

**O-599-16**

**TRADE MARKS ACT 1994  
IN THE MATTER OF  
APPLICATION NO 3091727  
BY IMPERIAL HOUSEWARES LIMITED  
TO REGISTER THE TRADE MARK**



**IN CLASSES 2, 3, 7, 8, 9, 16, 18, 20, 21 & 22**

**AND**

**OPPOSITION THERETO (UNDER NO. 404323)**

**BY**

**MUHAMMAD BHAM**

## BACKGROUND

1) On 29 January 2015, Imperial Housewares Limited ('the applicant') applied to register the trade mark shown on the cover page of this decision for a range of goods in classes 2, 3, 7, 8, 9, 16, 18, 20, 21 and 22.

2) The application was published on 13 February 2015 in the Trade Marks Journal and notice of opposition was subsequently filed by Muhammad Bham ('the opponent'). The opponent claims that the application offends under section 5(3) of the Trade Marks Act 1994 ('the Act'). The opposition is directed against the following goods and services of the application only:<sup>1</sup>

**Class 08:** Cutlery; fish slicing kitchen knives; japanese chopping kitchen knives; thin-bladed kitchen knives; kitchen knives; kitchen knives (non-electric); can openers [non-electric]; can openers, non-electric; cutlery of precious metals; cutters (pizza-); egg slicers, non-electric; fish slices; forks; forks and spoons; forks [cutlery]; scissors for kitchen use.

**Class 09:** Scales; measuring cups; measuring devices, electric.

**Class 21:** Household or kitchen utensils and containers; combs and sponges; brushes; brush-making materials; articles for cleaning purposes; steel wool; electric and non-electric toothbrushes; glass bulbs [receptacles]; abrasive discs for kitchen [cleaning] purposes; abrasive instruments for kitchen [cleaning] purposes; aluminium bake ware; aluminium cookware; aluminium moulds [kitchen utensils]; animal traps; applicator sticks for applying make up; applicators for applying eye make-up; applicators for cosmetics; aquaria (indoor-); aquarium covers; aquarium hoods; aquarium ornaments; aquariums; art objects of glass; articles for cleaning purposes; artificial eggs; artificial nest eggs; artificial sponges for household purposes; artworks of glass; atomisers for household use; attracting and killing insects (electric devices for-); autoclaves (non-electric-) for household use; autoclaves

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<sup>1</sup> The scope of the opposition was clarified in the opponent's written submissions dated 2 February 2016 (page 2).

[pressure cookers], non-electric; auto mobile oil funnels; babies' potties; baby bath tubs; baby baths; baby baths, portable; baby bathtubs; back scratchers; bakers' brushes; bakers' tinware; bake ware; bake ware [not toys]; baking containers made of glass; baking dishes; baking dishes made of earthenware; baking dishes made of glass; baking dishes made of porcelain; baking sheets of common metal; baking tins; baking trays made of aluminium; baking utensils; barbecue mitts; barrels (non-metallic-) for the identification of birds; barrels (non-metallic-) for the identification of pet animals; bases for plant pots; basins; basins [bowls]; basins [receptacles]; baskets for domestic use; baskets for waste paper littering; baskets of common metal for domestic use; baskets of common metal for household use; basting spoons; basting spoons, for kitchen use; bath brushes; bath sponges; bathroom basins [receptacles]; bathroom glass holder; bathroom pails; baths (baby-), portable; beakers of common metal; beakers of glass; beaters (carpet-), not being machines; beaters, non-electric; beaters (non-electric-) for kitchen use; beer jugs; beer mugs; beverage coolers [containers]; beverage stirrers; beverages (heat insulated containers for-); billiard table brushes; bins (dust-); bins for household refuse; bird baths ; bird cages; bird cages for domestic birds; bird feeders; bird feeders for feeding birds in the wild; bird feeders for feeding caged birds; bird feeders in the nature of containers; bird houses; birdcages; bird-cages; boards (ironing-); bottle openers; bottle stands; bowls [basins]; bowls for candy; bowls for floral decorations; bowls for nuts; bowls (glass-); boxes for biscuits; boxes for dispensing paper serviettes; boxes for dispensing paper towels; boxes for holding artificial teeth; boxes for sweetmeats; boxes of ceramics; boxes of china; bread baskets; bread baskets, domestic; bread bins; busts of china; busts of crystal; butlers' trays; butter coolers; butter curlers; butter dishes; butter pans; cages for pets; cages of metal for domestic use; cake brushes; cake domes; cake moulds; cake moulds [moulds]; cake moulds of common metal; ceramic coin boxes; ceramic figurines; ceramic hollowware; ceramic mugs; ceramic ornaments; ceramic tableware; ceramics for household purposes; chamber pots; chamois leather for cleaning; champagne buckets; cheese-dish covers; china figurines; china mugs; china ornaments; china ware; chip pan baskets; chip pans (non-electric-); chocolate moulds; chopping boards for kitchen use; chopstick cases; chopsticks;

