

**O/545/18**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. UK00003222858 BY  
MELINDA NORRIS  
TO REGISTER:**

**NO BLOOMING SUGAR**

**AS A TRADE MARK IN CLASSES 30, 32, 35 AND 43**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NO. 410668 BY  
BLOOM TEAS LTD**

## BACKGROUND AND PLEADINGS

1. On 4 April 2017, Melinda Norris (“the applicant”) applied to register the trade mark shown on the cover page of this decision in the UK. The application was published for opposition purposes on 4 August 2017.

2. The application was partially opposed, in respect of the goods and services shown in paragraph 12 below, by Bloom Teas Limited (“the opponent”). The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is based on the earlier UK Trade Mark registration no. 3198238 for the trade marks BLOOM TEA and BLOOM TEAS (as a series of two marks) which has an application date of 23 November 2016 and registration date of 17 February 2017.

3. The following goods and services are relied upon in this opposition:

Class 30                      Tea and tea products; tea extracts; coffee; cocoa; carbonated and non-carbonated tea based beverages; iced tea; tea and iced tea mix powders; non medicinal herbal tea and infusions; cold brew tea beverages; iced tea beverages; ice lollies; ice cream; sorbets, Bread, pastries and confectionary, sugar, honey, chocolate, cake, biscuits, frozen and non-frozen confectionary, salt.

Class 32                      Mineral and aerated waters and other non-alcoholic drinks; flavoured water; carbonated and non-carbonated beverages; carbonated and non-carbonated beverages with tea flavour; fruit drinks and fruit juices; syrups, extracts and essences and other preparations for making beverages.

Class 43                      Tea shop, tea rooms, tea bar services, services for providing food and drink.

4. The opponent argues that the respective goods and services are identical or similar and that the marks are similar.

5. The applicant filed a Defence and Counterstatement denying the claims made.
6. Neither party filed evidence or written submissions. No hearing was requested and so this decision is taken following a careful perusal of the papers.

## **PRELIMINARY ISSUES**

7. The opponent argues that it has been informed by the applicant, during the course of discussions between the parties, that she would always use the words “NO BLOOMING SUGAR” in combination with the acronym “NoBS” (which stands for the words making up the mark in issue). I understand that the mark “NoBS” is the subject of a separate trade mark application. The opponent argues that the applicant should only be permitted to use these marks in combination. However, the present application is for the word mark “NO BLOOMING SUGAR” alone. I am required to consider the mark that the applicant has applied to register and which the opponent has opposed. I will not, therefore, consider the opponent’s arguments regarding the mark “NoBS”.

## **DECISION**

8. Section 5(2)(b) of the Act reads as follows:

“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.”

9. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

“6(1) In this Act an “earlier trade mark” means –

(a) a registered trade mark, international trade mark (UK) or Community trade mark or international trade mark (EC) which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks

(2) References in this Act to an earlier trade mark include a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of subsection (1)(a) or (b) subject to its being so registered”.

10. The trade mark upon which the opponent relies qualifies as an earlier trade mark under the above provisions. As this trade mark had not completed its registration process more than 5 years before the publication date of the application in issue in these proceedings, it is not subject to proof of use pursuant to section 6A of the Act. The opponent can, as a consequence, rely upon all of the goods and services it has identified.

### **Section 5(2)(b) – case law**

11. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case 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 to mind the earlier mark, 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 will wrongly believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

### Comparison of goods and services

12. The competing goods and services are as follows:

Opponent's goods and services	Applicant's goods and services
<p><u>Class 30</u> Tea and tea products; tea extracts; coffee, cocoa, carbonated and non-carbonated tea based beverages; iced tea; tea and iced tea mix powders; non medicinal herbal tea and infusions; cold brew tea beverages; iced tea beverages; ice lollies; ice cream; sorbets, bread, pastries and confectionery, sugar, honey, chocolate, cake, biscuits, frozen and non-frozen confectionery, salt.</p>	<p><u>Class 30</u> Coffee; tea; cocoa; sugar; artificial coffee; bread; pastry and confectionery; ices; honey; salt; chilled desserts; ice desserts; ice cream desserts; chocolate confectionery.</p>
<p><u>Class 32</u> Mineral and aerated waters and other non-alcoholic drinks; flavoured water; carbonated and non-carbonated beverages; carbonated and non-carbonated beverages with tea flavour;</p>	<p><u>Class 32</u> Non-alcoholic beverages; mineral and aerated waters and other non-alcoholic drinks; beverages served cold or hot; fruit drinks and juices including fruit based nutritional drinks and juices; fruit flavoured drinks; bottled drinking water.</p> <p><u>Class 43</u> Services for providing food and drink; restaurant services; preparation of food</p>

