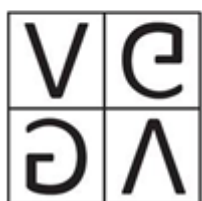


O-366-19

**TRADE MARKS ACT 1994
IN THE MATTER OF
TRADE MARK APPLICATION NO 3079118
BY VEGA FINANCE LTD
TO REGISTER**



(SERIES OF 2)

**AS A TRADE MARK
IN CLASSES 35 AND 36
AND OPPOSITION THERETO (UNDER NO. 404074)
BY
NATIXIS WEALTH MANAGEMENT**

Background and Pleadings

1. Vega Finance Ltd ('the applicant') applied to register the marks outlined on the title page as a series of two marks on 28 October 2014. The marks were published on 2 January 2015 in classes 35 and 36. The services are set out later in this decision.

2. Natixis Wealth Management ('the opponent') opposes the applied-for mark based on section 5(2)(b) of the Trade Marks Act 1994 ('the Act'). Initially the opponent relied on EU TM no. 11865979 as its earlier right. This mark was partially cancelled following invalidity action taken by the applicant at the EUIPO. The UKIPO proceedings were stayed during this process. Following the outcome of the proceedings at the EUIPO, the opponent converted their EU TM into a UK TM, namely no. 3276944, the details of which are set out below. The services relied on are set out later in this decision.

UK TM No. 3276944
VEGA INVESTMENT MANAGERS
Filing date: 3 June 2013 Registration date: 30 March 2018

3. The applicant filed a defence in which it set out a case based on the date it first used its mark in the UK and its Greek national trade marks.

4. The opponent's UK trade mark is an earlier mark, in accordance with section 6 of the Act, but had not been registered for five years or more at the publication date of the applicant's mark, so it is not subject to the proof of use requirements, as per section 6A of the Act.

5. Neither side filed evidence. Both parties filed written submissions in lieu of a hearing. I make this decision based on the papers before me.

6. In these proceedings the applicant represents itself and the opponent is represented by Walker Morris LLP.

Preliminary issues

7. The applicant raises several issues in its counterstatement and written submissions which are appropriate to address before proceeding further in this decision.

8. Firstly the opponent submits that the prior use of its mark(s) should be taken into account in these proceedings. I am guided in this regard by Ms Anna Carboni, sitting as the appointed person, in *Ion Associates Ltd v Philip Stainton and Another*, BL O-211-09, where she rejected this type of defence as being wrong in law. As pointed out in Tribunal Practice Notice (TPN) 4-2009, which was attached to the Tribunal letter of 15 June 2015, if the owner of a mark under attack has an earlier mark or right which could be used to oppose or invalidate the trade mark relied upon by the attacker, and the applicant/registered proprietor wishes to invoke that earlier right, the proper course is to oppose or to apply to invalidate the attacker's mark. I note that the applicant in this case has made an application for invalidation under cancellation no. 502524. As such the issue of prior use will be dealt with in those proceedings. The applicant has also requested that these proceedings are suspended until the outcome of the cancellation case is known. For reasons which will become apparent in the course of this decision, I decline to agree to the applicant's request.

9. Secondly the applicant asserts in its written submissions dated 28 March 2019 that the opponent,

“... has not denied such use from our side nor have they submitted in reply any proof of their own use, as they have none”.

10. I would point out that there is no onus on the opponent to provide any evidence as the earlier mark is not subject to proof of use in these proceedings as it had not been registered for 5 years at the publication date of the applicant's mark.

11. Thirdly the applicant asserts that the outcome of its cancellation action taken in the EUIPO against the opponent's EU TM should be taken into account in these proceedings.

12. I would point out that the outcome of the EUIPO proceedings is not relevant in the matter before me. The trade marks relied on by the applicant in the EUIPO proceedings are different from the marks at issue here and I must base my decision on the marks before me in this case.

Decision

13. Section 5(2)(b) of the Act is as follows:

“5(2) A trade mark shall not be registered if because-

(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.

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

The principles

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

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

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

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

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

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

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

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

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

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

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

14. The case law relating to the comparison of goods and services is set out below. In *Canon*, the CJEU 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”.

15. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

(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.

16. In *Gérard Meric v Office for Harmonization in the Internal Market (Trade Marks and Designs)* (OHIM Case T-133/05) ('Meriç'), the General Court ('GC') held:

“29 In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by the trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM – Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or when the goods designated by the trade mark application are included in a more general category designated by the earlier mark (Case T-104/01 *Oberhauser v OHIM – Petit Liberto (Fifties)* [2002] ECR II-4359, paragraphs 32 and 33; Case T-110/01 *Vedial v OHIM – France Distribution (HUBERT)* [2002] ECR II-5275, paragraphs 43 and 44; and Case T-10/03 *Koubi v OHIM – Flabesa (CONFORFLEX)* [2004] ECR II-719, paragraphs 41 and 42).”

