

O-559-21

**TRADE MARKS ACT 1994
IN THE MATTER OF
TRADE MARK REGISTRATION NO.3007844
IN THE NAME OF PETRA M. WETZEL
FOR THE TRADE MARK**

NIX

**AND THE APPLICATION FOR CANCELLATION THEREOF
UNDER NO. 503071
BY
NIX&KIX LTD**

Background and pleadings

1. Petra M. Wetzel is the registered proprietor (“RP”) of registration no. 3007844 for the mark **NIX** (“the contested mark”). The application for the mark was filed on 29 May 2013 and the registration procedure completed on 20 September 2013. The mark is registered in Class 32 for *non-alcoholic beer and non-alcoholic lager*.

2. On 17 March 2020 Nix&Kix Ltd (“the cancellation applicant”) applied to have the contested mark declared invalid under section 47 of the Trade Marks Act 1994 (“the Act”). The ground is based on section 5(2)(b) of the Act and is directed at all the goods in the contested mark’s specification. The cancellation applicant relies on its earlier EU TM No.11142346¹ set out below.



Filing date: 27 August 2012

Registration date: 27 March 2013

Class 32: Beers; Mineral and aerated waters and other non-alcoholic beverages; Fruit beverages and fruit juices; Syrups and other preparations for making beverages

3. Given its filing date, the cancellation applicant’s trade mark is an earlier mark, in accordance with section 6 of the Act. The earlier mark is subject to the proof of use provisions contained in sections 47(2A)-(2E) of the Act because at the date it applied to invalidate the contested mark, it had been registered for five years or more. The relevant period under these provisions is 17 March 2015 to 16 March 2020. In its application for invalidation, the cancellation applicant states that it has used its trade mark in relation to all the goods relied on.

¹ Although the UK has left the EU and the transition period has now expired, EUTMs, and International Marks which have designated the EU for protection, are still relevant in these proceedings given the impact of the transitional provisions of the Trade Marks (Amendment etc.) (EU Exit) Regulations 2019. Tribunal Practice Notice 2/2020 refers.

4. The RP filed a counterstatement in which she denied the invalidity claims and put the cancellation applicant to proof of use.

5. Both sides are represented in these proceedings. The RP by Stobbs and the cancellation applicant by Bird & Bird LLP. Both sides filed evidence and written submissions. A hearing was requested and held before me on 11 May 2021. This decision is taken following a reading of the written material and consideration of the oral submissions made at the hearing.

THE EVIDENCE

Cancellation applicant's evidence

Witness statement by Kerstin Robinson with Exhibits KR-1 to KR-6

6. Ms Robinson has been the director of Nix&Kix Ltd since July 2015. Her witness statement is dated 5 October 2020. For the sake of completeness I should add several exhibits have been translated from German. The cancellation applicant has also submitted a witness statement from Ian Teacher, who states he is a German translator, and confirms that he translated the following documents - exhibits KR-4A, KR-6B and KR-6C.

7. Pertinent points to note from Ms Robinson's statement are that the earlier mark had undergone several ownership changes prior to its transfer to the current owner in March 2020. A consequence of this is referred to later in the decision. The first use of the NIXE brand was in March 2013 in relation to beer products then from 2015 in relation specifically to an extra dry beer (described as a low-carb beer) and a radler (shandy) product. Turnover for 2016 is given as €115,375 (200k bottles sold) and €67,253 (100k bottles sold) for 2017 but there is no indication of the products to which these sales relate.

