

O-398-13

TRADE MARKS ACT 1994

**IN THE MATTER OF TRADE MARK APPLICATION 2426822
BY TOURISM WORLD LIMITED FOR THE TRADE MARK:**

BIKINI WORLD

AND

OPPOSITION THERETO (NO 96255) BY MISS WORLD LIMITED

The background and the pleadings

1) Application 2426822 was filed by Miss Tourism World Limited on 11 July 2006, and published in the Trade Marks Journal on 16 November 2007. On 4 December 2008 the Intellectual Property Office was notified that the mark had been assigned to Tourism World Limited (“the Applicant”). The mark and the services for which registration is sought are as follows:

BIKINI WORLD

Class 38: Telecommunications.

Class 41: Education, providing of training; entertainment; sporting and cultural activities.

2) Miss World Limited (“the Opponent”) opposes the registration of the mark. Its opposition was filed on 13 February 2013 and relies upon a ground under Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is based on the Opponent’s Community Trade Mark (“CTM”) 4984928 (“the earlier mark”) for the word mark **MISS BIKINI WORLD** which is registered for the following services:

Class 41: Organisation and running of contests; beauty contests; production of television, films and video all relating to beauty contests.

3) The services covered by the earlier mark and relied on by the Opponent in its notice of opposition were wider than those for which the mark was subsequently registered. Of the services relied on in the notice of opposition, *organisation and running of contests* and *beauty contests* were registered and *production of television, films and videos* were registered as *production of television, films and video all relating to beauty contests*. These are the services relied upon by the Opponent in these proceedings.

4) The earlier mark was filed on 29 March 2006, and completed its registration procedure on 1 October 2010. The consequences of these dates are that: i) the Opponent’s mark constitutes an earlier mark in accordance with section 6 of the Act, and ii) the earlier mark is not subject to the proof of use conditions contained in Section 6A of the Act.

5) The Applicant’s predecessor in title, Miss Tourism World Limited, filed a counterstatement, denying the ground of opposition. On 18 June 2008 the proceedings were suspended, pending the outcome of an opposition against the earlier mark. On noting that the opposition proceedings against the earlier mark had been closed, and the mark registered, the Intellectual Property Office wrote to the parties on 16 April 2012, informing them that it was recommencing the proceedings. Initially, no evidence was filed by either party. The Opponent filed written submissions. The Applicant requested a hearing. Although the evidence rounds had been completed, on 14 March 2013 the Opponent requested leave to file evidence. Following a case management conference held on 9 April 2013 I directed that the evidence, consisting of a witness statement of 14 March 2013 by Mr Michael Macario, be admitted into the proceedings. The Applicant was given leave to file

evidence in reply, and filed a witness statement of 21 May 2013 by Mr John Singh. A hearing was then appointed for 31 July 2013. At the hearing the Opponent was represented by Mr Simon Tracey of Bear and Wolf IP LLP and the Applicant by Mr Kieron Taylor of Swindell & Pearson LLP.

Preliminary Point

6) On 10 July 2013 the Applicant requested a stay of proceedings to enable it to institute proceedings to invalidate the earlier mark, proceedings which were subsequently launched prior to the hearing that took place before me. Whilst my initial view was that the hearing should go ahead, I dealt with the request to stay as a preliminary point at the hearing (at which I also took into account submissions which had been made in writing).

7) My decision was not to stay the proceedings. My reasons were as follows. I bore in mind that there had been a number of delays in taking this case forward. These proceedings had now already dragged on for five and a half years since the beginning of 2008, and in this context the request for a further stay, pending the outcome of the newly instituted proceedings to invalidate the earlier mark, came very late in the day. One hearing had already been vacated with the agreement of both parties. The applicant's predecessor in title had already been granted a stay to oppose the mark relied on by the opponent, which had delayed proceedings considerably. Taking into account the potential for appeals, the new OHIM proceedings might also take a long time to resolve. I also bore in mind that there is a public interest in cases being dealt with expeditiously.

