

O/651/18

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. UK00003244813 BY
ABBVIE BIOTECHNOLOGY LTD
TO REGISTER:**

SKYRIZI

AS A TRADE MARK IN CLASS 5

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 410613 BY
NOVARTIS AG**

BACKGROUND AND PLEADINGS

1. On 19 July 2017, AbbVie Biotechnology Ltd (“the applicant”) applied to register the trade mark shown on the cover page of this decision in the UK. The application has a priority date of 1 February 2017 and was published for opposition purposes on 28 July 2017.

2. The application was opposed by Novartis AG (“the opponent”). The opposition is based on section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is based on the earlier International Trade Mark No. 1265154 for the trade mark IZIRIZE, designating the EU, which has a priority date of 30 July 2015 and was granted European Union protection on 19 July 2016.

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

Class 5 Pharmaceutical preparations

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

5. The applicant filed a counterstatement denying the claims made.

6. On 11 June 2018, the applicant sought to amend its specification as follows (new wording identified in bold):

Class 5 Pharmaceutical preparations and substances for the treatment of viral, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; **all of the aforementioned provided by prescription.**

7. On 15 June 2018, the tribunal wrote to the opponent to seek confirmation as to whether this amendment would allow the opposition to be withdrawn. On 6 July 2018, the opponent confirmed that it wished to proceed with the opposition notwithstanding the amendment made to the applicant's specification.

8. The opponent filed written submissions dated 27 February 2018 and evidence in the form of the witness statement of Antionette Lachat dated 27 February 2018. The applicant filed written submissions which are undated but were received by this office on 26 April 2018. A print out of a webpage was exhibited to the applicant's undated written submissions. The applicant was informed by letter dated 25 July 2018, that if it wanted to rely on this document as evidence of fact it should be accompanied by a witness statement. By email dated 26 July 2018, the applicant confirmed that it was happy for the opposition to proceed without this evidence being considered.

9. The opponent is represented in these proceedings by Abel & Imray and the applicant is represented by Taylor Wessing LLP. No hearing has been requested but both parties filed written submissions in lieu. This decision is taken following a careful perusal of the papers.

EVIDENCE

Opponent's Evidence

10. The opponent's evidence consists of the witness statement of Antionette Lachat dated 27 February 2018, with four exhibits, accompanied by written submissions. I do not propose to reproduce those written submissions here but will refer to them (and to the opponent's submissions in lieu of a hearing) as appropriate below.

11. Ms Lachat has been a Senior Trade Mark Specialist at the opponent since 2007. I do not propose to reproduce the content of her statement here but, again, will refer to it below as appropriate.

12. Exhibit AL1 to Ms Lachat's statement is a print-out from a site called 'Corsearch' dated 21 February 2018. This lists the various marks resulting from a search for pharmaceutical marks containing -RIZ or -RIS.

13. Exhibit AL2 to Ms Lachat's statement is a print-out of a webpage from 'Wikipedia' which confirms that "Rize" is a brand name used for the drug Clotiazepam.

14. Exhibit AL3 to Ms Lachat's statement consists of print-outs of two sites – www.mims.co.uk and www.chemistanddruggist.co.uk – which both confirm that "Rize" is not sold in the UK.

15. Exhibit AL4 to Ms Lachat's statement is a list of the marks containing "Rize" which are currently in use in the pharmaceutical industry. This lists five "RIZE" marks which appear to be in use in Chile, Japan, Republic of Korea and Pakistan.

Applicant's Evidence

16. As noted above, the applicant did not file any witness statements but seeks to rely upon two sets of written submissions, both of which are undated. I do not propose to summarise these submissions here, but will refer to them below as appropriate.

PRELIMINARY ISSUES

17. The applicant makes various references in its submissions to the fact that its products will be "injectable". In *O2 Holdings Limited, O2 (UK) Limited v Hutchinson 3G UK Limited* (Case C-533/06), the Court of Justice of the European Union ("CJEU") stated at paragraph 66 of its judgment that when assessing likelihood of confusion in the context of registering a new trade mark, it is necessary to consider all the circumstances in which the mark applied for might be used if it were registered. As a result, my assessment must take account only the applied-for mark (and its specification) and any potential conflict with the earlier trade mark. The argument that there may be some difference between the parties' respective goods because the

applicant's products are all "injectable", does not therefore assist the applicant in these proceedings.

DECISION

18. 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."

19. 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."

20. The trade mark upon which the opponent relies qualifies as an earlier trade mark under the above provisions. However, as the earlier 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 it has identified.

Section 5(2)(b) – case law

21. 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

22. The competing goods are as follows:

Opponent's goods	Applicant's goods
<u>Class 5</u> Pharmaceutical preparations	<u>Class 5</u> Pharmaceutical preparations and substances for the treatment of viral, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; all of the aforementioned provided by prescription.

23. 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 fur 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.”

24. All of the goods listed in the applicant's specification fall within the broader category of "Pharmaceutical preparations" 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

25. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods. I must then determine the manner in which these goods 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."