<p>fruit drinks and fruit juices; syrups, extracts and essences and other preparations for making beverages.</p> <p><u>Class 43</u></p> <p>Tea shop, tea rooms, tea bar services, services for providing food and drink.</p>	<p>and drink; providing food and beverages; providing food and drink; provision of food and beverages; provision of food and drink; serving food and drinks.</p>
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13. When making the comparison, all relevant factors relating to the goods and services in the specifications should be taken into account. In the judgment of the Court of Justice of the European Union (“CJEU”) in *Canon*, Case C-39/97, the court stated at paragraph 23 of its judgment that:

“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.”

14. Guidance on this issue has also come from Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

- (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.

15. The General Court confirmed in *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T-133/05, that, even if goods or services are not worded identically, they can still be considered identical if one term falls within the scope of another (or vice versa):

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

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

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



unnaturally so as to produce a narrow meaning which does not cover the goods in question”.

17. In *Beautimatic International Ltd v Mitchell International Pharmaceuticals Ltd and Another*, [2000] F.S.R. 267 (HC), Neuberger J. (as he then was) stated that:

“I should add that I see no reason to give the word “cosmetics” and “toilet preparations”... anything other than their natural meaning, subject, of course, to the normal and necessary principle that the words must be construed by reference to their context”.

18. In *Avnet Incorporated v Isoact Limited*, [1998] F.S.R. 16, Jacob J. (as he then was) stated that:

“In my view, specifications for services should be scrutinised carefully and they should not be given a wide construction covering a vast range of activities. They should be confined to the substance, as it were, the core of the possible meanings attributable to the rather general phrase.”

19. For the purposes of considering the issue of similarity of goods, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Separode Trade Mark* BL O-399-10 and *BVBA Management, Training en Consultancy v Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs [30] to [38]).

20. Other than the opponent’s assertion in its statement of grounds that the goods are identical or similar, I have no submissions from the parties on the similarity or identity of the goods.

### Class 30

21. “Coffee”, “cocoa”, “sugar”, “bread”, “pastry and confectionary”, “honey” and “salt” all appear in both the applicant’s specification and the opponent’s specification and are plainly identical goods. “Tea” in the applicant’s specification is clearly identical to

“tea and tea products” in the opponent’s specification. “Chocolate confectionary” in the applicant’s specification is clearly identical to “chocolate” in the opponent’s specification.

22. “Ice cream” in the opponent’s specification falls within the broader categories described in the applicant’s specification as “ice desserts” and “ice cream desserts”. Similarly, “ices” in the applicant’s specification falls within the broader category of “ice lollies” in the opponent’s specification. Such goods can, therefore, be considered identical on the principle outlined in *Meric*.

23. That leaves “artificial coffee” and “chilled desserts” in the applicant’s specification. I have no submissions from the applicant on what is meant by “artificial coffee” but I understand this to mean coffee substitutes. This is likely to be used by people looking for an alternative coffee-flavoured drink and so the users and uses will be the same as for “coffee” in the opponent’s specification. Both are likely to be available in a form which enable the consumer to prepare the beverage themselves as required. They are also both likely to be available in a “ready to drink” form. Both goods are likely to be purchased through the same channels such as self-selection retail outlets (supermarkets or specialist coffee retailers) or in a “ready to drink” form from a specialist coffee shop. As an alternative product, “artificial coffee” will undoubtedly be in competition with “coffee” as it will be consumers of coffee who are looking for an alternative product for some reason that would purchase these goods. I therefore find that “coffee” and “artificial coffee” share a high degree of similarity. “Chilled desserts” in the applicant’s specification will have the same uses and users as “ice cream”, “sorbets” and “cake” in the opponent’s specification. These goods are all within the same “dessert” market and may be selected by consumers as a dessert course or sweet snack. They will, therefore, be in competition with each other. They are all likely to be purchased from the same channels such as self-selection retail outlets (for example, from supermarkets) or from specialist dessert cafes. They may also all be offered as a dessert course to members of the public eating out at restaurant outlets. I therefore find that these goods share a high degree of similarity.