17. The services to be compared are:

Opponent's services relied on	Applicant's services
<p><i>Class 35: Efficiency experts and business information; business research; business management; business administration; economic forecasting; market research projects (business management assistance); computerized file management; monitoring and processing of computer-processed data, of signals, images and information; construction of databases, namely compilation and systemisation of information in to computer databases; advertisement services; promotion and publicity; publication of publicity texts;</i></p>	<p><i>Class 35: Business consulting; business management; business administration; office functions; business consulting via the Internet; all of the aforesaid services in relation to financial issues.</i></p> <p><i>Class 36: Financial consulting for business; corporate finance; financial services; financial services provided via the Internet.</i></p>

administrative consultancy relating to organisation in the field of financial goods; all the aforesaid services being rendered in the context of banking, financial, monetary and insurance sectors.

Class 36: banking, financial affairs, monetary affairs, investment; financial analysis; financial evaluation; financial consultancy; financial information; financial and banking management; research services relating to finance; arranging the provision of finance; investment and mutual capital; mutual funds; investment trusts; pension funds; valuations (fiscal-); financial management; management of portfolios and financial investments; unit trust; stocks and bonds brokerage; consultancy relating to the stock exchange; stock exchange quotations; fiscal and financial valuations and assessments; payment of funds; banking; electronic transfer of funds; research and canvassing of financial markets with a view to the investment and managements of transferable securities; online banking; financial loan services; banking; professional consultancy in the banking, financial and monetary sectors; management of pooled real estate investment; management of real estate companies; management of collective savings for others; management of mutual funds for companies with save-as-you-earn schemes; undertakings for collective investment in transferable securities.

18. Taking the class 35 services first, I find *business management; business administration; all of the aforesaid services in relation to financial issues* in the

applicant's specification are clearly identical to *business management; business administration; all the aforesaid services being rendered in the context of banking, financial, monetary and insurance sectors* in the opponent's specification.

19. With regard to *Business consulting; business consulting via the Internet; all of the aforesaid services in relation to financial issues*, I find these services to be identical to the opponent's services *business management; all the aforesaid services being rendered in the context of banking, financial, monetary and insurance sectors* on the *Meric* principle as both terms encompass advisory services relating to the management of business.

20. Finally in relation to the broad term *office functions; all of the aforesaid services in relation to financial issues*, I find this to be identical to *computerized file management; monitoring and processing of computer-processed data, of signals, images and information; construction of databases, namely compilation and systemisation of information in to computer databases* in the opponent's specification on the *Meric* principle as the applicant's broader term will encompass all means of providing administrative assistance for the functioning of commercial activity for business in the financial field.

21. Turning now to class 36, I find that *Financial consulting for business; corporate finance; financial services; financial services provided via the Internet* in the applicant's specification will be encompassed by the opponent's terms *financial affairs; financial consultancy* and are considered identical on the basis of the *Meric* principle set out above.

Average consumer and the purchasing process

22. I now consider who is the average consumer for the services and identify how those services are purchased. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of services in question: *Lloyd Schuhfabrik Meyer, Case C-342/97*.

23. 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.”

24. The average consumers for the contested services are likely to be businesses and in relation to financial services also members of the general public. Given the specialist nature of the services regarding business and financial matters, these could not be regarded as casual purchases. Consumers investing monies in the stock market or other investment schemes are likely to be informed and educated about factors such as interest rates, yield, risks etc. As such I would categorise the level of attention paid as reasonably high. As for the purchasing process for such services, I would consider this to be primarily a visual act as consumers are likely to seek information from printed matter or material from the internet to find suitable business consultancies or financial products for investments, stocks and bonds etc. There may also be an aural element whereby advice may be sought from business advisors or financial brokers during the purchasing process.


Comparison of the marks

25. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

“.....it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

26. It would be wrong, therefore, to dissect the trade marks artificially, 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.

27. The marks to be compared are:

Opponent's mark	Applicant's marks (series of two)
<p>VEGA INVESTMENT MANAGERS</p>	

28. The opponent's mark consists of a word mark, **VEGA INVESTMENT MANAGERS**, in plain block capitals. It has no other aspect to it such as embellishment or device. I find the word **VEGA** to be the dominant and distinctive element in the mark due to its positioning at the beginning of the mark and because it has no meaning in relation to the services. The words **INVESTMENT MANAGERS** are wholly descriptive of the services provided in class 36 and at least non-distinctive for business services provided in the finance sector in class 35.