cleaning cloth; garden hose sprayers; sprayer nozzles for garden hoses; sprayer wands for garden hoses; sprayers attached to garden hoses; brushes for connection to garden hose; garden gnomes of earthenware; garden gnomes of glass; garden gnomes of porcelain; bread-cases [for kitchen use]; chopping boards for kitchen use; kitchen urns [not of precious metal]; kitchen jars; kitchen ladles; kitchen moulds; wooden chopping boards for kitchen use; abrasive discs for kitchen [cleaning] purposes; abrasive instruments for kitchen [cleaning] purposes; abrasive sponges for kitchen [cleaning] use; aluminium moulds [kitchen utensils]; beaters (non-electric-) for kitchen use; carving boards for kitchen use; egg separators [kitchen utensils]; kitchen boards for chopping; kitchen cutting boards; kitchen sponges; pouring spouts for kitchen use; skimmers [non-electric kitchen implements]; tenderizers [kitchen utensils]; turners (kitchen utensil); scrapers (kitchen implements); abrasive pads for kitchen purposes; kitchen containers; kitchen utensils; mixing spoons [kitchen utensils]; presses (garlic-) [kitchen utensils]; garlic presses [kitchen utensils]; spatulas [kitchen utensils]; moulds [kitchen utensils]; moulds [kitchen utensils] and all other products in this class.

3) The opponent relies upon three UK Trade Marks ('UKTM'). These are UKTM Nos. 1516447, 2560295 and 2560260. All are earlier marks in accordance with section 6 of the Act. Only UKTM 1516447 is subject to proof of use, as per section 6A of the Act.<sup>2</sup> Given that nearly all of the opponent's evidence shows use of UKTM 2560260, it is this earlier mark upon which I will base the assessment under section 5(3) of the Act as it is the one which offers the opponent its best prospect of success. If the opposition does not succeed on the basis of that mark, it will not succeed on the basis of the others. That earlier mark (which I will refer to from hereon in as 'the imperial mark') is shown in the following table, along with the goods covered by it upon which the opponent relies:

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<sup>2</sup> Owing to it being the only one to have been registered for more than five years before the publication date of the applicant's mark.

UKTM details	Goods relied upon
<p><b>UKTM No: 2560260</b></p>  <p><b>Filing date: 30 September 2010</b>  <b>Date of entry in the register: 01 April 2011</b></p>	<p><b>Class 06:</b> Bins of metal; pedal bins of metal; rubbish containers [bins] of metal.</p> <p><b>Class 07:</b> Dispensing machines for soap.</p> <p><b>Class 09:</b> Electronic weighing scales for kitchen use; kitchen weighing scales; bathroom scales.</p> <p><b>Class 20:</b> Handles of plastic materials for saucepans.</p> <p><b>Class 21:</b> Saucepans (earthenware- ), saucepans (non-electric- ), combined closures for kitchen containers, combined closures of common metal for kitchen containers, combined containers for kitchen use, combined containers of common metal for kitchen use, combined lids for kitchen containers, combined lids of common metal for kitchen containers, container lids made of common metal for household or kitchen use, containers [wheeled] of non-metallic materials for storage [household or kitchen use], containers for handling goods [household or kitchen use], containers for handling materials [household or kitchen use],</p>

