

**O-0368-25**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF  
TRADE MARK APPLICATION NO 3905774  
IN CLASS 3  
IN THE NAME OF GDS PRESTIGE (FZC)  
FOR THE FOLLOWING MARK:**

**Scentologia**

**AND  
OPPOSITION THERETO (UNDER NO. 442602)  
BY  
INENSA SA**

## BACKGROUND

1) On 27 April 2023, GDS Prestige (FZC) ('the applicant') applied to register the mark shown on the cover page of this decision in respect of the following goods:

**Class 3:** Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; Air fragrancing preparations; Aromatics [essential oils]; Cedarwood (Essential oils of-); Eau de Cologne; Essential oils; Ethereal essences; Ethereal oils; Extracts of flowers [per-fumes]; Flower perfumes (Bases for-); Flowers (Extracts of-) [perfumes]; Incense; Ionone [perfumery]; Joss sticks; Musk [perfumery]; Oils for perfumes and scents; Perfumery; Scented water; Terpenes [essential oils]; Toilet water; Toiletries.

2) The application was published in the Trade Marks Journal on 19 May 2023 and notice of opposition was later filed by Inensa SA ('the opponent'). The opponent claims that the application offends under Section 5(2)(b) of the Trade Marks Act 1994 ('the Act'). The following mark is relied upon:

i) **UKTM No. 3441157**



**SCENT** OLOGY

**Class 3:** Perfumery; fragrances; eau de parfum; eau de toilette; eau de cologne; aftershave lotions; aftershave gels; aftershave balms; deodorants; antiperspirants; body sprays; body mists; scented body lotions; scented body creams; bath and shower gels; bath and shower foams; body butters; body wash; soap; shaving preparations; shaving creams; shaving gels; room fragrances; fragrance emitting wicks for room fragrance; fragrance

refills for non-electric room fragrance dispensers; air fragrance reed diffusers; air fragrance preparations; scented wax melts; aromatic potpourri; aromatics for household purposes; fragrance sachets; perfumed potpourris; sachets for perfuming linen; room perfume sprays.

**Class 4:** Scented candles; perfumed candles; aromatherapy fragrance candles.

**Filing date: 01 November 2019**

**Date of entry in the register: 24 January 2020**

3) The trade mark relied upon by the opponent is an 'earlier' mark, in accordance with section 6 of the Act. As it had not been registered for five years or more at the date of filing of the applicant's mark, it is not subject to the proof of use conditions, as per Section 6A of the Act.

4) The applicant filed a counterstatement. It admits that there is identity and similarity between certain of the respective goods but denies similarity in respect of some of its other goods<sup>1</sup>. All of the opponent's other claims are denied.

5) Subsequent to the filing of the counterstatement a preliminary indication was issued to the parties under Rule 19 of The Trade Marks Rules 2008<sup>2</sup>. That indication was that the opposition would succeed against all of the goods in the application with the exception of 'dentifrices'. The applicant gave notice that it nevertheless wished to proceed to the evidence rounds<sup>3</sup>. The opponent did not give notice that it wished to proceed with the opposition against 'dentifrices' and, therefore, the opposition was deemed withdrawn in respect of those goods. The preliminary indication, given by a different Hearing Officer, is not binding upon me and will have no bearing upon my decision.

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<sup>1</sup> As per the table set out at paragraph 4 of the counterstatement

<sup>2</sup> As per the official letter of 06 November 2023

<sup>3</sup> As per Form TM53 filed on 05 December 2023

6) The opponent is represented by Beck Greener LLP; the applicant is represented by Haseltine Lake Kempner LLP. Only the opponent filed evidence. This takes the form of a witness statement in the name of Deborah Anne Seldon with exhibits DAS1 – DAS4 thereto. The purpose of this evidence is to show that certain of the respective goods are similar. Neither party requested a hearing. Both parties filed written submissions lieu<sup>4</sup>. I now make this decision based upon the papers before me.

## **DECISION**

7) 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. Hence, this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

8) Section 5(2)(b) of the Act states:

“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.

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

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<sup>4</sup> Both dated 15 July 2024

trade mark is applied for, the application is to be refused in relation to those goods and services only.”

9) The leading authorities which guide me are from the Court of Justice of the European Union ('CJEU'): *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P.

### **The principles**

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

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

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

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

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

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

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

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

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

(k) if the association between the marks creates a risk that the public 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**

10) All relevant factors relating to the goods should be taken into account when making the comparison. In *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer* the CJEU, Case C-39/97, 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.”