8. Exhibits KR-1 and 2 sets out examination correspondence relating to the earlier mark dated 2013.

9. Exhibit KR-3 is a screenshot from a crowd funder website which the declarant states gives background information on the history of the NIXE beer brand and the previous mark owners.
10. Exhibit KR-4A consist of the 2017 annual report in German and its English translation indicating that the previous mark owners made a net accumulated loss of €655k.
11. Exhibit KR-4B consists of an undated image of cardboard packaging bearing the earlier mark. Exhibit KR-4C consists of a template invoice.
12. Exhibit KR-5A consists of a screenshot from AustrianSupermarket.com demonstrating a six pack of the extra dry beer priced at €12.49. The screenshot itself is undated.
13. Exhibit KR-5B consists of an advertisement for the extra dry beer taken from Vanguardist magazine (vanguardist.com) dated July 2015
14. Exhibit KR-5C consists of Twitter posts dated 2015 from third parties with images and comments in German about the beer products.
15. Exhibit KR-5D consists of Instagram posts from the cancellation applicant's account dated 2015 showing images of its beer products.
16. Exhibit KR-5E consists of a screenshot from Untappd which show posts and ratings on the extra dry beer products from users dated 2017-18.
17. Exhibit KR-5F consists of screenshots from Ratebeer which show posts and reviews, in English and German, on the extra dry beer product from users dated 2017- 18 and on the radler product from 2015.
18. Exhibit KR-6A consists of undated screenshots from Your Tango which list the 15 best low carb beers. The NIXE extra dry beer is listed at no.8 and the illustration and its price source are attributed to the Austrian Supermarket (see Exhibit KR-5A).

19. Exhibit KR-6B consists of a translated article from GanzHamburg dated 22 May 2015 in which the managing director of NIXE Germany was interviewed about launching the two beer products in the German market via a crowd funder campaign.

20. Exhibit KR-6C consists of a translated screenshot from the Start Next crowd funder site dated from February-March 2015. The information contained therein consists of an outline of the project to launch the two beer products in Germany and detail of the funds being sought.

Registered Proprietor's evidence

Witness statement by Petra M. Wetzel dated 5 December with exhibits PW1-PW6

21. Ms Wetzel states that she owns a craft brewery and beer hall in Glasgow and sells goods in that licensed venue and has off licence sales across the UK. Since 2016 the contested mark has been used on non-alcoholic beers. The only turnover figure given is for 2019 at £4300.

20. Exhibit PW2 demonstrates the contested mark applied to the goods and the label configuration. However, these are undated.

21. Exhibit PW3 contains images of advertisements including promotional posters for external display at sites in Edinburgh and Glasgow. These are undated images although these are accompanied in the exhibit by an email dated 21 January 2020 stating that the poster displays were live on 20 January 2020. PW3 also contains screenshots from websites which retail the RP's goods however the screenshots appear to be undated.

22. Exhibit PW4 consists of screenshots of product reviews from the launch of the NIX non-alcoholic beer. The dates are not clear but the declarant states the reviews have appeared since November 2015. There are also screenshots from Untappd which show posts and ratings on the RP's NIX alcohol free beer product from users dated 2019-20.

23. Exhibit PW5 consist of social media posts made between 2016 and 2020 featured the NIX branded products.

24. Exhibit PW6 contains details of the silver award won by the NIX alcohol free beer product in 2020 in the Scottish Beer Awards.

Witness statement by Emma Pettipher dated 4 December with exhibits ELP1-ELP5

25. Emma Pettipher is employed by Stobbs, the RP's legal representatives. Her evidence comes from her own knowledge and research from publicly available data. The exhibits consist of statistics and additional information relating to the beer and craft beer sectors in the global, UK and Austrian markets.

Proof of use

26. Section 5 has application in invalidation proceedings because of the provision of section 47 of the Act. The first issue is whether, or to what extent, the cancellation applicant has shown genuine use of the earlier mark. The relevant statutory provisions are as follows:

“47. (1) [...]

(2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-

(a) that there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or

(b) that there is an earlier right in relation to which the condition set out in section 5(4) is satisfied,

unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.

(2ZA) The registration of a trade mark may be declared invalid on the ground that the trade mark was registered in breach of section 5(6).

(2A) The registration of a trade mark may not be declared invalid on the ground that there is an earlier trade mark unless –

(a) the registration procedure for the earlier trade mark was completed within the period of five years ending with the date of the application for the declaration,

(b) the registration procedure for the earlier trade mark was not completed before that date, or

(c) the use conditions are met.

(2B) The use conditions are met if –

(a) the earlier trade mark has been put to genuine use in the United Kingdom by the proprietor or with their consent in relation to the goods or services for which it is registered-

(i) within the period of 5 years ending with the date of application for the declaration, and

(ii) within the period of 5 years ending with the date of filing of the application for registration of the later trade mark or (where applicable) the date of the priority claimed in respect of that application where, at that date, the five year period within which the earlier trade mark should have been put to genuine use as provided in

section 46(1)(a) has expired, or

(b) it has not been so used, but there are proper reasons for non-use.