	<p>containers for household or kitchen use, containers for kitchen use, containers for storage purposes [household or kitchen use], domestic kitchen containers, domestic non-electric kitchen apparatus, hand held kitchen utensils (non-electric- ), hand-operated instruments for kitchen use hand-operated kitchen utensils, kitchen containers, kitchen machines (non-electric- ) for food preparation, kitchen mixers, non-electric, kitchen tools [non-electric utensils], kitchen utensils, kitchen vessels, kitchenware [other than cutlery], casserole pans, chip pans (non-electric- ), cooking pans, frying pans, frying pans (non-electric- ), milk pans, pancake frying pans, pans (cooking- ) made of aluminium, pans (cooking- ) made of stainless steel, pans (frying- ), pans (non-electric cooking- ), shallow pans for cooking, bins (dust- ), bins for garbage disposal, bins for household refuse, containers in the form of bins for household use, litter bins, litter bins of metal, non-metallic bins [dust bins], pedal bins [dustbins], plastic bins [dustbins], refuse bins, rubbish containers [bins] other than of metal, rubbish containers [bins], other than of metal, with means of compacting rubbish trash cans [dust bins], waste bins [other than skips or furniture],</p>
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	<p>waste disposal receptacles [bins], waste paper bins for domestic use, waste paper bins for office use, waste paper bins of metal for domestic use, waste paper bins of metal for office use , plastic bathroom fittings, rings for towels [bathroom fittings], paper holders for toilet use, pumps (hand-operated- ) for dispensing toiletries, pumps for dispensing toiletries from containers [hand operated], sponges for toilet use, spray bottles [vaporizers] for toilet preparations, toilet brush holders, toilet brush sets, toilet brushes, toilet cases, toilet paper dispensers, toilet utensils, toiletry cases [fitted], utensils for toilet purposes.</p> <p><b>Class 24:</b> Bathroom furnishings.</p> <p><b>Class 27:</b> Bath mats, bathroom mats, bathroom rugs, mats for bathroom use.</p>
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4) The opponent claims that the above mark as a reputation. It states, inter alia, the following:

“We are extremely well-known within the industry, particularly with respect to cookware, kitchenware and bathroomware. As such, the relevant public would assume “Imperial Housewares” or any similar trade mark is associated with Imperial International Ltd and its core trading business within the homewares market.”

And

“This particular trade mark has been our company logo for in excess of 5 years. It is included in the vast majority of our company communications, presentations, catalogues and product packaging and is recognisable to the relevant public within our industry.

Whilst the predominant element of this trade mark is “IMPERIAL”, it should be noted that the “Great British Design” represents that our company is known for design within the homewares market, developing many products in-house such as the ‘Ready Steady Cook’ kitchenware collection which has been a best seller for over 10 years. An “IMPERIAL HOUSEWARES” trade mark would unfairly benefit from the reputation and success of our company “IMPERIAL”, which our trade mark intrinsically represents.”

5) The applicant filed a very brief counterstatement in which it denies the ground of opposition, stating that the trademarks are completely different.

6) Only the opponent filed evidence and submissions. Neither party requested to be heard nor did they file written submissions on lieu of a hearing. Accordingly, I now make this decision after careful consideration of all of the papers before me.

## **EVIDENCE**

7) The opponent’s evidence comes from Matthew Moore, Finance Director of Imperial International Ltd (the company given as the opponent’s address on the notice of opposition). It can be summarised as follows:

- The trade mark is stated to have been used throughout the UK on cookware, cooking sets, bakeware, kitchen utensils, kitchen gadgets, kitchen containers, kitchen storage, kettles, cutlery, knives, scales, bread bins & kitchen accessories.