29. The applied-for marks are a series of two marks, being a composite arrangement of a square made up of four smaller squares resembling a grid with each smaller square containing what appears to be a letter or a symbol. The top two squares contain a letter **v** and what may be seen as a stylised letter **e** in each, placed above two other squares containing what appear to be reverse images. The bottom left square contains a figure which could be seen as a reversed letter **g** or **e** and the bottom right square contains an inverted letter **v**. The whole appears as if the bottom two squares have been diagonally reversed from the top two squares. The first mark in the series also contains the word **Finance** in a non-standard font using the same letter **e** as in the top right square and an inverted **v** standing in for the letter **A** in the word. Regarding the first mark in the series, I find that the word **Finance** is descriptive of services in class 36 and at least non-distinctive for business services provided to the finance sector in class 35. It is therefore the weakest element of the first mark. The dominant and distinctive element of both marks in the series lies in the presentational arrangements of the squares and letters therein.

30. In a visual comparison, the opponent contends in its written submissions that,

“visually, the application is predominantly made up of the word VEGA, which is the dominant element of the opponent's earlier mark. The stylisation does not add significantly to the distinctive character of the application and serves instead to emphasis the pronunciation of the word VEGA”.

I disagree with the opponent's submission that the stylised arrangement in the applied-for marks predominantly make up the word VEGA. Whilst the letters **v** and possibly **e** may be readable letters in the top two squares, it is less clear what the letters in the bottom two squares are, especially as the figurative element in the bottom right square resembles an inverted letter **v**. The non-linear presentation of the applicant's marks in the square device does not make them look like a word. Taking these factors into account and the differences in the words **Finance** and **Investment Managers**, albeit I have already found these word elements to be descriptive, then I find there is a visual similarity only to a low degree.

31. In aural terms, I have already rejected the proposition that consumers are unlikely to perceive, and therefore pronounce, the applicant's marks as the word VEGA. If the device element is articulated at all, consumers are more likely to pronounce only those elements which are apparent as recognisable letters, namely **v** and **e**, either separately or as one sound, **vee**. The additional words **Finance** and **Investment Managers** will obviously be pronounced differently. Where the device is not articulated in any way, there is no aural similarity. Where the device is articulated either as "v-e" or "vee", I find the aural similarity is low.

32. Turning to the conceptual similarity, the opponent submits that VEGA has 'no obvious meaning' although a proportion of the public may recognise it as the name of a star in the constellation Lyra. I would say that it is likely to be only a small proportion of the public with an interest in astronomy who would know VEGA as the name of a star and agree that the majority are likely to see the mark as having no meaning. The applicant contends in its counterstatement that VEGA is a financial term used in the options market to measure sensitivity to volatility and supports its claim with references from online encyclopaedias. This would appear to be a very specialised term used by experts in the field of financial forecasting and unlikely to be known by the wider general public. However some average consumers may attribute such a meaning to the word. For those consumers who see the marks having no meaning I consider the marks to be conceptually neutral. For those consumers who see the marks are either the name of a star or as a forecasting term, then I find the marks are conceptually dissimilar.

Distinctive character of the earlier mark

33. The distinctive character of the earlier mark must be considered. The more distinctive it is, either inherently or through use, the greater the likelihood of confusion (*Sabel BV v Puma AG*). In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

34. There is no evidence before me on this matter, so I have only the inherent distinctiveness of the earlier mark to consider. I have already found that the word **VEGA** is the most distinctive element of the mark as the words **INVESTMENT MANAGERS** are descriptive and/or non-distinctive for the services provided in classes 35 and 36. **VEGA** is not descriptive of the services and is likely to be seen by most consumers as having no meaning and as such I would characterise it as distinctive to a high degree. For those consumers who see **VEGA** as having some meaning in relation to finance then the earlier mark’s distinctiveness is lower.

Likelihood of confusion

35. I now draw together my earlier findings into the global assessment of the likelihood of confusion, keeping in mind the following factors and those outlined in paragraph 13:

- a) The interdependency principle, whereby a lesser degree of similarity between the goods may be offset by a greater similarity between the marks, and vice versa (*Canon*).
- b) The principle that the more distinctive the earlier mark is, the greater the likelihood of confusion (*Sabel BV v Puma AG*).

- c) Imperfect recollection i.e. that consumers rarely have the opportunity to compare marks side by side but must rather rely on the imperfect picture that they have kept in their mind (*Lloyd Schuhfabrik Meyer*).

36. In *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

“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.”