### Class 32

24. “Mineral and aerated waters and other non-alcoholic drinks” appears in both the applicant’s specification and the opponent’s specification and are plainly identical goods. Both “fruit drinks and juices including fruit based nutritional drinks and juices” and “fruit flavoured drinks” in the applicant’s specification are clearly identical to “fruit drinks and juices” in the opponent’s specification. “Non-alcoholic beverages” in the applicant’s specification is clearly identical to “mineral and aerated water and other non-alcoholic beverages” in the opponent’s specification.

25. “Carbonated or non-carbonated beverages” in the opponent’s specification fall within the broader category of “beverages served cold or hot” in the applicant’s specification. Similarly, “bottled drinking water” in the applicant’s specification falls within the broader category of “mineral and aerated waters and other non-alcoholic beverages” in the opponent’s specification. Such goods can, therefore, be considered identical on the principle outlined in *Meric*.

### Class 43

26. “Services for providing food and drink” appears in both the applicant’s specification and the opponent’s specification and are plainly identical services.

27. “Restaurant services”, “preparation of food and drink”, “providing food and beverages”, “providing food and drink”, “provision of food and beverages”, “provision of food and drink” and “serving food and drinks” in the applicant’s specification all fall within the broader category of “services for providing food and drink” in the opponent’s specification. Such goods can, therefore, be considered identical on the principle outlined in *Meric*.

### **The average consumer and the nature of the purchasing act**

28. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties’ goods and services. I must then determine the manner in which these goods and services are likely to be selected by

the average consumer. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

29. The parties have made no submissions on the average consumer for these goods and services or on the purchasing process for the goods and services at issue. The average consumer for the goods and services at issue in these proceedings is a member of the general public. Purchases of the goods in issue are likely to be frequent and of low cost. Purchases of the services in issue are likely to be slightly less frequent and of slightly higher cost. I would expect the average consumer to pay an average degree of attention during the selection process for both the goods and services in issue.

30. The goods are, in my experience, most likely to be obtained by self-selection from the shelves of a retail outlet or from a website equivalent. Consequently, visual considerations are likely to dominate the selection process. However, I do not discount that there may be an aural component to the purchase of the goods, given that advice may be sought from sales assistants or representatives. The purchasing process for the services is likely to be dominated by visual considerations, as the average consumer is likely to select the services at issue following inspection of the premises' frontage on the high street, on websites and in advertisements (such as on flyers or posters). However, given that word-of-mouth recommendations may also play a part, I do not discount that there will be an aural component to the selection of the services.

## Comparison of trade marks

31. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade 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 trade marks must be assessed by reference to the overall impressions created by the trade 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.”

32. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

33. The respective trade marks are shown below:

<b>Opponent's trade marks</b>	<b>Applicant's trade mark</b>
BLOOM TEA BLOOM TEAS	NO BLOOMING SUGAR

34. The applicant argues that the common element of the marks, the word “BLOOM”, is only a small element of its mark. The applicant argues that the addition of “ING” to the end of the word and the additional words, “NO” and “SUGAR”, mean that the marks are entirely dissimilar.

35. The opponent argues that the distinctive element of both marks is the word “BLOOM” and the additional words “NO” and “SUGAR” are “commonplace terms for describing ‘better-for-you’ food and drink”.

36. The applicant’s mark consists of three words, “NO BLOOMING SUGAR”, presented in capital letters. The addition of the letters “ING” to the word “BLOOM” changes its meaning with the effect that the words used in combination appear as a phrase. The word “BLOOMING” in this context appears as an exclamatory word. The overall impression of the words is, therefore, as a unit (as opposed to three separate words).

37. The opponent’s marks consist of the dictionary words “BLOOM” and “TEA” or “TEAS”, presented in capital letters. The use of the word “TEA” or “TEAS” in the mark is descriptive of some of the goods and services for which the mark is registered e.g. herbal teas, tea shop services and iced teas. The word “BLOOM” is not descriptive of the goods and services and plays the greater role in the overall impression of the mark.