- Mr Moore explains that between 2010 and 2014, the Imperial brand has mainly been used in conjunction with other brands, including 'READY STEADY COOK', 'EASYCOOK' and the 'EAZI' family of products.
- Mr Moore states that the 'READY STEADY COOK' range of kitchen products (of the sort identified in the first bullet point) have been the biggest selling product range in the period 2010 – 2014, having been sold in high street retailers such as Sainsburys, Tesco, Asda, Argos, Dunelm, B&Q, Homebase and Wilkinson.
- Exhibit 1 shows two examples of packaging for a stir fry pan, stated to be one of the biggest selling items in the range. The packaging bears the mark 'READY STEADY COOK' on the front. The Imperial mark is also present in smaller font on, what appears to be, the back part of the packaging (if it were wrapped around a frying pan). Mr Moore explains that this packaging is consistent with that used on 'the whole range of Imperial's 50+ READY STEADY COOK products' (again said to be goods of the kind described in the first bullet point above).
- Exhibit 2 shows a photograph of the bottom of, what appears to be, a frying pan bearing a base stamp of the word 'imperial' (presented in the same font as in the earlier mark). This is positioned above the words 'READY STEADY COOK'. Mr Moore states that all products in the 'READY STEADY COOK' range bear the same base stamp.
- Exhibit 3 shows packaging for a frying pan from, what is stated to be, the 'EAZIGLIDE' range which Mr Moore explains has been stocked nationwide since January 2015 in John Lewis and Lakeland stores. The mark 'eaziglide' is present on the front of the packaging. The Imperial mark is present on the back of the packaging in smaller font.
- Exhibit 4 consists of the cover and introductory pages of a product catalogue dated January 2015 bearing the Imperial mark. A page entitled 'About Us' shows an unclear photograph of shelves filled with kitchen utensils.

- Exhibit 5 shows photographs taken at exhibitions where, Mr Moore states, 'Imperial' goods have been exhibited, namely 'Spring Fair' (Birmingham, February 2013 and 2014), 'Exclusively Housewares' (London, June 2012), and 'BBC Good Food Show' (Birmingham, November 2010 and 2011). Many of the goods are difficult to make out in the photographs but frying pans and saucepans visible. I am unable to see what marks are present on the goods but the Imperial mark can be seen on signage around the exhibition stands. A number of the photos also show that other marks such as 'Jamie Oliver', 'LEIFHEIT', 'spirella' and 'READY STEADY COOK' are also present on the signage around the same stands. Mr Moore explains that the BBC Good Food Show typically attracts around 80,000 visitors to each exhibition.
- Exhibit 6 consists of a programme from the 'Excellence in Housewares Awards 2015', which took place on 7 October 2015. Mr Moore states that Imperial were a finalist in the 'Excellence in cookware' category for their 'Eaziglide' frying pan (I note that this is the frying pan which has been stocked in John Lewis and Lakeland since January 2015, as per the sixth bullet point above).
- Sales of 'READY STEADY COOK' products bearing the 'imperial' mark were as follows for the period between 2010 and 2014:

<b>YEAR</b>	<b>UNITS SOLD</b>	<b>SALES VALUE (£ millions)</b>
2010	305,928	3.4
2011	155,586	1.9
2012	68,649	1.0
2013	76,714	1.0
2014	38,133	0.5
<b>TOTAL</b>	<b>645,010</b>	<b>7.8</b>

Mr Moore explains that it is difficult to obtain sales figures for every single product sold bearing the Imperial brand in some form. He estimates that the total units are in the region of 850,000 with total sales of around £10m.

- Estimates of the amount spent on advertising and marketing for the same period are:

<b>YEAR</b>	<b>EXPENDITURE (£ thousands)</b>
2010	19,193
2011	8,027
2012	25,268
2013	25,977
2014	16,536
<b>TOTAL</b>	<b>95,001</b>

- Mr Moore states that 'Imperial' has been built up over almost 50 years and that, in particular, Imperial are well recognised for their innovation in designing and developing cookware and kitchenware.

## **DECISION**

8) Section 5(3) of the Act provides:

“(3) A trade mark which-

- (a) is identical with or similar to an earlier trade mark, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a European Union trade mark or international trade mark (EC), in the European Union) and the use of the later mark

without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.”

