

TRADE MARKS ACT 1994

IN THE MATTER OF:

TRADE MARK No. 3119606

IN THE NAME OF ZHONGCE RUBBER GROUP COMPANY LTD

AND INVALIDITY APPLICATION No. 501215

IN THE NAME OF WESTLAKE CHEMICAL CORPORATION

DECISION

1. The following trade mark was registered under number 3119606 in the name of Zhongce Rubber Group Company Ltd (“the Proprietor”) with effect from 27 July 2015:



Class 12: Tires for vehicle wheels; Inner tubes for pneumatic tires; Casings for pneumatic tires; Automobile tires; Inner tubes for bicycles, cycles; Tires for bicycles.

Filed: 27 July 2015

Registered: 29 January 2016

2. Westlake Chemical Corporation (“the Applicant”) applied under number 501215 for a declaration to the effect that the Proprietor’s trade mark was invalidly registered under ss.5(2)(a), 5(2)(b), 5(3) and 5(4)(a) of the Trade Marks Act 1994 having regard to the rights to which it was entitled by virtue of registration and though use of EU trade mark number 12717617:

WESTLAKE

Class 1: Commodity and speciality chemicals for industrial, commercial and consumer applications; commodity and speciality chemicals for industrial, commercial and consumer applications, namely, unprocessed artificial resins, polymers, unprocessed plastics, all for general industrial use.

Class 17: Plastic in extruded form for general industrial use.

Filed: 21 March 2014

Registered: 14 August 2014

The Applicant claimed to have used the trade mark **WESTLAKE** throughout the UK since about 1995 in respect of ‘*the manufacture and sale of unprocessed plastics, artificial resins, polymers, monomers, chemical feedstocks, and specialty chemicals for general use*’.

3. The evidence filed in support of the invalidity application consisted of a Declaration of Ms Linda Russell dated 6 December 2016 with Exhibits A to K; a Witness Statement of Ms. Linda Russell dated 30 December 2016 annexing copies of her declaration dated 18 November 2015 with Exhibits A to Y which had been filed in proceedings brought by the Applicant before the EUIPO in Opposition No. B002524885; and a Declaration of Ms. Dawn Logan Keeffe dated 8 November 2016 with Exhibits A and B.

4. The Proprietor filed evidence in answer to the invalidity application. This consisted of a Witness Statement of Ms. Sakura Berry dated 9 March 2017 with Exhibits 1 and 2. The purpose of her evidence was to show that the Proprietor had become the owner by assignment of International Registration No. 790769. This was for a trade mark identical to the contested trade mark, which had by virtue of the International Registration been protected in the UK with effect from 30 April 2003 for '*Inner tubes and tyre covers for various kinds of vehicles; inner tubes and tyre covers for bicycles*'. However, the Proprietor could not defeat the invalidity application brought in respect of its trade mark number 3119606 simply by pointing to the fact that International Registration No. 790769 provided it with protection for the trade mark of interest to it from a date anterior to the filing date of the Applicant's EU trade mark number 12717617: Ion Associates Ltd. v. Philip Stainton & Another (BL O-211-09); Tribunal Practice Notice 4/2009; Case C-43/15P BSH Bosch und Siemens Hausgerate GmbH EU:C:2016:837 at paragraph [68].

5. The invalidity application was determined, without recourse to a hearing, on the basis of the papers on file (which included written submissions lodged by both parties). The registration of the Proprietor's trade mark was held to be invalid under s.5(2)(b) of the Act for the reasons given by Ms. Judi Pike on behalf of the Registrar of Trade Marks in a decision issued under reference BL O-166-18 on 15 March 2018. The Proprietor was ordered to pay £1,300 to the Applicant in respect of its costs of the proceedings in the Registry.
6. The Proprietor appeals to an Appointed Person under s.76 of the Act contending, in substance, that the Hearing Officer misapplied the test for '*similarity*' to the goods in issue and as a result of doing so reached a conclusion with regard to invalidity under s.5(2)(b) which was vitiated by error and should be set aside.
7. The issues for determination on appeal were narrowed in the course of argument at the hearing before me. The Proprietor offered an unconditional undertaking to delete the words '*Inner tubes for bicycles, cycles; Tires for bicycles*' from the list of goods covered by its trade mark registration and to add the following limitation at the end of the list: '*none of the aforesaid being for bicycles*'. In accordance with the approach envisaged in CARDINAL PLACE Trade Mark BL O-339-04, (28 October 2004) at paragraph [10], the hearing proceeded on the basis: (i) that the appeal would be rejected if the registration of the trade mark would still be invalid when amended in that manner; (ii) that the registration of the trade mark would still be amended in that manner if the appeal was allowed. It was also accepted that the decisive comparison for the purpose of the Applicant's challenge to the Hearing Officer's