The evidence

8) In a witness statement of 14 March 2013 Mr Michael Macario states that he is the Opponent's financial director. He attaches only one exhibit: Exhibit MM1. He makes the following statements. The Applicant is part of a group of companies based in the UK which operate under the rubric "Tourism World" or "Tourism World Organisation", the Applicant itself having been incorporated in 2008. There was also a UK company Miss Tourism World Ltd, which was apparently dissolved on 22 March 2011, then re-incorporated under the same name a year later (relevant Companies House extracts are given in the exhibit). Tourism World operates a website for its Tourism World contest at www.misstourismworld.com. The exhibit contains extracts from this website and from a further website at www.missbikiniworld.com ("the MBW website"). Mr Macario says the MBW website is clearly operated by the Applicant, or one of the other Tourism World entities referred to above. For example, although the WHOIS search against the MBW website shows Miss Millionaire Ltd as the registrant, the technical and administrative contact names use misstourismworld.com email addresses. Similarly, the contacts page of the MBW website uses info@misstourismworld.com as a contact email address. Relevant extracts from the website are exhibited. (Although not mentioned by Mr Macario, the exhibited WHOIS search result gives Mr John Singh as both administrative and technical contact).

9) Exhibiting supporting extracts from the MBW website, and observing that the MBW website in and of itself directly reproduces the earlier mark in its name, Mr

Macario goes on to state: that at the top of the homepage of the MBW website the Applicant again uses the earlier mark as part of the title MISS BIKINI WORLD THE SYMBOL OF BEAUTY; that the remainder of the homepage contains references to “MISS BIKINI 2013 FINAL” and “MISS BIKINI (the symbol of beauty)”; and that the balance of pages on the MBW website contain numerous references to MISS BIKINI WORLD. (Although not mentioned by Mr Macario, the MBW website extract on page 30 of the exhibit also contains the following reference: “Bikini World Organisation has an extensive history in promoting global tourism and our pageants focus on promoting not only the beauty of the contestants that take part, but to highlight the majestic beauty of the Host Country Our aim, through the Miss Bikini World Pageant, is to increase awareness worldwide of the Host County’s exciting blend of cultures, local traditions, local business and crafts”). In the witness statement of 21 May 2013 referred to in paragraph 11 Mr John Singh makes no comment on the parts of Mr Macario’s witness statement which I have summarised in paragraphs 8 and 9, saying that, having discussed them with his attorney, he understands them to be irrelevant.

10) Mr Macario goes on to assert the global popularity of the Opponent’s “Miss World” pageant, saying that it attracts tens of millions of viewers worldwide. He states that the BBC televised Miss World from 1959 to 1979 and Thames Television from 1980 to 1988, it being thereafter broadcast on Sky1, the Travel Channel, and latterly E! Entertainment. He exhibits documents to show that, from its beginnings, contestants in the Miss World pageant appeared in bikinis. He states that in 1995 Miss World began to introduce a bikini range or “Miss World Beach Beauty” as a section of the Miss World pageant and that after a gap from 1997 this was taken up again in 2003 with the launch of “Miss World Beachwear” specifically designed for Miss World. He exhibits images of competitors in bikinis, saying these are part of the bikini range “Miss World Beach Beauty” and “Miss World Beachwear”. He states that bikinis have been intimately associated with Miss World since its inception, and remain so.

11) In a witness statement of 21 May 2013 Mr John Singh states that he has been in the beauty pageant business for 31 years and, on selling his pageantry business to Mr David Singh, he now works on a consultancy basis within the pageantry industry, in particular to the Applicant. Mr Singh does not say explicitly whether he has ever been a shareholder, director, officer or employee of the Applicant, but states that he is authorized to make this statement on its behalf. He says that, before selling it to the Applicant, he owned the pageant Miss Great Britain. He exhibits an extract from its website showing a list of winners back to 1945. He says it has always had a swimwear section. He states that it is common for beauty pageants to contain a round where the contestants wear swimwear, and that the Miss Great Britain pageant, for example, started out as “Bathing Beauty Queen” in 1945. He also disputes that bikinis can be intimately associated with Miss World because they are such ubiquitous articles, and models are so commonly photographed in swimwear. By way of demonstration, he exhibits articles from the Guardian and women’s magazines and a “trawl” of online images and references to bikinis, observing that none of them make reference to the Opponent. He exhibits an online article dated 16 February 2013 in which Julia Morley of the Opponent is quoted as saying “Miss Worlds do not gyrate in bikinis on stage”.

12) Some of Mr Singh's witness statement seems addressed to evidence of alleged prior use, which to a large extent is not relevant; therefore it has been borne in mind but I do not consider it necessary to summarise this evidence further.