(2C) For these purposes –

(a) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and

(b) use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(2D) In relation to a European Union trade mark or international trade mark (EC), any reference in subsection (2B) or (2C) to the United Kingdom shall be construed as a reference to the European Community.

(2DA) In relation to an international trade mark (EC), the reference in subsection (2A)(a) to the completion of the registration procedure is to be construed as a reference to the publication by the European Union Intellectual Property Office of the matters referred to in Article 190(2) of the European Union Trade Mark Regulation.

(2E) Where an earlier trade mark satisfies the use conditions in respect of some only of the goods or services for which it is registered, it shall be treated for the purposes of this section as if it were registered only in respect of those goods or services.

(2F) Subsection (2A) does not apply where the earlier trade mark is a trade mark within section 6(1)(c)

(2G) An application for a declaration of invalidity on the basis of an earlier trade mark must be refused if it would have been refused, for any of the reasons set out in subsection (2H), had the application for the declaration been made on the date of filing of the application for registration of the later trade mark or (where applicable) the date of the priority claimed in respect of that application.

(2H) The reasons referred to in subsection (2G) are-

(a) that on the date in question the earlier trade mark was liable to be declared invalid by virtue of section 3(1)(b), (c) or (d), (and had not yet acquired a distinctive character as mentioned in the words after paragraph (d) in section 3(1));

(b) that the application for a declaration of invalidity is based on section 5(2) and the earlier trade mark had not yet become sufficiently distinctive to support a finding of likelihood of confusion within the meaning of section 5(2);

(c) that the application for a declaration of invalidity is based on section 5(3)(a) and the earlier trade mark had not yet acquired a reputation within the meaning of section 5(3).

(3) [...]

(4) [...]

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

(5A) An application for a declaration of invalidity may be filed on the basis of one or more earlier trade marks or other earlier rights provided they all belong to the same proprietor.

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made: Provided that this shall not affect transactions past and closed.”

27. Section 100 of the Act states that:

“100. If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it.”

28. When considering if genuine use has been shown, I must apply the same factors as if I were determining an application for revocation based on grounds of non-use. In *Walton International Ltd & Anor v Verweij Fashion BV* [2018] EWHC 1608 (Ch) Arnold J summarised the law relating to genuine use as follows:

“114.....The CJEU has considered what amounts to “genuine use” of a trade mark in a series of cases: Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, *La Mer* (cited above), Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bunderversammlung Kameradschaft ‘Feldmarschall Radetsky’* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], [2013] ETMR 16, Case C-609/11 P *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], [2014] ETMR, Case C-141/13 P *Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089] and Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434], [2017] Bus LR 1795.

115. The principles established by these cases may be summarised as follows:

- (1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].
- (2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Leno* at [29]; *Centrotherm* at [71]; *Reber* at [29].
- (3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the

goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Leno* at [29]; *Centrotherm* at [71]. Accordingly, affixing of a trade mark on goods as a label of quality is not genuine use unless it guarantees, additionally and simultaneously, to consumers that those goods come from a single undertaking under the control of which the goods are manufactured and which is responsible for their quality: *Gözze* at [43]-[51].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14] and [22]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71]; *Reber* at [29].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide;

and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Leno* at [29]-[30], [56]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72] and [76]-[77]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].”

29. As the earlier mark is an EUTM, the comments of the CJEU in *Leno Marken BV v Hagelkruis Beheer BV*, Case C-149/11, are relevant. The court noted that:

“36. It should, however, be observed that..... the territorial scope of the use is not a separate condition for genuine use but one of the factors determining genuine use, which must be included in the overall analysis and examined at the same time as other such factors. In that regard, the phrase ‘in the Community’ is intended to define the geographical market serving as the reference point for all consideration of whether a Community trade mark has been put to genuine use.”

And

“50. Whilst there is admittedly some justification for thinking that a Community trade mark should – because it enjoys more extensive territorial protection than a national trade mark – be used in a larger area than the territory of a

single Member State in order for the use to be regarded as ‘genuine use’, it cannot be ruled out that, in certain circumstances, the market for the goods or services for which a Community trade mark has been registered is in fact restricted to the territory of a single Member State. In such a case, use of the Community trade mark on that territory might satisfy the conditions both for genuine use of a Community trade mark and for genuine use of a national trade mark.”