11) Guidance on this issue has also come from Jacob J where, in *British Sugar Plc v James Robertson & Sons Limited* [1996] RPC 281, the following factors were highlighted as being relevant:

- (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.

12) In terms of being complementary (one of the factors referred to in *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer*), this relates to close connections or relationships that are important or indispensable for the use of the other. In *Boston Scientific Ltd v 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..”

In *Sanco SA v OHIM* Case T-249/11, the General Court (‘GC’) found that goods and services may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services was very different, i.e. chicken against transport services for chickens. The purpose of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amelia Mary Elliot v LRC Holdings Limited* (BL-O-255-13):

“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes.”

Whilst on the other hand:

“.....it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together.”

13) Further, in *Gérard Meric v Office for Harmonization in the Internal Market (Trade Marks and Designs)* (OHIM Case T-133/05) (‘*Meric*’) the GC held 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 the trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM – Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or when the goods designated by the trade mark application are included in a more general category designated by the earlier mark (Case T-104/01 *Oberhauser v OHIM – Petit Liberto (Fifties)* [2002] ECR II-4359, paragraphs 32 and 33; Case T-110/01 *Vedial v OHIM – France Distribution (HUBERT)* [2002] ECR II-5275, paragraphs 43 and 44; and Case T-10/03 *Koubi*



v OHIM – Flabesa (CONFORFLEX) [2004] ECR II-719, paragraphs 41 and 42).”

14) The goods to be compared are:

Opponent's goods	Applicant's goods
<p><b>Class 3:</b> Perfumery; fragrances; eau de parfum; eau de toilette; eau de cologne; aftershave lotions; aftershave gels; aftershave balms; deodorants; antiperspirants; body sprays; body mists; scented body lotions; scented body creams; bath and shower gels; bath and shower foams; body butters; body wash; soap; shaving preparations; shaving creams; shaving gels; room fragrances; fragrance emitting wicks for room fragrance; fragrance refills for non-electric room fragrance dispensers; air fragrance reed diffusers; air fragrance preparations; scented wax melts; aromatic potpourri; aromatics for household purposes; fragrance sachets; perfumed potpourris; sachets for perfuming linen; room perfume sprays.</p> <p><b>Class 4:</b> Scented candles; perfumed candles; aromatherapy fragrance candles.</p>	<p><b>Class 3:</b> Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; Air fragranting preparations; Aromatics [essential oils]; Cedarwood (Essential oils of-); Eau de Cologne; Essential oils; Ethereal essences; Ethereal oils; Extracts of flowers [perfumes]; Flower perfumes (Bases for-); Flowers (Extracts of-) [perfumes]; Incense; Ionone [perfumery]; Joss sticks; Musk [perfumery]; Oils for perfumes and scents; Perfumery; Scented water; Terpenes [essential oils]; Toilet water; Toiletries.</p>

15) In the counterstatement, the applicant admits that the following goods are identical to the opponent's goods:

‘Soaps; perfumery; Air fragrancing preparations; Eau de Cologne; Incense; Joss sticks; Scented water; Toilet water; Toiletries.’

16) The applicant also admits that the following goods are similar to the opponent's goods:

‘essential oils, cosmetics, hair lotions; Aromatics [essential oils]; Cedarwood (Essential oils of-); Essential oils; Ethereal essences; Ethereal oils; Extracts of flowers [per-fumes]; Flower perfumes (Bases for-); Flowers (Extracts of-) [perfumes]; Ionone [perfumery]; Musk [perfumery]; Oils for perfumes and scents; Terpenes [essential oils]’

As regards the *degree* of similarity, the applicant states that ‘in some cases the degree of similarity is at a low degree. For example, ‘hair lotions’ should be held similar only to a low degree because none of the opponent's goods are stated to be for application to the hair’.

17) Bearing in mind the applicant's concessions and the particular circumstances of this case, I do not consider it necessary to assess whether there is any greater degree of similarity between the relevant respective goods than has already been conceded by the applicant. I will proceed on the basis that all of the applicant's goods listed in the preceding paragraph are similar to the opponent's goods to at least a low degree.

18) That leaves the following goods which the applicant denies are similar to the opponent's goods:

‘Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations.’