9) There are three conditions that must be met for a claim under this section of the Act to succeed. Firstly, the evidence before me must show that the opponent’s earlier mark has achieved the required level of knowledge/reputation amongst a significant part of the relevant public and for which of the goods covered by the earlier mark that reputation exists. Secondly, the opponent must establish that the level of reputation, and the alleged similarities between the marks, will cause the public to make a link between its mark and the applicant’s mark (in the sense of the opponent’s mark being brought to mind by the applicant’s mark). Thirdly, assuming that the first and second conditions have been met, it is also necessary to find that one, or more, of three types of damage will occur. The three possible heads of damage are often described as ‘dilution’ (detriment to the distinctive character of the opponent’s mark), ‘tarnishing’ (detriment to the reputation of the opponent’s mark) and ‘free riding’ (unfair advantage). In the case before me, it is the latter head of damage which appears to be being pleaded by the opponent, as it states:

“An “IMPERIAL HOUSEWARES” trade mark would unfairly benefit from the reputation and success of our company “IMPERIAL”, which our trade mark intrinsically represents.” (my emphasis)

10) The leading cases in assessing a claim under section 5(3) of the Act are the following judgments of the Court of Justice of the European Union (‘CJEU’): Case C-375/97, *General Motors*, [1999] ETMR 950, Case 252/07, *Intel*, [2009] ETMR 13, Case C-408/01, *Addidas-Salomon*, [2004] ETMR 10 and Case C-487/07, *L’Oreal v Bellure* [2009] ETMR 55 and Case C-323/09, *Marks and Spencer v Interflora*. The law appears to be as follows:

(a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors*, paragraph 24.

- (b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors, paragraph 26*.
- (c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the later mark would cause an average consumer to bring the earlier mark to mind; *Adidas Saloman, paragraph 29* and *Intel, paragraph 63*.
- (d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark's reputation and distinctiveness; *Intel, paragraph 42*
- (e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel, paragraph 68*; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel, paragraph 79*.
- (f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious likelihood that this will happen in future; *Intel, paragraphs 76 and 77*.
- (g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel, paragraph 74*.
- (h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in

such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact of the earlier mark; *L’Oreal v Bellure NV*, paragraph 40.

- (i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora*, paragraph 74 and the court's answer to question 1 in *L’Oreal v Bellure*).

### **The first hurdle: Reputation**

11) The required level of reputation was described by the CJEU in *General Motors* in the following way:

“23. ... In so far as Article 5(2) of the Directive, unlike Article 5(1), protects trade marks registered for non-similar products or services, its first condition implies a certain degree of knowledge of the earlier trade mark among the public. It is only where there is a sufficient degree of knowledge of that mark that the public, when confronted by the later trade mark, may possibly make an association between the two trade marks, even when used for non-similar products or services, and that the earlier trade mark may consequently be damaged.

24. The public amongst which the earlier trade mark must have acquired a reputation is that concerned by that trade mark, that is to say, depending on

the product or service marketed, either the public at large or a more specialised public, for example traders in a specific sector.

25. It cannot be inferred from either the letter or the spirit of Article 5(2) of the Directive that the trade mark must be known by a given percentage of the public so defined.

26. The degree of knowledge required must be considered to be reached when the earlier mark is known by a significant part of the public concerned by the products or services covered by that trade mark.

27. In examining whether this condition is fulfilled, the national court must take into consideration all the relevant facts of the case, in particular the market share held by the trade mark, the intensity, geographical extent and duration of its use, and the size of the investment made by the undertaking in promoting it.”

12) Keeping in mind the case law above, I now go on to consider the evidence before me. In doing so, I must bear in mind that the goods relied upon by the opponent are, generally speaking, homeware and kitchen items. The relevant public for those goods is the public at large. The evidence must satisfy me that a significant part of the public at large had knowledge of the mark at the date of filing of the contested trade mark application i.e. 29 January 2015 ('the relevant date').

13) Mr Moore states that the mark has been used between 2010 and 2014 on a range of 'kitchen products'. However, the only evidence clearly showing use of the mark on any goods prior to the relevant date is the packaging for frying pans and the base stamp on a frying pan/saucepan. For goods other than frying pans/saucepans, the evidence is either unclear (the goods in the photographs, for example, cannot clearly be made out) or non-existent. That said, I accept Mr Moore's unchallenged statement that a range of kitchen products have been sold under the imperial mark at the retailers he refers to, and I can see from the photographic evidence that certain kitchen products including frying and saucepans (at least) have been offered for sale at the exhibitions in Birmingham and London prior to the relevant date.