26. In respect of the average consumer and the purchasing process, the opponent made some submissions prior to the applicant's amendment to its specification. It went on to state in its submissions dated 5 September 2018:

"We note that the Applicant has limited the Class 5 goods to pharmaceutical products which are provided by prescription-only. Nonetheless, even where there is mediation from a healthcare professional and the products are selected by the healthcare professional (i.e. doctors, pharmacists), the products are visible to and ultimately purchased by the end consumer. Contrary to the Applicant's claims in paragraphs 3 and 13 of its observations in reply, in respect of prescription-only products, the relevant public includes not only medical professionals but also the end consumer and this must be taken into account in the global assessment of the likelihood of confusion."

27. It also stated:

“...we note that the Applicant’s goods comprise products for the treatment of neurological and psychiatric diseases and disorders, the sufferers of which might not have high levels of attention.”

28. In its observations in reply, the applicant stated:

“... As the Applicant’s products will be injectable prescription pharmaceutical products rather than over-the-counter, the relevant public will pay a greater degree of attention than if the products were only sold over-the-counter. This is because they are the types of products that would be prescribed by medical professionals paying a high degree of attention, and who are able to distinguish between the marks without any possibility of confusion or association.”

29. In its submissions in lieu of a hearing, the applicant stated:

“The Applicant’s product is not an over-the-counter pharmaceutical product, as claimed by the Opponent, but will be a prescription-only offering. These products will be prescribed by medical professionals. This means that the relevant public’s level of attention is therefore higher than for those over-the-counter products since the consumers will be doctors, medical practitioners, health agencies, and other professionals able to prescribe pharmaceuticals in the UK. This public will be able to distinguish between the marks SKYRIZI and IZIRIZE without any possibility of confusion or undue association.”

30. Both parties’ goods are pharmaceutical products (with the applicant’s goods being limited to those provided by prescription only). The average consumer in these proceedings will, therefore, be a medical practitioner or a member of the general public who is the end consumer¹. The frequency of purchases of these products will vary depending on the specific type of product in question. For example, a product for a

¹ See *Mundipharma AG v OHIM*, Case T-256/04 and *The Procter & Gamble Company v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) Case T-240/08*.

temporary condition may be purchased very infrequently whereas a product for an ongoing condition may be purchased on a more frequent basis. Both medical practitioners and members of the general public are likely to pay a reasonable degree of attention when purchasing goods of this nature due to their professional obligations (in the case of medical practitioners) and the fact that they are products that will have an impact on the end user's wellbeing and health. In *The Procter & Gamble Company v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) Case T-240/08*, this was explained in the following terms:

“First, medical professionals display a high degree of attention when prescribing medicinal products. Second, with regard to end-consumers, it can be assumed, where pharmaceutical products are sold without prescription, that the consumers interested in those products are reasonably well informed, observant and circumspect, since those products affect their state of health, and that they are less likely to confuse different versions of such products. Furthermore, even supposing a medical prescription to be mandatory, consumers are likely to display a high degree of attention when the products in question are prescribed, having regard to the fact that they are pharmaceutical products (see judgment of 21 October 2008 in Case T-95/07 *Aventis Pharma v OHIM – Nycomed (PRAZOL)*, not published in the ECR, paragraph 29 and the case-law cited).”

31. I consider that the average consumer will pay at least a medium degree of attention during the selection process for the goods at issue.

32. The average consumer is likely to purchase the goods from specialist suppliers either in a retail premises or from their website or catalogue 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 specialist pharmaceutical representatives or orders may be placed by telephone.

Comparison of trade marks

33. 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.”

34. 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.

35. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
IZIRIZE	SKYRIZI

36. I have lengthy submissions from both the applicant and the opponent on the similarity of the marks, which I do not propose to reproduce in full. However, I have taken all of their arguments into consideration in reaching my decision and have referred to their submissions below where appropriate.

37. The applicant's mark consists of the seven-letter made-up word "SKYRIZI" presented in capital letters. There are no other elements to contribute to the overall impression, which is contained in the word itself. The opponent's mark consists of the seven-letter made-up word "IZIRIZE" presented in capital letters. Again, there are no other elements to contribute to the overall impression, which is contained in the word itself.

38. Visually, the fourth, fifth and sixth letters of each mark are identical (RIZ). The opponent has argued that the use of these three letters (particularly with a vowel sound either side) is unusual in the pharmaceutical industry. Exhibit AL1 to Ms Lachat's statement is produced as evidence of this, as the result of the opponent's search shows that only one mark containing these three letters in this combination is in use. However, the fact that this is unusual does not, by itself, increase the visual similarity between the marks. In my view, there is some further visual similarity created by the last three letters of the applicant's mark (IZI) appearing as the first three letters of the opponent's mark. However, the first three letters of the applicant's mark consist of the recognisable dictionary word "SKY". By contrast, the start of the opponent's mark "IZI" is not a recognisable dictionary word. As a general rule, the beginnings of marks tend to make more impact than the ends².

39. The opponent has argued that there is a departure from this general rule in the case of pharmaceutical products and has cited three decisions of the European Union Intellectual Property Office which it states demonstrates this. Those decisions are not binding on me and, in any event, as they deal with very different marks (with the earlier and applied for marks all sharing 5 out of 7 letters in common) I do not consider that they assist the opponent. I consider there to be an average degree of visual similarity between the marks.