Section 5(2)(b)

13) Section 5(2)(b) of the Act reads:

"5(2) A trade mark shall not be registered if because –

(a)

(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."

14) In reaching my decision I have taken into account the guidance provided by the CJEU in a number of judgments: *Sabel BV v. Puma AG* [1998] R.P.C. 199, *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer* [1999] R.P.C. 117, *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V* [2000] F.S.R. 77, *Marca Mode CV v. Adidas AG + Adidas Benelux BV* [2000] E.T.M.R. 723, *Case C-3/03 Matrazen Concord GmbH v GmbGv Office for Harmonisation in the Internal Market* [2004] ECR I-3657 *Medion AG V Thomson multimedia Sales Germany & Austria GmbH* (Case C-120/04) and *Shaker di L. Laudato & Co. Sas* (C-334/05). In *La Chemise Lacoste SA v Baker Street Clothing Ltd* (O/330/10) Mr Geoffrey Hobbs QC, sitting as the Appointed Person, quoted with approval the following summary of the principles which are established by these cases:

"(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, in certain circumstances, be dominated by one or more of its components;

(f) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite 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 causes the public to wrongly believe that the respective goods [or services] come from the same or economically-linked undertakings, there is a likelihood of confusion."

Comparison of the services

15) In making an assessment of the similarity of the services, all relevant factors relating to the services in the respective specifications 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 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) 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.”

17) Whether goods/services are complementary (one of the factors referred to in *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer*), will depend on whether there exists a close connection or relationship such that one is important or indispensable 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).”

18) I also bear in mind the recent guidance given by Mr Daniel Alexander QC, sitting as the Appointed Person, in case B/L O/255/13 *LOVE* where he warned against applying to rigid a test in terms of complementarity.

19) When comparing the respective services, if a term clearly falls within the ambit of a term in the competing specification then identical services must be considered to be in play (see *Gérard Meric v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) Case T-133/05*).

20) It is settled law that in assessing whether there is a likelihood of confusion the correct approach is to consider notional and fair use of the marks in relation to the full range of goods or services in their respective specifications. It is necessary to consider all the circumstances in which the mark applied for might be used if it were to be registered (*O2 Holdings Ltd v Hutchison C-533/06* at paragraph 66). The authors of *Kerly* (15th edition) state (at §9-092):

“If in fact it is known what use an applicant intends to make of his mark, then that use cannot be excluded. Evidence that an intended use is particularly likely to be confusing is helpful to an opponent, to prevent such use being dismissed as unfair or fanciful.”

21) In support of these propositions the authors cite the following three cases decided under the Trade Marks Act 1938, observing that “there is no reason why the same does not apply under the 1994 Act”: “*Grundig*” [1968] RPC 89; “*Players*” [1965] RPC 363; and “*Woodies*” [1965] RPC 366. At the hearing Mr Tracey, on behalf of the Opponent, cited all three of these cases, but confined his submissions to “*Players*”. “*Players*” involved the opposition by the proprietor of the mark PLAYERS, which was registered for *tobacco*, to an application to register the same mark for *non-medicated sugar confectionary and sweet biscuits*. However, the evidence showed that the applicant intended to use the mark in relation to “sweet cigarettes” which was taken into account in determining whether there would be a likelihood of confusion. In effect, the applicant’s intention exemplified a subset of the goods applied for.

22) In the present proceedings the evidence suggests that at least part of the Applicant’s business consists of the organisation of beauty pageants. The Opponent has adduced evidence linking the Applicant with the MBW website, in which copious use is made of the earlier mark in relation to beauty pageants. Such use is reflected in the Applicant’s own evidence. The earlier mark is not, of course, the mark in suit. However, there is also some evidence of actual use of the mark in suit in connection with beauty pageants. This consists of the reference on the MBW website to the activities of the “Bikini World Organisation” with regard to its promotion of the Miss Bikini World pageant. I consider that the evidence shows that use of the mark in connection with beauty contests is by no means fanciful, and where it is sensible to do so, may exemplify a subset of the services which I will bear in mind when considering the services for which the Applicant seeks protection; whilst this may demonstrate a form of notional and fair use the matters cannot though be limited to that form only.

23) I will make the comparison with reference to the Applicant’s services.

