discussed above. The invoice figures along with the company's annual report creates the impression that there has not been a real commercial exploitation of the contested mark for the goods and services

---

<sup>14</sup> Exhibit 7

<sup>15</sup> *New Yorker SHK Jeans GmbH & Co KG v OHIM*, Case T-415/09

including jewellery within the relevant period. In support of this, I am mindful of the *Jumpman*<sup>16</sup> case referred to by Mr Dick. In this case, the Appointed Person upheld the Hearing Officer's decision that use of a trade mark for 55 thousand pairs of training shoes to a Bulgarian company did not amount to genuine use due to, amongst other things, the limited scale of use compared to the vast market for low cost footwear. Further in *Memory Opticians Ltd's Application*,<sup>17</sup> the Appointed Person, upheld the Hearing Officer's decision to revoke the protection of the mark 'STRADA' for spectacles which only sold circa 40 pairs of spectacles which were also only displayed in store on occasions. I keep in mind that Arnold LJ explained that the General Court has held on numerous occasions that "the smaller the commercial volume of the exploitation of the mark, the more necessary it is for [the proprietor] to produce additional evidence to dispel any doubts as to the genuineness of its use".<sup>18</sup>

29. I accept that the genuine use provisions do not exist in order to assess economic success or large-scale commercial use. However, in my view, considering the evidence as a whole, it falls far short of the sufficiency and solidity needed to meet the standard of proof required. As such, I am not satisfied that the proprietor has demonstrated genuine use of its mark in the UK within the relevant periods for the goods and services registered.

## CONCLUSION

30. The application for revocation on grounds of non-use under section 46(1)(a) and 46(1)(b) has been entirely successful. Consequently, in accordance with section 46(6) of the Act, the registered mark is revoked entirely with effect from the earliest date, that being 26 March 2021.

## COSTS

31. As the applicant has been successful, it is therefore entitled to a contribution towards its costs based upon the scale published in Annex A of the Tribunal

---

<sup>16</sup> BL O/222/16

<sup>17</sup> BL O/528/15

<sup>18</sup> Including in the Case T-334/01.

Practice Notice 1 of 2023. At the hearing, whilst Mr Dick understood that there was nothing to warrant off scale costs, he nevertheless requested that costs be awarded at the higher end of the scale. This was based on the actions of the proprietor which he set out between paragraphs 6 and 10 of his skeleton argument. I will summarise this as essentially the proprietor's failure to file an admissible Form TM8(N) on the first attempt and failure to initially file the evidence in the correct format. However, these are not considerations for determining the award of costs on the scale. Instead, I must consider the length, complexity and relevance of the documents filed. Therefore, applying this guidance, I award the applicant the sum of **£1,300**, which has been calculated as follows:

|                                                                                |                    |
|--------------------------------------------------------------------------------|--------------------|
| Preparing the application for revocation and considering the counterstatement: | £250               |
| Considering the proprietor's evidence and preparing evidence:                  | £600               |
| Preparing for and attending a hearing:                                         | £450 <sup>19</sup> |
| <b>Total:</b>                                                                  | <b>£1,300</b>      |

32. I therefore order Harjot Singh Chandhok to pay Lidlington LLC the sum of **£1,300**.

The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

**Dated this 18<sup>th</sup> day of August 2026**

**Sarah Wallace**  
**For the Registrar**

---

<sup>19</sup> This is on the basis that the hearing was a short format hearing and did not last the full day with only one side in attendance. Further the issue was limited to a single ground.