O/0781/25

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NUMBER 3832601

BY PARME LIMITED

TO REGISTER THE FOLLOWING TRADE MARK:

IN CLASS 25

AND

THE OPPOSITION THERETO UNDER NUMBER 439646

BY MOXON 1556 LTD

Background and pleadings

1. On 23 September 2022, PARME Limited ("the applicant") applied to register the trade mark no. 3832601 for the mark shown on the cover page in the UK. It was accepted and published in the Trade Marks Journal on 9 December 2022 in respect of the following goods:

Class 25: Clothing, Knitted and Woven Scarves, Hats, Ties, Gloves, Socks.

2. On 9 March 2023, Moxon 1556 Ltd ("the opponent") opposed the trade mark based upon Section 5(2)(b) of the Trade Marks Act 1994 ("the Act"). This is on the basis of its earlier UK trade mark:

GRAHAM & POTT

UK registration number: UK0000346662
Filing date: 13 February 2020
Registration date: 10 August 2020

The following goods are relied on for this opposition:

Class 25: Clothing, footwear and headwear.

3. By virtue of its earlier filing dates, the above registration constitutes an earlier mark in accordance with section 6 of the Act.

4. Under section 5(2)(b), the opponent claims that the respective goods and services are identical and that the marks are similar. As such, the opponent submits there will be a likelihood of confusion between the marks, which includes a likelihood of association.

5. The applicant filed a counterstatement in which they concede that some of the goods are identical, while stating others are dissimilar. It also states that differences in the marks result in no likelihood of confusion.

6. Both parties filed evidence in these proceedings. This will be summarised to the extent that it is considered necessary. Only the opponent further filed written submissions, which will not be summarised, but will be referred to where necessary.

Neither party requested a hearing, and so this decision is taken after careful consideration of the papers.

7. The opponent is represented by Wilson Gunn. The applicant is a litigant in person.

8. 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

9. The opponent filed evidence in the form of a witness statement, dated 8 January 2024. This is in the name of Mr Firas Chamsi-Pasha, a Director of Moxon 1556 Ltd. The witness statement includes sixteen exhibits labelled FCP-1 to FCP-16. The purpose of the evidence is to support the opponent's claims that the terms "house of" and "The house of" are commonly used and understood expressions in trade marks.

10. The applicant filed evidence in the form of a witness statement, dated 12 August 2024. This is in the name of Paul Graham, a Director of PARME Ltd. The witness statement includes eighteen exhibits labelled PG-1 to PG-18. The purpose of the evidence is to support the applicant's claims that there is extensive use of the word "Graham" in the retail clothing sector, leading to no market dominance or exclusivity.

11. I do not intend to summarise the evidence filed by either party in full here. However, I confirm that I have taken all filed documents into account and will refer to them to the extent that I deem necessary below.

Decision

Section 5(2)(b)

12. 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".

Section 5A

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

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

The principles

14. The following principles are gleaned from the decisions of the Court of Justice of the European Union ("CJEU") in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C120/04, *Shaker di L. Laudato & C. Sas v OHIM,* Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P.

<u>The principles</u>

(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 Page 5 of 17 imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

(k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods

15. In comparing the respective specifications, all relevant factors should be considered, as per *Canon*, where 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 include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary."

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

a. The respective 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.

17. In *Gérard Meric v Office for Harmonisation in the Internal Market,* Case T- 133/05, the General Court ("GC") stated that:

> "29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut fur Lernsysteme v OHIM- Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or

where the goods designated by the trade mark application are included in a more general category designated by the earlier mark."

18. In *YouView TV Ltd v Total Ltd* [2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

> "… Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless, the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of 'dessert sauce' did not include jam, or because the ordinary and natural description of jam was not 'a dessert sauce'. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question."

19. Further, in *Kurt Hesse v OHIM*,[1] the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v OHIM*,[2] the GC stated that "complementary" means:

> "…there is 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."