Class 41: *Education, providing of training*

24) *Education* and *training* are interrelated and overlapping terms. Although there is no evidence to demonstrate this, it is reasonable to assume that beauty pageant contestants may wish to avail themselves of a training/education service relating to the practical skills of comportment, camera awareness, and so on, and general knowledge and cultural information necessary to enable them to answer the kind of questions put to them, and provide the kind of comments required of them, in the course of beauty (and other) contests. Therefore, with this potential subset in mind, there appears to me to be a complementary link between this and the operation of contests and beauty contests. Whilst the nature of the services are different as is the exact purpose (although there is a similarity at a more general level) the services could very easily be provided by the same undertakings and they complement each other (at least one way) in the sense described in the case-law. There is a reasonable but not high degree of similarity.

Class 41: *Entertainment*

25) Beauty contests, and indeed contests in general, are clearly a form of entertainment. *Organisation and running of contests, beauty contests and production of television, films and video all relating to beauty contests* therefore all

fall within the ambit of the applicant's *entertainment*. The services are considered as identical.

Class 41: *Sporting and cultural activities*

26) Culture is a very broad concept; it embraces forms of entertainment, including popular entertainment, of which beauty pageants are one. *Organisation and running of contests, beauty contests and production of television, films and video all relating to beauty contests* all fall within the ambit of the Opponent's *cultural activities* and are thus considered as identical. The Opponent's *contests* can include sporting contests, which fall within the ambit of *sporting activities*, and are thus considered as identical.

Class 38: *Telecommunications*

27) These services involve means of communication and transmission, and would, in my view, include television broadcasting. I consider the closest term in the earlier mark to be *production of television, films and video all relating to beauty contests*. I consider it to be well known that much of the content transmitted by broadcasters has also been produced by them. There will be a considerable expectation of production and transmission being provided by the same or an economically linked concern. The produced content is obviously indispensable for the use of a television broadcasting service and it is also important in such a way that it may be believed that the responsibility for the respective services lies with the same undertaking. The purpose is the same on a general level. I consider this to create a complementary relationship which produces a reasonable degree of similarity.

The average consumer

28) According to the case-law, the average consumer is reasonably observant and circumspect (*Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V* paragraph 27). The degree of care and attention the average consumer uses when selecting goods or service providers can, however, vary depending on what is involved (see, for example, the judgment of the General Court ("GC") in *Inter-Ikea Systems BV v OHIM* (Case T-112/06)).

29) The consumers of *education and providing of training services* will consist of the general public, those requiring education or training for work (and other) purposes, and potentially their employers or sponsors. However, where these services actually conflict (with the services of the earlier mark) relates to the field of beauty (and other) contests so prospective contestants who require the education/training will be average consumers. The selection of such services will be reasonably considered, although, not of the highest level.

30) *Telecommunications* is a very broad category. The consumers of some services may be businesses or other organisations; however, the consumers of many telecommunications services (such as access to television content, websites and portals) will consist largely of the general public. Again, a reasonable degree of consideration will be deployed.

31) Consumers of the services comprised under *organisation and running of contests*, and *beauty contests*, *entertainment* and *sporting and cultural activities* will be the general public. In so far as the beauty (and other) contests are concerned this will include not only people attending the contest, but also those taking part in it. Again, a reasonable degree of consideration will be deployed.

32) *Production of television, films and video all relating to beauty contests* is a more specialist service provided, primarily, to broadcasters. A higher degree of consideration will be deployed here.

33) The purchasing process in respect of all these services will be predominantly visual, but aural communications may also play a role and will not be ignored in my analysis. I will bear these considerations in mind when reaching my conclusions on the likelihood of confusion.

The distinctiveness of the earlier mark

34) The degree of distinctiveness of the earlier mark must be assessed. This is because the more distinctive the earlier mark (based either on inherent qualities or because of use made), the greater the likelihood of confusion (see *Sabel BV v. Puma AG*, paragraph 24).