In support of its opposition against these goods, the opponent draws attention to certain terms covered by the earlier mark, including ‘soap’. It submits that the

applicant's goods are, like the opponent's goods, 'detergent/soap-based cleaning products'.<sup>5</sup>

19) The opponent's 'soap' is a broad term, the ordinary and natural meaning of which obviously covers soap for both personal and household purposes (the latter includes, for example, 'laundry soap', 'detergent soap', 'dish soaps', 'soaps for household use' and 'cakes of soap for household cleaning purposes').<sup>6</sup>

20) Bearing in mind the above, the applicant's 'and other substances for laundry use' and 'cleaning preparations' are obviously identical to the opponent's 'soap'.

21) Further, the applicant's 'Bleaching preparations' and 'polishing, scouring and abrasive preparations' are all goods which are used for household cleaning purposes. They therefore overlap in purpose with the opponent's 'soap' (which, as noted above, is also used for household cleaning purposes) and may also have a similar nature (being, for example, in a liquid/powder/cake form). The users and trade channels are likely to be the same and the respective methods of use may overlap. I find at least a low degree of similarity between the opponent's 'soap' and the applicant's 'Bleaching preparations' and 'polishing, scouring and abrasive preparations'.

### **Average consumer and the purchasing process**

22) It is necessary to determine who the average consumer is for the respective goods and the manner in which they are likely to be selected. 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. (as he then was) 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

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<sup>5</sup> TM7, statement of grounds, paragraph 1.2.1

<sup>6</sup> As per the 'TMclass' database.

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.”

The average consumer for the relevant goods is the general public. The purchasing act will be primarily visual because such goods will be selected after perusal of the goods in high-street stores or from photographs/images on Internet websites or in catalogues. That is not to say, though, that the aural aspect should be ignored since the goods may sometimes be the subject of discussions with sales representatives, for example. The goods at issue are generally inexpensive. That said, various factors such as scent and/or suitability for skin type or purpose may be taken account of by the consumer when making the purchase. I find that a medium degree of attention is likely to be paid during the purchase for the relevant goods.

### **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.”

It would be wrong, therefore, to dissect the marks artificially, although it is necessary to take into account their distinctive and dominant components and to give due weight

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

24) The marks to be compared are:

The opponent's mark	The applicant's mark
<b>SCENT</b> OLOGY	Scentologia

25) The overall impression of the applicant's mark is dominated by the word 'Scentologia'; the particular stylised font in which that word is presented plays a much lesser role. In the opponent's mark, 'SCENT' is emboldened over the letters 'OLOGY'. Despite this, the average consumer will immediately read through the mark as the single word, 'SCENTOLOGY'; it is that word which dominates the overall impression, with the stylisation playing a lesser role.

26) Visually, the words in the marks share the first nine letters. The last letters of the marks, being 'Y' on the one hand, and 'ia' on the other, are a point of visual difference. The stylisation of the marks is also a point of visual difference. Overall, though, they are visually highly similar. Aurally, the opponent's mark will be pronounced as 'SENT-OL-OH-GEE'. The applicant's mark will be pronounced as 'SENT-OL-OH-GEE-AH'. The first four syllables of the applicant's mark are, therefore, aurally identical to the opponent's mark. The last syllable in the applicant's mark is not present in the opponent's mark. Overall, they are aurally highly similar.

27) Turning to the conceptual comparison, I do not doubt that the average consumer is likely to be familiar with the use of 'ology' at the end of certain words to indicate the study or science of something, as in the well-known word 'psychology', for example.

That being so, I agree with the opponent that it's mark is likely to be immediately understood as meaning the study or science of scent.

28) The opponent contends that the applicant's mark will be understood as having the same meaning as it's mark because, in its submission, 'the ending here is simply the Latin root form of the same word, or may be perceived as an alternate or incorrect spelling of 'OLOGY', or mistaken for 'OLOGIES''. It may well be that 'ology' is derived from the Latin word 'logia'. However, it is not obvious to me that the average consumer will be aware of this fact such that they would be aware that 'logia' has the same meaning as the suffix 'ology'. I cannot think of any well-known English words ending with that suffix which denote the study/science of something. There is also no evidence before me showing that the average consumer will have regularly been exposed to such words such that they are likely to perceive 'logia'/'ologia' as meaning the study or science of something. Neither is there any evidence to suggest that the consumer is likely to perceive 'ologia'/'logia' as being a misspelling of 'ology/ologies'. In the absence of such evidence, I find that the applicant's mark is likely to be perceived as an invented word. Nevertheless, even invented words are capable of being evocative or suggestive of a concept if there are aspects of the mark which resemble a known word.<sup>7</sup> The applicant's mark clearly contains the well-known word 'scent' at the beginning which is likely to be recognised by the average consumer. I find that the applicant's mark, albeit invented, evokes the idea of something to do with 'scent'. If that is right, there is some degree of conceptual similarity between the marks stemming from the common 'scent' concept. I will, however, need to bear in mind that the common concept is not a distinctive one. If I am wrong and the applicant's mark is merely perceived as a meaningless invented word, the marks are conceptually different.