38. Visually, in the opponent’s mark the word “BLOOM” is presented in combination with the word “TEA” or “TEAS”. In the applicant’s mark it is the word “BLOOMING” preceded by the word “NO” and followed by the word “SUGAR”. The effect of the combination of words in each mark is to differentiate visually between them. I therefore consider there to be a low degree of visual similarity.

39. Aurally, the mark “NO BLOOMING SUGAR” in combination is different from the mark “BLOOM TEAS” or “BLOOM TEA”. Any similarity lies in the words “BLOOM” and “BLOOMING”, but the addition of the letters “ING” and the other words making up the marks differentiates between the marks aurally. I therefore consider there to be a low degree of aural similarity.

40. In respect of conceptual similarity the applicant asserts at paragraph 5 of its Defence and Counterstatement:

“NO BLOOMING SUGAR refers to food and drink products which do not contain sugar, whereas BLOOM is a noun which describes the blossoming process of

a flower. BLOOMING is an adjective usually used to express a form of annoyance or anger. The word BLOOM has no such connotation.”

41. Other than the submission that “the wrap around elements ‘NO... SUGAR’ are commonplace terms for describing ‘better-for-you’ food and drink”, I have no submissions from the opponent on the conceptual similarity of the marks.

42. The use of the five-letter word “BLOOM” in the applicant’s mark, combined with the letters “ING” creates a conceptual difference from its use in the opponent’s mark. In the applicant’s mark the word “BLOOMING” is used as an exclamatory word, conveying the impression of surprise or annoyance (in this case at the lack of sugar). I agree with the applicant that in the opponent’s mark “BLOOM” conveys the impression of a blossoming flower. I, therefore, find that there is no conceptual similarities between the marks.

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

43. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-2779, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested

by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

44. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

45. As the opponent has not filed any evidence to show that its mark has enhanced its distinctiveness through use, I have only the inherent position to consider. Neither the opponent, nor the applicant have made any submissions about the distinctiveness of the earlier mark.

46. I must make an assessment of the inherent distinctiveness of the earlier mark as a whole. Both words are common dictionary words with a recognisable meaning. The word “BLOOM” has no connection to the goods and services in issue. The word “TEA” describes some of the goods and services in issue (although not all). I find that the earlier mark has a medium degree of inherent distinctiveness.

### **Likelihood of confusion**

47. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive



character of the opponent's trade mark, the average consumer for the goods and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

48. I have found the parties' marks to be visually and aurally similar to a low degree. I have found that there is no conceptual similarity between the marks. I have found the earlier mark to have a medium degree of inherent distinctive character. I have identified the average consumer to be a member of the general public, who will select the goods and services primarily by visual means (although I do not discount an aural component), and I have concluded that the degree of attention paid will be average. I have found the parties' goods and services to be identical or highly similar.

49. I consider that the visual, aural and conceptual differences between the marks are sufficient to ensure that the marks will not be misremembered or mistakenly recalled as each other, and that there is nothing about them which is sufficiently similar to cause the average consumer to assume that they come from economically linked undertakings. I am satisfied, therefore, that there is no likelihood of confusion.

50. I note that the opponent has listed a trade mark in its 'continuation sheets' which is not recorded in the TM7 as being relied upon for the basis of this opposition. The UK Trade Mark referred to is BLOOM (registration no. 2604772). The mark has an application date of 16 December 2011 and registration date of 4 May 2012. The mark is registered for tea, coffee and cocoa in class 30. For the avoidance of doubt, my conclusion would not have differed had this mark been relied upon in this opposition.

## **CONCLUSION**

51. The opposition has been unsuccessful and the application will proceed to registration.

## **COSTS**

52. The applicant has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the applicant the sum of £200 as a contribution towards the costs of the proceedings. The sum is calculated as follows:

Preparing a statement and considering the other side's statement     £200

**Total**     **£200**

53. I therefore order Bloom Teas Ltd to pay Melinda Norris the sum of £200. This sum should be paid within 14 days of the expiry of the appeal period or, if there is an appeal, within 14 days of the conclusion of the appeal proceedings.

**Dated this 3<sup>rd</sup> of September 2018**

*Stephanie Wilson*

**S WILSON**

**For the Registrar**