40. Aurally, the applicant's mark is likely to be pronounced SKY-RISE-EE or SKY-RISE-I or SKY-RIZ-EE or SKY-RIZ-I. In any event, the first three letters "SKY" will be pronounced the same. The opponent accepts that any aural similarity between the marks is low. In my view, the opponent's mark is likely to be pronounced IS-EE-RISE

² *El Corte Ingles, SA v OHIM*, Cases T-183/02 and T-184/02

or IS-I-RISE. I consider that the marks are likely to be pronounced in this way because of the similarity between the last four letters of the opponent's mark and the common dictionary word "RISE". If the applicant's mark is pronounced SKY-RISE-EE or SKY-RISE-I, there will be a low degree of aural similarity between the marks. If the applicant's mark is pronounced SKY-RIZ-EE or SKY-RIZ-I, there will be no aural similarity between the marks.

41. Conceptually, both marks are invented words with no particular meaning. The applicant's mark does consist of the ordinary dictionary word "SKY" which is likely to be given its usual meaning by the consumer. The consumer is not likely to attribute any particular meaning to the last four letters of the applicant's mark "RIZI". The opponent's mark does not consist of any recognisable dictionary words. As noted above, the last four letters of the opponent's mark may appear to be a misspelling of the ordinary dictionary word "RISE", in which case that word will be given its usual meaning by the consumer. If consumers do not recognise this as a misspelling of the ordinary dictionary word "RISE" then it will be given no particular meaning. As there is no conceptual similarity between the words "SKY" and "RISE" I do not consider that the former position assists the applicant in any event.

42. The applicant submits that the opponent's mark is likely to be seen as a verb, whereas its own mark would not. I do not consider that this analysis has any merit and, in any event, it does not assist the applicant's case. The parties have also identified that the last four letters of the opponent's mark (RIZE) is also a brand name for a particular type of drug. The opponent has argued that this is not on the market in the United Kingdom and that it is unlikely that this meaning will be attributed to the mark by the consumer. Exhibits AL2, AL3 and AL4 to Ms Lachat's statement are produced by the opponent as evidence of this. I agree with the opponent in this regard and consider that it is far more likely that the average consumer will either attribute no meaning to the letters "RIZE" or will consider it to be a misspelling of the common dictionary word RISE. Overall, I consider there to be no conceptual similarity 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. I have no submissions from either party on the distinctiveness of the earlier mark.

46. I must make an assessment of the inherent distinctiveness of the earlier mark as a whole. The mark is an invented word. The only part of the mark which may be attributed any meaning by the consumer is the last four letters "RIZE" which may be viewed as a misspelling of the ordinary dictionary word "RISE". As explained at paragraph 42 above, I do not consider that the letters "RIZE" will be viewed as a brand name for a particular type of drug by the average consumer. In my view, there is no allusive or descriptive element to the mark. Consequently, I consider that the earlier mark has a high degree of inherent distinctive character.

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 there to be an average degree of visual similarity between the marks. I have found that there is no conceptual similarity between the marks. I have found there to be either no or only a low degree of aural similarity between the marks. I will proceed on the basis that there is a low degree of aural similarity between the marks as this presents the opponent's best case. I have found the earlier mark to have a high degree of inherent distinctive character. I have identified the average consumer to be either a medical practitioner or a member of the general public who has been

prescribed the goods in issue. I consider that they will select the goods primarily by visual means (although I do not discount an aural component). I have concluded that the average consumer will pay at least a medium degree of attention when purchasing the goods. I have found the parties' goods to be identical. When recalling the applicant's mark, the 'hook' in the mind of the consumer is likely to be the word "SKY" as this is the only part of the applicant's mark that the consumer will recognise as an ordinary dictionary word and be able to attribute any meaning to. As this element does not appear in the opponent's mark, I do not consider that they will be misremembered as each other. I am satisfied that the visual, aural and conceptual differences between the marks will prevent a likelihood of direct confusion.

49. I will now consider whether there is a likelihood of indirect confusion. Indirect confusion was described in the following terms by Iain Purvis Q.C., sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10:

"16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: "The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark."

50. As noted above, there is an average degree of visual similarity between the marks. There is no conceptual similarity between the marks and I am proceeding on the basis that there is a low degree of aural similarity between the marks. Bearing in mind my conclusions summarised at paragraph 48 above, there is no reason, in my view, why the average consumer would assume that the marks come from the same or

economically linked undertakings. I am, therefore, satisfied that there is no likelihood of indirect confusion.

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 Note 2/2016. In the circumstances, I award the applicant the sum of £1000 as a contribution towards the costs of the proceedings. The sum is calculated as follows:

Providing a statement and considering the other side's statement	£200
Preparing submissions and considering the opponent's evidence and submissions	£500
Preparing written submissions in lieu of a hearing	£300
Total	£1000

53. I therefore order Novartis AG to pay AbbVie Biotechnology Ltd the sum of £1000. 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 15th day of October 2018

S WILSON
For the Registrar