reasoning and determination with regard to '*similarity*' of goods under s.5(2)(b) was between the Class 12 specification of the Proprietor's trade mark registration as putatively amended and '*commodity and speciality chemicals for industrial, commercial and consumer applications*' as specified in the Applicant's earlier EU trade mark registration.

8. Shortly stated, the question for determination by the Hearing Officer under s.5(2)(b) was whether there were similarities (in terms of marks and goods) that would have combined to give rise to the existence of a likelihood of confusion if the marks in issue were used concurrently for goods of the kind for which they were respectively registered by traders operating independently of one another in the United Kingdom in July 2015. I record at this point that the Proprietor sought permission to file evidence for the first time on appeal in support of an unpleaded contention that the marks in issue had co-existed peacefully in the market for such goods. I refused permission having regard to the principles applicable to such applications as recently discussed by Henry Carr J in Consolidated Developments Ltd v. Cooper (TIN PAN ALLEY Trade Mark) [2018] EWHC 1727 (Ch).
9. The CJEU has affirmed and re-affirmed in a number of cases, one being Case C-398/07P Waterford Wedgwood Plc EU:C:2009:288, that s.5(2)(b) is inapplicable to situations in which the goods or services in issue are neither identical nor similar.
10. Both as between marks and as between goods and services, the evaluation of '*similarity*' is a means to an end. It serves as a way of enabling the decision taker to gauge whether there is '*similarity*' of a kind and to a degree which is liable to give

rise to perceptions of relatedness in the mind of the average consumer of the goods or services concerned. This calls for a realistic appraisal of the net effect of the similarities and differences between the marks and the goods or services in issue, giving the similarities and differences as much or as little significance as the relevant average consumer (who is taken to be reasonably well-informed and reasonably observant and circumspect) would have attached to them at the relevant point in time.

11. The factors conventionally taken to have a particular bearing on the question of '*similarity*' between goods and services are referred to indicatively (and not exhaustively) in Case C-39/97 Canon KK v. Metro Goldwyn Mayer Inc EU:C:1998:442 at paragraph [23] and at paragraphs [44] to [47] of the Opinion of Advocate General Jacobs in that case (EU:C:1998:159): uses, users and the nature of the relevant goods or services; channels of distribution, position in retail outlets, competitive leanings and market segmentation. More than just the physical attributes of the goods and services in issue must be taken into account when forming a view on whether there is a degree of relatedness between the consumer needs and requirements fulfilled by the goods or services on one side of the issue and those fulfilled by the goods or services on the other. The relatedness or otherwise of the trading activities involved in the comparison is ultimately a matter of consumer perception.
12. That is recognised in the case law of the General Court relating to '*complementarity*' as an element to be considered in the context of the overall assessment of

‘*similarity*’: see, for example, Case T-381/12 Kampol sp. z.o.o. v. OHIM EU:T:2014:563 where the General Court stated (with emphasis added);

[40] It must be borne in mind that complementary goods and services are those which are closely connected in the sense that one is indispensable or important for the use of the other in such a way that consumers may think that the same undertaking is responsible for manufacturing those goods or for providing those services. By definition goods intended for different publics cannot be complementary (See Case T-316/07 *Commercy v. OHIM - easyGroup IP Licensing (easyHotel)* [2009] ECR II-43, paragraphs 57 and 58 and the case-law cited).

...

[47] The close connection between the goods covered by the mark applied for and mattresses and the fact that those goods and mattresses are often sold in the same specialist sales outlets are capable of leading consumers to think that the same undertaking is responsible for the production of those goods (see, to that effect, *PiraÑAM diseño original Juan Bolaños*, paragraph 35 above, paragraphs 50 and 51, and judgment of 14 May 2013 in Case T-19/12 *Fabryka Łożysk Tocznych-Kraśnik v. OHIM - Impexmetal (IKFLT KRAŚNIK)*, not published in the ECR, paragraph 35).