20. With this in mind, the goods for comparison are as follows:

Opponent's relied on goods:	**Applicant's contested goods:**

[1] Case C-50/15 P
[2] Case T-325/06

Class 25: Clothing, footwear and headgear.	*Class 25: Clothing, Knitted and Woven Scarves, Hats, Ties, Gloves, Socks.*

21. As noted above, the applicant concedes that its goods are identical to the relied upon 'clothing' and 'headgear' in its counterstatement. It further states that none of its goods are similar to the opponent's 'footwear'. I accept these statements. I appreciate that the contested goods are not similar to 'footwear', but I consider that all of the contested goods fall under the scope of the opponent's 'clothing' and/or 'headgear'.

22. All of the contested goods are therefore considered identical to the opponent's 'clothing, headgear', either self-evidently, or according to the principles set out in *Meric*.[3]

Comparison of marks

23. 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."

24. It would be wrong, therefore, to dissect the trade marks artificially, although it is necessary to take into account the distinctive and dominant components of the marks

[3] Case T-133/05

and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

25. The respective trade marks are shown below:

The opponent's earlier mark:	The applicant's contested mark:
GRAHAM & POTT	THE HOUSE OF GRAHAM

26. In its written submissions, the opponent submits that the "The House of" element will have little, if any, inherent distinctiveness because it is merely descriptive/commonplace. It further submits that the dominant and distinctive element of both marks is "GRAHAM", and that the marks are visually and aurally similar to a low degree, and conceptually identical. The opponent further submits that "the house of" and "house of" are commonly used in clothing brands and therefore should not be given significance.

27. In its counterstatement, the applicant denies that the marks are similar and submits that the dominant and distinctive element of the earlier mark is "POTT". It submits that there is no aural, phonetic or visual similarity between the marks. The applicant refers to the "House of Zana vs Zara" decision, in which the hearing officer found in favour of 'House of Zana'.[4]

Overall impression

28. The opponent's earlier mark is a word-only mark comprising words "GRAHAM & POTT". The '&' element plays a smaller role in the mark, with 'GRAHAM' and 'POTT' playing an equal and dominant role in the mark.

[4] O/658/22

29. The contested mark comprises the words “The House of Graham” with a figurative element above. The figurative element comprises a shield shape outline, with a river, a fish, a deer, trees and a mountain. The figurative element does not enhance or alter the meaning of the words. Both the figurative element and the words are in a gold colour. The words are in a standard typeface underneath the figurative element, with the words “The House of” arranged on top of the word “Graham”.

30. As previously outlined, the opponent submits that “The House of” will have very little, if any, inherent distinctiveness in the contested mark because a company that sells clothes is described as a ‘fashion house’. Although I accept that “The House of” plays a smaller role in the mark than ‘Graham’, I do not consider the words to be directly descriptive of the goods. The first element should not be ignored in an assessment of the marks, as ‘The House of Graham’ clearly differs in its overall impression from ‘Graham’ alone. The word ‘Graham’ is in a larger font than the words ‘the House of’, causing ‘Graham’ to be more dominant. I consider that “Graham” is the most distinctive element of the mark, with “The House of” and the figurative element playing a smaller, although not negligible role.

Visual comparison

31. Within its final written submissions, the opponent submits that the marks are visually similar to a low degree.

32. The earlier mark is a word-only mark, while the contested mark is figurative. The font used in the contested mark is a standard typeface, which would be open to the opponent to use in the fair use of the earlier mark.

33. There is an overlap visually in the word “GRAHAM”, but the earlier mark further comprises the words “& POTT” and the contested mark further comprises the words “THE HOUSE OF” and the figurative element. Overall, considering the overlap as well as the considerable visual differences between the marks, I agree with the opponent’s position that the marks to have a low level of visual similarity.