And

“55. Since the assessment of whether the use of the trade mark is genuine is carried out by reference to all the facts and circumstances relevant to establishing whether the commercial exploitation of the mark serves to create or maintain market shares for the goods or services for which it was registered, it is impossible to determine a priori, and in the abstract, what territorial scope should be chosen in order to determine whether the use of the mark is genuine or not. A *de minimis* rule, which would not allow the national court to appraise all the circumstances of the dispute before it, cannot therefore be laid down (see, by analogy, the order in *La Mer Technology*, paragraphs 25 and 27, and the judgment in *Sunrider v OHIM*, paragraphs 72 and 77).”

30. The court held that:

“Article 15(1) of Regulation No 207/2009 of 26 February 2009 on the Community trade mark must be interpreted as meaning that the territorial borders of the Member States should be disregarded in the assessment of whether a trade mark has been put to ‘genuine use in the Community’ within the meaning of that provision.

A Community trade mark is put to ‘genuine use’ within the meaning of Article 15(1) of Regulation No 207/2009 when it is used in accordance with its essential function and for the purpose of maintaining or creating market share within the European Community for the goods or services covered by it. It is

for the referring court to assess whether the conditions are met in the main proceedings, taking account of all the relevant facts and circumstances, including the characteristics of the market concerned, the nature of the goods or services protected by the trade mark and the territorial extent and the scale of the use as well as its frequency and regularity.”

31. In *The London Taxi Corporation Limited v Frazer-Nash Research Limited & Ecotive Limited*, [2016] EWHC 52, Arnold J. reviewed the case law since the *Leno* case and concluded as follows:

“228. Since the decision of the Court of Justice in *Leno* there have been a number of decisions of OHIM Boards of Appeal, the General Court and national courts with respect to the question of the geographical extent of the use required for genuine use in the Community. It does not seem to me that a clear picture has yet emerged as to how the broad principles laid down in *Leno* are to be applied. It is sufficient for present purposes to refer by way of illustration to two cases which I am aware have attracted comment.

229. In Case T-278/13 *Now Wireless Ltd v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* the General Court upheld at [47] the finding of the Board of Appeal that there had been genuine use of the contested mark in relation to the services in issues in London and the Thames Valley. On that basis, the General Court dismissed the applicant's challenge to the Board of Appeal's conclusion that there had been genuine use of the mark in the Community. At first blush, this appears to be a decision to the effect that use in rather less than the whole of one Member State is sufficient to constitute genuine use in the Community. On closer examination, however, it appears that the applicant's argument was not that use within London and the Thames Valley was not sufficient to constitute genuine use in the Community, but rather that the Board of Appeal was wrong to find that the mark had been used in those areas, and that it should have found that the mark had only been used in parts of London: see [42] and [54]-[58]. This stance may have been due to the fact that the applicant was based in Guildford, and thus a finding which still left open the possibility of conversion

of the Community trade mark to a national trade mark may not have sufficed for its purposes.

230. In *The Sofa Workshop Ltd v Sofaworks Ltd* [2015] EWHC 1773 (IPEC), [2015] ETMR 37 at [25] His Honour Judge Hacon interpreted *Leno* as establishing that "genuine use in the Community will in general require use in more than one Member State" but "an exception to that general requirement arises where the market for the relevant goods or services is restricted to the territory of a single Member State". On this basis, he went on to hold at [33]-[40] that extensive use of the trade mark in the UK, and one sale in Denmark, was not sufficient to amount to genuine use in the Community. As I understand it, this decision is presently under appeal and it would therefore be inappropriate for me to comment on the merits of the decision. All I will say is that, while I find the thrust of Judge Hacon's analysis of *Leno* persuasive, I would not myself express the applicable principles in terms of a general rule and an exception to that general rule. Rather, I would prefer to say that the assessment is a multi-factorial one which includes the geographical extent of the use."

32. The General Court restated its interpretation of *Leno Marken* in Case T-398/13, *TVR Automotive Ltd v OHIM* (see paragraph 57 of the judgment). This case concerned national (rather than local) use of what was then known as a Community trade mark (now a European Union trade mark). Consequently, in trade mark opposition and cancellation proceedings the registrar continues to entertain the possibility that use of an EUTM in an area of the Union corresponding to the territory of one Member State may be sufficient to constitute genuine use of an EUTM. This applies even where there are no special factors, such as the market for the goods/services being limited to that area of the Union.