37. In *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, where Mr James Mellor Q.C., sitting as the Appointed Person, stressed that

“...a finding of indirect confusion should not be made merely because the two marks share a common element. When Mr Purvis was explaining in more formal terms the sort of mental process involved...he made it clear that the mental process did not depend on the common element alone: ‘taking account of the common element in the context of the later mark as a whole’” (emphasis added).

38. Confusion can be direct (when the average consumer mistakes one mark for the other) or indirect (where the average consumer realises the marks are not the same but puts the similarity that exists between the marks/services down to the responsible undertakings being the same or related).

39. The comments of Kitchin L.J. in *Comic Enterprises Ltd v Twentieth Century Fox Film Corporation*¹, are appropriate in this matter as he considered the relationship between the average consumer and the likelihood of confusion. He concluded that:

“if, having regard to the perceptions and expectations of the average

¹ See *Soulcycle Inc v Matalan Ltd*, [2017] EWHC 496 (Ch), Mann J

consumer, the court concludes that a significant proportion of the relevant public is likely to be confused such as to warrant the intervention of the court then it may properly find infringement.”

40. Although this was in the context of infringement, the same approach is appropriate under section 5(2) of the Act. It is not therefore necessary to find that the majority of average consumers will be confused. However, if the most that can be said is that occasional confusion amongst a few average consumers cannot be ruled out, then this is not sufficient. Rather the question is whether there is a likelihood of confusion amongst a significant proportion of the relevant public being the average consumers of these services.

41. So far in this decision I have found that the services are identical, that the average consumers are businesses and the general public who will be paying a reasonably high degree of attention during the purchasing process which will be predominantly visual, but I did not rule out an aural element. I also found that the earlier mark was distinctive to a high degree but that the marks were visually and aurally similar only to a low degree. In addition I found that there was conceptual neutrality for those consumers who do not see a meaning in the marks and conceptual dissimilarity for those who saw the meanings as set out by the parties.

42. Having weighed these factors, I find that the degree of visual difference between the marks is sufficient to rule out the likelihood of direct confusion even allowing for the notion of imperfect recollection, where the average consumer does not have the chance to make a direct comparison of the marks, but instead relies on the imperfect picture of them that they have kept in their mind. I do not believe that a significant proportion of the public will see the word VEGA, given the complex stylisation, in the applicant’s marks. Whilst I accept that there may be some consumers who do perceive the mark in that way, my view is that those consumers who do identify VEGA in the later marks are likely to represent a very small proportion of consumers and insufficient numbers to warrant intervention. Occasional confusion by a small minority is not sufficient to find a likelihood of confusion. As I do not consider that a significant proportion of consumers will perceive the later marks as containing the word VEGA, I can see no reason why use of the later marks would result in indirect confusion.

43. The opposition therefore fails.

Conclusion

44. The opposition fails under section 5(2)(b). The application can proceed to registration.

Costs

45. The applicant has been successful and is therefore, in principle, entitled to a contribution towards its costs. As the applicant is unrepresented, at the conclusion of the evidence rounds the tribunal invited it to indicate whether it wished to make a request for an award of costs, and if so, to complete a pro-forma including a breakdown of their actual costs, including providing accurate estimates of the number of hours spent on a range of given activities relating to the defence of the opposition. The tribunal letter also set out that the Litigants in Person (Costs and Expenses) Act 1975 (as amended) sets the minimum level of compensation for litigants in person in court proceedings at £19 per hour.

46. The applicant returned its costs pro-forma to the tribunal on 14 March 2019. In it, the applicant states that it spent 30½ hours in activities relating to the defence of its trade mark. This breaks down into two sections, namely 6½ hours spent considering the Notice of Opposition and 24 hours for “collecting and preparing evidence, writing comments, submissions, proof”. In addition, it calculated its hourly rate at £100, which is far in excess of the amount currently allowed by the Litigants in Person (Costs and Expenses) Act 1975.

47. Clearly, I cannot award costs based on an hourly rate far in excess of that set out in law. Furthermore, in the consideration of the material before me in this case I did not find much information in the applicant’s submissions that was of assistance as both documents were mostly focussed on the use of the applicant’s earlier marks and the previous cancellation decision taken at the EUIPO. Taking this into account, I decline to award costs for these submissions. Therefore, I award the applicant £123.50 for the 6½ hours (at £19 per hour) spent on consideration of the Notice of Opposition and filing its defence.

48. I order Natixis Wealth Management to pay Vega Finance Ltd the sum of £123.50. This sum is to be paid within 14 days of the expiry of the appeal period or within 14 days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated 1 July 2019

**June Ralph
For the Registrar,
The Comptroller General**