Aural comparison

34. The opponent's mark comprises the words "GRAHAM & POTT", which will be pronounced in four syllables as "grey-um-and-pot". The contested mark comprises the words "The House of Graham", which will be pronounced in five syllables as "the-house-of-grey-um". The first and second syllables of the earlier mark are identical to the fourth and fifth syllables of the contested mark, creating a similarity between the marks. However, the third and fourth syllables of the earlier mark, and the first, second and third syllables of the contested mark have no similarity. Overall, I accept the opponent's submission that the marks have a low level of aural similarity.

Conceptual comparison

35. The earlier mark comprises the words "GRAHAM & POTT". The two words are likely to be understood by the consumer to be surnames, with the combination of them relating to the two people responsible for the brand.

36. The contested mark comprises the words "THE HOUSE OF GRAHAM". The term "the house of" will be understood to relate to a group of people or organisation, which can include fashion brands such as those listed in the opponent's witness statement, but can also include other groups or organisations, such as governmental bodies (the House of Lords) and royal houses (the House of Windsor). I accept the opponent's statement that the term "the house of" can be attributed to luxury fashion brands, as demonstrated by Exhibits FCP-5 to 16. Considering the relevant goods, I agree that the average consumer may understand the term "the house of" to be a prefix commonly used in luxury fashion brands.

37. The contested mark also comprises a figurative element which consists of a stag, a fish in a river, trees and a mountain, inside a shield shape. This element will convey the individual meanings of these elements, and together, the idea of nature and/or outdoor pursuits.

38. There is conceptual overlap to the extent that both marks include the word "Graham", which will be understood to be either a forename or a surname. However, the marks differ as the contested mark will be understood to mean a fashion house under the name "Graham", whereas the contested mark will be understood to relates

to two persons with the surnames Graham and Pott. The concept of nature and/or outdoor pursuits conveyed by the applicant's mark also acts as a further point of conceptual difference between the marks.

39. Overall, I consider that the marks are conceptually similar to a medium degree.

Average consumer and the purchasing act

40. It is necessary to determine who the average consumer is for the respective parties' goods. I must then determine the manner in which the goods are likely to be selected by the average consumer. 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."

41. The average consumer of the applicant's goods is likely to be a member of the general public. The purchasing process will entail the average consumer browsing the goods on shelves or rails in shops, or in images online or in a catalogue and where they will see the marks used as labelling or branding or in advertising. The purchasing process is therefore a primarily visual one. Aural considerations may also play a part, such as on the basis of word-of-mouth recommendations and verbal assistance from retail staff, so I also take into account the aural impact of the marks in the assessment.

42. The goods, whilst not every day purchases, will likely be a relatively frequent purchase. During the purchasing process, consideration will be taken of factor such as material, colour, pattern, cut and style, as well as price. Consequently, I find that in

general a medium level of care will be taken by the general public buying the goods at issue in this case.

Distinctive character of the earlier trade mark

43. 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)."

44. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use that has been made of it.

45. There is no evidence regarding the use of the earlier mark. Consequently, I have only the inherent position to consider.

46. The applicant's Exhibits PG1 to 18 show the use of the word 'Graham' in the clothing sector, both as a forename and as a surname. It argues that these exhibits demonstrate the extensive and wide use of the word 'Graham' in the clothing sector. In its submissions in lieu, the opponent submits that this is mere assertion only. I agree with the opponent that, although these examples demonstrate the use of the name 'Graham' in some fashion brands, this evidence does not show that the word 'Graham' was used so extensively in the UK clothing industry before the relevant date that the distinctive character of the word had been weakened in the view of the average consumer. However, as noted above, Graham is a common forename and surname, and the use of names in trade marks is commonplace.

47. The earlier mark is a word-only mark comprising the words "GRAHAM & POTT". As noted above, the two words will be understood to be surnames, with the combination of them likely being perceived as relating to the two people who created the brand.