However, in the absence of further information such as invoices showing sales to the retailers or an indication of the number of stores the goods were sold in or where they were situated, it is difficult to gauge the geographical extent and intensity of use for any of the specific goods relied upon. As regards the sales figures, although these were not insignificant in the five year period leading up to the relevant date, I note that they have steadily decreased year-on-year and, as they are not broken down in any way, it is not possible to ascertain what proportion of them relate to any of the various goods relied upon. I also have no information about the market share held by the mark for any of the relevant goods (although the decreasing sales figures suggest that the market share may also have decreased) and the advertising and marketing figures appear modest.

14) A further problem for the opponent is that a number of the exhibits emanate from after the relevant date or in close proximity to it. The “Excellence in Housewares Awards 2015”<sup>3</sup>, for example, did not take place until October 2015 which is more than eight months after the relevant date. Whilst it is possible that an awards ceremony which takes place after the relevant date may, in certain circumstances, be able to shed light on the position as it was before that date, the difficulty for the opponent is that the award for which it was nominated related to its ‘Eaziglide’ frying pan which has only been available since January 2015<sup>4</sup>. Even assuming that those goods had been available from the beginning of that month, this would only have given a period of four weeks for the requisite reputation to have accrued in relation to them; this is clearly unlikely. As to the product catalogue (also emanating from January 2015), not only are the goods in the catalogue unclear, it is not stated where, to whom, or how many of these catalogues were distributed prior to the relevant date, if any.

15) Whilst I accept that the imperial mark has been used in relation to a number of kitchen products, I find that the extent and nature of the use shown before me falls short of satisfying me that the mark enjoyed the requisite reputation at the relevant date. Accordingly, the opposition fails at the first hurdle.

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<sup>3</sup> Exhibit 6

<sup>4</sup> Exhibit 3



## **OUTCOME**

**16) The opposition fails. The trade mark application may proceed to registration.**

## **CLOSING REMARKS**

17) A number of the opponent's submissions<sup>5</sup> in these proceedings focused upon the similarities between the parties' marks and confusion on the part of the average consumer. Arguments of this nature are more proper to grounds of opposition under section 5(2) of the Act which have not been pleaded. As both parties in these proceedings are not professionally represented, I will briefly touch upon some of the important differences between section 5(2) and section 5(3).

18) Section 5(3) is a claim to extended protection because of a reputation amongst a significant proportion of the relevant public. As I explained earlier, in order to succeed, this claim requires that all three conditions of: i) reputation, ii) a link between the marks, and iii) damage to the opponent, be satisfied.

19) Section 5(2), on the other hand, involves a notional and objective assessment of the likelihood of confusion on the part of the average consumer based on the respective marks and goods. This ground is not dependent on evidence of reputation in order to succeed (although evidence of enhanced distinctiveness through use may assist) and neither is it necessary to find that the damage would occur to the opponent. As a claim under section 5(2) has not been pleaded, I am unable to consider it.

## **COSTS**

20) As the applicant has been successful, it is entitled to a contribution towards the costs it has incurred in these proceedings. Using the guidance in Tribunal Practice Notice 4/2007 (which was in force when this opposition was filed), but bearing in mind that the applicant has not incurred the expense of legal representation, I award

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<sup>5</sup> In particular, the submissions dated 2 February 2016.

the applicant £200 (made up of £100 for considering the notice of opposition and preparing the counterstatement + £100 for considering the opponent's evidence.)

21) I order Muhammad Bham to pay Imperial Housewares Limited the sum of **£200**. This sum is to be paid within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case if any appeal against this decision is unsuccessful.

**Dated this 19th day of December 2016**

A handwritten signature in black ink, appearing to be 'B Hedley', written over a horizontal line.

**Beverley Hedley  
For the Registrar,  
the Comptroller-General**