[48] The Board of Appeal was therefore right to find that the goods covered by the trade mark application and ‘mattresses’ were complementary to each other and that they were similar to an average degree.

[49] That outcome is not called into question by the applicant’s arguments.

[50] In the first place, it is necessary to reject the so-called ‘economic’ definition of complementarity suggested by the applicant according to which complementary goods are those which have, in particular, the distinctive feature of being subject to parallel demand with the result that an increase or decrease in the

demand for one product results in an increase or decrease respectively in the demand for the complementary product. No such condition is apparent from the case-law cited in paragraph 40 above.

- [51] It follows that the applicant's argument that consumers purchase cushions and items of bedding more frequently than mattresses is irrelevant. The same is true of the claim that the Board of Appeal did not prove that consumers who bought, for example, cushions or blankets bought a mattress at the same time because the complementarity of goods is not dependent on those goods being subject to parallel demand. The fact that goods covered by the mark applied for may be purchased more frequently than the 'mattresses' covered by the Portuguese mark does not alter the fact that the public may think that the same undertaking is responsible for manufacturing those goods, on account inter alia of the close connection between them.
- [52] In the second place, the applicant maintains that the definition of complementary goods must be interpreted restrictively in order to prevent the extension of the protection of a trade mark to goods for which the mark is neither registered nor used. According to the applicant, it is, inter alia, not justified to extend the protection of the Portuguese mark, which is registered for goods in Class 20, to goods in Classes 10 and 24.
- [53] That argument cannot be accepted. Article 8(1)(b) of Regulation No. 207/2009 provides that a trade mark must not be registered if a likelihood of confusion exists 'because of its identity with, or similarity to, an earlier trade mark and the identity or similarity of the goods or services covered by the trade marks'. A likelihood of confusion does not therefore necessarily presuppose that the goods covered by the earlier mark and those covered by the mark applied for are identical, but may also exist where those goods are similar.
- [54] Furthermore, it must be pointed out that, as stated in Rule 2(4) of the Commission Regulation (EC) No. 2868/95 of 13 December 1994 implementing Regulation No. 40/94 (OJ 1995 L 303, p.1), the classification of goods and services under the Nice Agreement is intended to serve exclusively

administrative purposes. Therefore, goods may not be regarded as being dissimilar on the sole ground that, as in the present case, they appear in different classes under that classification (Case T-8/03 *El Corte Inglés v. OHIM - Pucci (EMILIO PUCCI)* [2004] ECR II-4297, paragraph 40, and judgment of 7 February 2006 in Case T-202/03 *Alecansan v. OHIM - CompUSA (COMP USA)*, not published in the ECR, paragraph 38).

13. In Case C-411/13P Sanco SA v. OHIM EU:C:2014:315 the EUIPO appealed to the CJEU against the Judgment of the General Court delivered in Case T-249/11 Sanco SA v. OHIM EU:T:2013:238 on a number of grounds, one of which was:

3. The General Court infringed Article 8(1)(b) CTMR in concluding that certain complementary goods and services are automatically similar, despite the low degree of similarity in question, without ascertaining whether the differences arising from other factors were such as to neutralise that complementarity.

This ground of appeal was rejected as manifestly unfounded in paragraphs [68] to [78] of the reasoned order of the Court, where the CJEU refuted the suggestion that the Judgment of the General Court provided for a finding of ‘*similarity*’ to be based solely upon the existence of ‘*complementarity*’.

14. It is clear from paragraphs [43], [52] and [53] in the context of paragraphs [21] and [22] of the reasoned order of the CJEU, that the General Court was right to require the existence of even a small (‘*meme faible*’) degree of ‘*complementarity*’ to be taken into account as part of the overall assessment of ‘*similarity*’ between goods and services. I do not think that detracts from the previously accepted position that

a finding of ‘*no similarity*’ may legitimately be made despite the existence of ‘*a degree of complementarity*’ if ‘*that complementarity is not sufficiently pronounced for it to be accepted that, from the consumer’s point of view, the goods are similar within the terms of Article 8(1)(b) of Regulation No.40/94*’ as stated in Case T-105/05 Assembled Investments (Proprietary) Ltd v. OHIM EU:T:2007:170 at paragraphs [30] to [35], upheld on appeal in Case C-398/07P Waterford Wedgwood Plc v. Assembled Investments (Proprietary) Ltd EU:C:2009:288 at paragraphs [34], [35]. Taken together, the Judgment of the General Court and the reasoned order of the CJEU in Sanco SA appear to me to confirm that there is no rule that ‘*complementarity*’ always or necessarily equals ‘*similarity*’ for the purposes of s.5(2)(b) of the 1994 Act. It is necessary to assess the greater or lesser likelihood that a single economic undertaking would naturally be regarded as responsible for providing goods or services of the kind that are said to be ‘*similar*’, taking account of the degree to which they can realistically be regarded as ‘*complementary*’.