### **Distinctive character of the earlier mark**

29) The distinctive character of the earlier mark must be considered. The more distinctive it is, either by inherent nature or by use, the greater the likelihood of

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<sup>7</sup> *Usinor SA v OHIM* (Case T-189/05)

confusion (*Sabel BV v Puma AG*). 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 *Windsurfing Chiemsee 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).”

As the opponent has filed no evidence of use of its mark, I have only the inherent degree of distinctiveness of the mark to consider. The word ‘SCENTOLOGY’ will be perceived as meaning the study or science of scent. It is allusive in relation to the opponent’s goods for obvious reasons. The stylisation does not serve to elevate the mark’s distinctiveness. I find the opponent’s mark to have a below-medium degree of inherent distinctiveness.

### **Likelihood of confusion**

30) I must now feed all of my earlier findings into the global assessment of the likelihood of confusion, keeping in mind the following factors: i) the interdependency

principle, whereby a lesser degree of similarity between the goods may be offset by a greater similarity between the marks, and vice versa (*Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*); ii) the principle that the more distinctive the earlier mark is, the greater the likelihood of confusion (*Sabel BV v Puma AG*), and; iii) the factor of imperfect recollection i.e. that consumers rarely have the opportunity to compare marks side by side but must rather rely on the imperfect picture that they have kept in their mind (*Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V.*).

31) I now remind myself of my earlier findings. I have found that some of the respective goods are identical and others are similar to at least a low degree. The average consumer, being a member of the general public, is likely to pay a medium degree of attention during a mainly visual purchase, although aural considerations are also borne in mind. The marks are visually and aurally highly similar. Conceptually, the marks share some degree of similarity, albeit that the common concept is not a distinctive one. If I am wrong about that, the marks are conceptually different. The opponent's mark also has a below-medium degree of inherent distinctiveness.

32) Weighing all these factors, I find that the average consumer is likely, through imperfect recollection, to mistake one mark for the other. There is a likelihood of direct confusion. I reach this conclusion even where the similarity of goods is low and notwithstanding the below-medium degree of distinctiveness of the earlier mark and that the common concept is not a distinctive one/the marks may be perceived as conceptually different. Notwithstanding the latter factors, I find that the high degree of visual and aural similarity that exists between the marks is sufficient to cause the average consumer, when paying a medium degree of attention, to misremember the marks as being the same. Further, in the event that the consumer misremembers the words as being the same but remembers the different stylisation, I find that that difference is likely to be put down to the two marks simply being brand variants used by the same undertaking. On that basis, there is also a likelihood of indirect confusion.

## **OUTCOME**

**33) The opposition succeeds. The application is refused in respect of all of the goods applied for except 'dentifrices'.**



## **COSTS**

34) The opponent is entitled to an award of costs.

35) I note that, although the opponent paid an official fee of £200 with the Form TM7 and ticked the relevant boxes under Sections 5(2)(b), 5(3) and 5(4)(a) of the Act, the only one of those grounds which was particularised was the ground under section 5(2)(b). As pointed out by the applicant in its Form TM8, the ticking of the relevant boxes relating to sections 5(3) and 5(4)(a) appeared to be an error. The opponent has not indicated otherwise. In such circumstances, it would be inappropriate to order the applicant to pay the opponent £200 for the filing of that form, when the applicable fee that should have been paid is £100. Bearing this in mind and, using the guidance in Tribunal Practice Notice 1/2023, I award the opponent costs on the following basis:

Official fee	£100
Preparing a statement and considering the other side's statement	£250
Preparing evidence	£600
Filing written submissions in lieu	£350
<b>Total:</b>	<b>£1300</b>

36) I order GDS Prestige (FZC) to pay Inensa SA the sum of **£1300**. This sum is to be paid within twenty-one days of the expiry of the appeal period or within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.

**Dated this 17<sup>th</sup> day of April 2025**

**Beverley Hedley  
For the Registrar**