33. Whether the use shown is sufficient for this purpose will depend on whether there has been real commercial exploitation of the EUTM, in the course of trade, sufficient to create or maintain a market for the goods/services at issue in the Union during the relevant 5 year period. In making the required assessment I am required to consider all relevant factors, including:

- i) The scale and frequency of the use shown
- ii) The nature of the use shown
- iii) The goods and services for which use has been shown
- iv) The nature of those goods/services and the market(s) for them
- iv) The geographical extent of the use shown

34. The cancellation applicant's evidence indicates that the mark had been used on extra dry and radler beer products in Austria between 2015 and 2017 with a proposed launch in to Germany demonstrated by means of an online magazine article and crowd funder campaign. Although the declarant states that €15K was raised through the crowd funder, it has not been demonstrated that any products were actually launched for sale in Germany nor is there any turnover could be attributed to that German launch. Actual turnover from the products sales in Austria are given from 2016 and 2017. No further turnover figures were given, which the RP contended during the hearing was due to the cancellation applicant's predecessor in title having gone out of business. This was not confirmed by the cancellation applicant who merely said that no figures were provided to them by the previous owner for the years 2018 and 2019. For the avoidance of doubt I should add that, other than the two beer products, there was no evidence supplied to show use on any other goods registered under the earlier mark.

35. In terms of the criteria set out above in paragraph 33, it was demonstrated that the mark had been used on a low carb beer and a radler in Austria between 2015 and 2017 with turnover given for only two years during the relevant period. During the hearing I was asked by the cancellation applicant to consider the smaller nature of the craft brewery industry and that the turnover figures provided were about on a par with other craft brewery figures. However the specification for the earlier registration is not limited to craft beers, therefore the market I should have regard to is the beer market at large, which by any reckoning is a multi-million Euro industry. The cancellation applicant also drew my attention to the *Rogue Wave* decision² in which it stated that €54000 worth of sales was sufficient to establish genuine use in

² BL O/629/20

the EU spirits market. However I note from *Rogue Wave* that the opponent had provided both consistent evidence of use and annual sales figures during the relevant periods, which is at odds with the case before me. Even allowing for the smaller craft beer sector, two years use totalling €182628 then no further turnover demonstrated for the following two years does not appear to be consistent in maintaining a market share. No evidence has been provided to show sales of the two beer products outside of Austria. Within the Austrian sales it is not demonstrated where the sales were made as no invoices have been evidenced. Even though the products appear for sale on the Austrian Supermarket³ website, there is no information on customer numbers or levels of sales. The Vangardist magazine advert⁴ says that the beer is available in Merkur of which there are 40 branches in Vienna. There is no evidence given of the volumes of sales from the Merkur stores or indeed whether Merkur is a national chain or merely Vienna based. Much of the promotional material given in the given from social media and featuring the mermaid figure appears to have taken place in Vienna.

36. Although in *Leno Merken*, it states that there is no *de minimis* threshold for use, i.e. there is no fixed hurdle for the cancellation applicant to clear, it also states that my assessment must be a multifactorial one in accordance with the criteria it laid down. I find that the geographically limited use and small time period of turnover within the relevant period is insufficient to constitute real commercial exploitation of the earlier mark and therefore genuine use. The consequence therefore is that the earlier mark cannot be relied on in these proceedings and the application for cancellation must be dismissed.

Outcome

37. The application for cancellation fails in its entirety.

Costs

38. The RP has been successful and is entitled to a contribution to her costs. Awards of costs are governed by Annex A of Tribunal Practice Notice (TPN) 2/2016.

³ KR-5A

⁴ KR-5B

Neither side identified any off-scale considerations at the hearing. Bearing in mind the guidance given in TPN 2/2016, I award costs to the applicant as follows:

£400	Preparing a defence and considering the other side's statement
£600	Preparing evidence and considering the other side's evidence
£1000	Preparation for and attending the hearing
£2000	Total

39. I order Nix&Kix Ltd to pay Petra M.Wetzel the sum of £2000. This sum is to be paid within twenty-one days of the expiry of the appeal period or within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 26th day of July 2021

June Ralph
For the Registrar
The Comptroller-General