15. The Hearing Officer concluded that the goods at the centre of attention for the purposes of this appeal were similar to a low degree (paragraph 34). Her reasoning was as follows:

29. The registered proprietor’s goods are finished products: tyres, inner tubes for tyres and casings for tyres. The applicant’s goods in Class 1 are all chemicals, plastics, resins and polymers. They do not share the same nature. The purpose of tyres is to enable the smooth running of vehicles. Chemicals, plastics and resins do not have similar purposes to tyres and are not in competition.

30. The applicant submits that the same branding is used for the raw materials and the finished products. That is not

what its evidence shows; in fact, it shows the opposite. The tyre companies Goodyear and Firestone use other trade marks for their styrene compounds (PLIOFLEX and DURADENE), and there is no evidence that these trade marks are used in relation to tyres. The applicant sells a compound called EPOLENE, which can be used in tyres as a processing aid (amongst many other applications), but there is no evidence that it makes EPOLENE tyres.

31. The registered proprietor submits:

“... the Applicant has misdirected themselves to the application of the test set out in [sic] Canon and Treat decisions referred to above. The argument on which the Applicant relies is that they manufacture and sell to other manufacturers products which are used in the processing of raw materials and which in turn are used to produce a range of products across various industries. The Applicant’s argument is that, despite the fact that they have no connection with the end product, their rights extend to the goods which are then manufactured using the Applicant’s “ingredient”.”

32. Tyres and inner tubes are sold through tyre fitting outlets, automobile retailers and bicycle retailers. The average consumer for these is the end user or the middleman (the retailer/fitter). Neither end users nor retailers/fitters of tyres and inner tubes are the average consumer for the applicant’s goods. The average consumer for the applicant’s goods are manufacturers of tyres. In the case of the applicant’s EPOLENE, there is a further step in the manufacturing chain because EPOLENE is added to styrene which is a component of tyres. The average consumer for styrene and processing aids for styrene is entirely different to the average consumer for the registered proprietor’s goods. This means that there can be no similarity on the “ingredient”/complementarity basis, a finding which becomes more robust when it is considered that manufacturers of tyres use different trade markets for styrene.

33. However, chemicals for insertion into vehicle tyres to protect them and chemical preparations for repairing tyres are proper to class 1. As these goods had not been specifically addressed by either party in the pleadings, evidence or submissions, I gave the parties an opportunity to provide written submissions concerning their relevance or otherwise

to the goods comparison. Both parties provided me with their submissions, which I have taken into account.

34. Chemicals for insertion into vehicle tyres to protect them and chemical preparations for repairing tyres are proper to class 1 and are a subset of the applicant's *chemicals for industrial, commercial and consumer applications*. The goods are complementary; without tyres, there would be no need for chemical preparations to protect and repair types. I find, therefore, that the parties' goods are similar to a low degree. There would not appear to be a higher degree of similarity in relation to the applicant's class 17 goods and the goods of the later mark.

16. These paragraphs (and especially paragraph [34]) were the subject of close consideration and detailed argument at the hearing before me. Paragraphs [29] to [32] provide a clear and, to my mind, satisfactory basis for deciding that there is '*no similarity on the "ingredient"/complementarity basis*' across the broad spectrum of the goods in issue. The challenge presented by the decision resides in the terseness of the second and third sentences of paragraph [34]: '*The goods are complementary; without tyres there would be no need for chemical preparations to protect and repair tyres. I find, therefore, that the parties' goods are similar to a low degree*'.
17. Taken simply as they stand, these two sentences do not provide a sufficient basis for concluding that the goods in issue are '*similar*' by reason of the existence of a degree of '*complementarity*' which is sufficiently pronounced for it to be accepted that they are closely connected in the sense that one is indispensable or important for the use of the other '*in such a way that consumers may think that the same undertaking is responsible for those goods*'. It is not enough to justify such a finding that '*without tyres there would be no need for chemical preparations to protect and*

repair types'. The reasoning in Waterford Wedgwood to the effect that wine and wine glasses are not '*similar*' could not be displaced simply by maintaining that '*without wine there would be no need for wine glasses to drink it from*'. And to take a further example mentioned in the course of argument before me, the proposition that '*without motor vehicles there would be no need for robots to make them*' would not in itself be sufficient to justify a finding that motor vehicles and robots used in their manufacture are '*similar*' goods for the purposes of s.5(2)(b) of the Act.