48. Overall, the opponent's earlier mark is considered to have a medium level of inherent distinctive character for the registered goods.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion

49. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle, i.e., a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods (or services) and vice versa (*Canon* at [17]). It is necessary to keep in mind the distinctive character of the opponent's trade mark, the average consumer of the goods and the nature of the purchasing act. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that they have retained in their mind (*Lloyd Schuhfabrik* at [26]).

50. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods down to the responsible undertakings being the same or related.

51. Earlier in this decision, I found the contested goods to be identical to the opponent's goods. I found the marks to have a low level of visual similarity, a low level of aural similarity, and a medium level of conceptual similarity. I found the opponent's earlier mark to possess a medium level of inherent distinctive character for the relevant goods. I identified the average consumer to be members of the general public, paying a medium degree of attention. I found that the goods would be selected primarily by visual means, although aural considerations should not be discounted.

52. Firstly, considering direct confusion, I note that the differences between the marks, particularly the words "The House of" in the applicant's mark which is at the start of the mark, and the words "& POTT" in the earlier mark, which holds as much significance as the word "GRAHAM", create a significant difference between the marks visually, aurally and conceptually. Whilst I note the use of the word "Graham" in all of the marks creates a point of similarity, the differences are also significant. It is my view that the aural, visual and conceptual differences created by the addition of the words "The House of" and the device, or the words "& POTT" would not go unnoticed or be misremembered by consumers paying an average degree of attention, and I therefore do not consider it likely that a consumer would mistake one mark for the other. I do not find a likelihood of direct confusion between the applicant's mark and any of the opponent's earlier marks.

53. I will therefore proceed to consider whether there is a likelihood of indirect confusion, whilst reminding myself that, as James Mellor QC sitting as the Appointed Person pointed out in *Cheeky Italian Ltd v Sutaria* (O/219/16) at [16], "a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion".

54. In *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

"16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: 'The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark'.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right ('26 RED TESCO' would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as 'LITE', 'EXPRESS', 'WORLDWIDE', 'MINI' etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension ('FAT FACE' to 'BRAT FACE' for example)."

55. While the above examples in *L.A. Sugar* are noted, they are not intended to be treated as an exhaustive list of the only instances in which indirect confusion occurs.

56. As noted above, I consider that a consumer who is aware of any of the opponent's earlier marks would note the removal of the words "& POTT" and addition of the words "The House of", as well as the figurative element, in the applicant's contested mark. Whilst I appreciate the opponent's submission that "the house of" is commonly used in clothing brands, which I have addressed above, even where "the house of" is considered descriptive, the average consumer would note the removal of the words "& POTT" from the earlier mark and not consider that the removal of these words would be entirely logical and consistent with a brand extension.

57. I acknowledge that brands, particularly those in the clothing sector, sometimes collaborate with other brands to produce products that are sold under a new brand, commonly indicated by an "X" between the two original brand names. Although it may be possible that "GRAHAM & POTT" could be seen as a collaboration between the brands GRAHAM and POTT, I consider the average consumer unlikely to assume these two marks to represent a collaboration of this kind, particularly given the significant differences between the marks and the average distinctiveness of the word 'Graham'.

58. I do not consider that the average consumer see the "GRAHAM" element as being so strikingly distinctive that no other entity would be using it. Whilst it is possible that, due to the similarities between the marks, which both comprise the word "Graham", the earlier mark may be brought to mind by the use of the later mark, this is mere association and does not equate to a likelihood of indirect confusion.

59. Taking all of this into account, I do not consider there to be a likelihood of indirect confusion between the applicant's contested mark and any of the opponent's earlier marks.

Final Remarks

60. The opposition under Section 5(2)(b) fails in its entirety. Subject to any successful appeal, the application will proceed to registration in respect of all of the goods applied for.

COSTS

61. The applicant has achieved success in these proceedings. As the applicant is a litigant in person and did not file a Tribunal Cost Pro Forma, I do not award any sum towards the cost of the proceedings.

Dated this 27th day of August 2025

K HARBACH

For the Registrar