35) In the submissions it filed on 28 August 2012 the Opponent states that the MISS WORLD beauty pageant contains a section which is branded MISS BIKINI WORLD in which the contestants model swimwear. However, no evidence of this, or of any other use of the mark, is given in Mr Macario's witness statement, in which he simply refers to the introduction of a bikini range or "Miss World Beach Beauty" as a section of the Miss World pageant, and exhibits images of competitors in bikinis, saying these are part of the bikini range "Miss World Beach Beauty" and "Miss World Beachwear". Moreover, even if there had been evidence of use of the earlier mark in the pageant, I would still have been unable to find that its distinctiveness had been enhanced to any material degree, since, according to Mr Macario's evidence, the MISS WORLD pageant has not been shown on terrestrial television in the UK since 1988, and no UK viewing figures are provided for any subsequent broadcasts via cable, satellite or internet channels. The earlier mark may have a generally allusive quality in respect of activities featuring bikinis. However, neither the mark as a whole, nor any of its constituent words, are directly descriptive of the services for which the mark is registered. It therefore possesses a normal degree of inherent distinctiveness.

Comparison of the marks

36) The average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The visual, aural and conceptual similarities of the marks must be assessed by reference to their overall impressions, bearing in mind their distinctive and dominant components. The marks to be compared are:

The earlier mark	The Applicant's mark
MISS BIKINI WORLD	BIKINI WORLD

37) No element of either mark can be isolated and regarded as dominant of the other(s). The marks form three/two word combinations which hang together.

38) The earlier mark consists of three words and five syllables; the Applicant's mark consists of two words and four syllables. The last two words, and four syllables, of both marks are identical. Visually, the only distinction between the two marks consists of the initial short word (and syllable) MISS. This is also true with regard to the aural comparison of the marks. There is a high degree of both visual and aural similarity between the marks.

39) BIKINI WORLD is in itself an abstract concept suggesting a field of activity or items relating to BIKINIS. I accept that the Opponent's pageant has, since its inception, featured contestants wearing bikinis. However, the evidence does not establish that bikinis have a particular association with the Opponent's pageant not shared by others. MISS, a title traditionally used to address unmarried women, is often used in branding to establish an association with young women. Mr Taylor, on behalf of the Applicant, suggested that MISS is such a characteristic beginning of the names of beauty pageants (these being a key element of the services of the Opponent's registration) that its omission from the Applicant's mark created a strong conceptual dissonance at the beginning of the mark, where it would be noticed. I cannot agree. I find the absence of MISS does make some conceptual difference, but not a very great one. There remains a reasonable degree of conceptual similarity between the marks.

Likelihood of confusion

40) 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. There was some discussion at the hearing as to whether the use that had been made by the parties assisted the tribunal in understanding whether there was a likelihood of confusion. It does not assist, there is no real concurrent use from which assistance can be derived either way.

41) I have found identity between services covered by the earlier mark and *entertainment and sporting and cultural activities* in Class 41 of the Applicant's specification, and a reasonable degree of similarity with the Applicant's *telecommunications* in Class 38 and the *education/training services* in Class 41. I have found a high degree of visual and aural similarity and a reasonable degree of conceptual similarity between the marks. I have found that the selection process will normally be predominantly visual, but that aural communications could also play a role. I have found neither mark to have a component which could be isolated as a

dominant and distinctive element, and that the earlier mark has a normal degree of inherent distinctiveness. Bearing in mind my conclusions on the average consumer and the purchasing process (which vary to a degree) I consider it likely that the average consumer will directly confuse the marks. In any event, s/he is used to seeing businesses use variations of their marks in trade. Insofar as s/he registers the difference in the marks, s/he will regard them as variations of the same basic mark, and will consider the services (even those that are just similar as opposed to identical) provided under the marks to be the responsibility of the same or an economically linked undertaking. Accordingly, **there is a likelihood of confusion in respect of all the services of the Applicant's registration.**

42) I have given some thought to whether it is necessary to consider if the applied for specifications could be amended so as to avoid confusion. However, given that the evidence paints a very clear picture that, in actuality, both parties are involved in exactly the same field, it would, in my view, be artificial to do so.

Costs

43) The Opponent has been successful and is entitled to a contribution towards its costs. I hereby order Tourism World Limited to pay Miss World Limited the sum of £1,750. This sum is calculated as follows:

<i>Preparing a statement and considering the other side's statement</i>	£300
<i>Preparing evidence and considering the other side's evidence</i>	£500
<i>Preparing for and attending a hearing</i>	£750
Opposition fee	£200

44) 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 4th day of October 2013

**Martin Boyle
For the Registrar,
The Comptroller-General**