18. I turn to consider whether it can properly be inferred that the Hearing Officer's finding as to '*similarity*' in the third sentence of paragraph [34] gave effect to facts and matters relevantly extending beyond the terse observation she made with regard to '*complementarity*' in the second sentence of that paragraph.
19. It is apparent from paragraph [33] of her decision that neither party had specifically addressed the question of chemicals for insertion into vehicle tyres to protect them and chemical preparations for repairing them being proper to Class 1. She records that she gave the parties an opportunity to provide written submissions in that connection, that they did so and that she took their submissions into account.
20. The attorneys who were then acting for the Proprietor responded quite briefly in an email of 6 March 2018:

... at this stage we are unsure of why the Hearing Officer has raised the issue whether "chemicals for insertion into vehicle tyres to protect them" and "chemical preparations for repairing tyres" are proper to class 1.

Neither the proprietor's or applicants mark cover these terms and there is no indication, other than the fact that these goods fall in class 1, is of any relevance to the issues before the Office in this matter. The registration on which the Applicants rely do not specifically cover tyres as they only make reference to the use of chemicals for general industrial use. As set out in our submissions, the goods in issue are not of the same description when the tests set out in the established case law are taken into consideration, in particular, the relevant consumer group, the nature and composition of the products themselves and the trade channels through which they are available.

21. The Applicant's attorneys responded substantively by letter dated 12 March 2018:

We concur with the Hearing Officer that the goods "chemicals for insertion into vehicles tyres to protect them" and "chemical preparations for repairing tyres" are proper to class 1.

At paragraph 18 of our final submissions, we stated that the applicant produces styrene. That is a common component of synthetic rubber which would be covered by the specification of the earlier mark.

At paragraph 19 we went onto state that speciality polymers are often used in rubber compounding and have specific uses in the manufacture of tyres including as an adhesive agent to aid adherence of rubber to metal surfaces, such as to valve stems and metal wheels.

The broad specification of goods covered by the earlier trade mark in class 1, is a follows:

Commodity and speciality chemicals for industrial, commercial and consumer applications; commodity and speciality chemicals for industrial, commercial and consumer applications, namely, unprocessed artificial resins, polymers, unprocessed plastics, all for general industrial use.

That specification would of course include “chemicals for insertion into vehicle tyres to protect them” and “chemical preparations for repairing tyres”, which are proper to class 1.

We also take the opportunity to underline parts of the declarations of Linda Russell, that hone in on the area of interest of the registered proprietor:

Paragraph 6 of Ms Russell’s declaration dated 6 December 2016 states that Westlake has, and has had distributors of its products in Europe since 1995. She also states and provides evidence showing that Westlake products are sold into the UK under the WESTLAKE brand.

At paragraph 7 she states that Westlake manufactures styrene, which is used in the production of rubber products. Evidence of such use is shown as Exhibit C. As discussed above, styrene is a common component of synthetic rubber and is also well-known component of automotive tyres.

Finally, she states that approximately half of all automotive tyres made in the world contain styrene.

Thereafter, at paragraph 8 Ms Russell states that many manufacturers of automotive vehicles and similar rubber products also produce styrene, for example Goodyear International Corporation, Firestone Polymers and Michelin.

At paragraph 10 she states that Westlake also manufactures a speciality polymer sold under the brand EPOLENE®, which is often used in rubber compounding to improve mixing decreasing shrinkage and reduction of tackiness during rubber processing. Clearly, the EPOLENE® is a secondary brand of the WESTLAKE house brand.

At paragraph 11 Ms Russell states that Westlake routinely ships that product into the UK, for example, Westlake has shipped over four million seven hundred thousand (4,700,000) pounds worth of EPOLENE® products to customers in the UK as shown at Exhibit K.

We take the opportunity to provide a further explanation in relation to styrene:

Styrene can be used for both manufacture and repair of tyres. For example, during tyre manufacture styrene is used in the creation of a co-polymer with butadiene rubber to create

synthetic rubber. Synthetic rubber consists of over 25% styrene; it is cheaper and more durable than natural rubber.

Turning to the question of tyre repair, re-treading is a process in re-manufacturing a used tyre to a like-new product by applying a new tread to the tyre. Re-treads are significantly less expensive than new tyres. Re-treads are widely used in large-scale operations such as bussing, trucking and commercial aviation. Importantly the WESTLAKE styrene and WESTLAKE, EPOLENE® branded products are used in the creation of replacement tread which becomes part of the manufactured tyre through vulcanisation.

...

To conclude, the broad specification covered by the earlier EU trade mark would of course include the goods, as listed by the Hearing Officer.

I emphasise at this point that the Proprietor raised no objections to the filing of these submissions (which mingled evidence and assertions in a way which remains prevalent in proceedings before the Registrar) and did not seek to controvert the detailed information and observations they contained.

22. It is accepted for the purposes of the appeal before me that the Hearing Officer correctly found in paragraph [34] of her decision that *'Chemicals for insertion into vehicle tyres to protect them and chemical preparations for repairing tyres are proper to class 1 and are a subset of the applicant's **chemicals for industrial, commercial and consumer applications**'*. This finding took account of the information relating to manufacture and use of styrene set out in the response she had received from the Applicant's attorneys on 12 March 2018. I think it is undeniable that the remainder of what she said in paragraph [34] did so too. In my

view, that information provided her with a sufficient basis upon which to find that chemicals (styrene) for insertion into vehicle tyres to protect them and chemical preparations (styrene) for repairing tyres were '*similar*' to tyres, inner tubes and casings by reason of '*complementarity*' in the sense that the former were indispensable or important for the use of the latter in such a way that consumers may think that the same undertaking is responsible for those goods.

23. This was the decision of an experienced hearing officer and I can see from paragraph [25] that she was mindful of the requirement established by the case law for '*complementarity*' to be assessed with due regard for considerations of consumer perception. I am not prepared to regard her insufficient encapsulation of the relevant test (in the words '*without tyres, there would be no need for chemical preparations to protect and repair tyres*') as an indication that she jettisoned that requirement when she got to paragraph [34]. Paragraph [34] was over-compressed and expressed in terms that were too terse to convey what she needed and evidently wanted to say about '*complementarity*', but I do not consider that her finding to the effect that the particular goods she was assessing were '*similar to a low degree*' was either wrong or not open to her in light of the information about manufacture and use of styrene set out in the Applicant's submissions dated 12 March 2018.
24. It was maintained in paragraph [20] of the Proprietor's Skeleton Argument for the appeal that even if (as I have decided) the Hearing Officer's finding of similarity to a low degree was upheld, it should be determined that the similarity of the goods was so low that no reasonable tribunal could have found that the similarity of the

marks (and the other relevant factors) gave rise to a likelihood of confusion. This point was not developed to any appreciable degree in the course of the argument before me. Having considered the matter, I am satisfied that it was open to the Hearing Officer on the evidence and materials before her to come to the conclusion she did under s.5(2)(b) for the reasons she gave in paragraphs [35] to [42] of her decision.

25. The Proprietor's appeal is dismissed for the reasons I have given above. I approach the question of costs in the manner indicated in paragraphs [12] to [14] of my decision in AMARO GAYO COFFEE Trade Mark BL O-257-18 (25 April 2018). Having regard to what I consider to be the amount of effort and expenditure that is likely to have been reasonably and productively incurred in defence of the Hearing Officer's decision and in resisting the Proprietor's unsuccessful application to adduce evidence of peaceful co-existence for the first time on appeal, I think it would be reasonable to order the Proprietor to pay £1,975. to the Applicant in respect of its costs of the appeal. That sum is to be paid within 21 days of the date of this decision. It is payable in addition to the sum of £1,300. awarded to the Applicant in respect of its costs of the proceedings in the Registry.

Geoffrey Hobbs QC

29 January 2019

Geoffrey Pritchard instructed by Mewburn Ellis LLP appeared on behalf of the Proprietor.

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Denise McFarland instructed by Forresters appeared on behalf of the Applicant.

The Registrar took no part in the appeal.