



PATENTS ACT 1977

APPLICANT Chadex Ltd

ISSUE Whether patent application GB1407692.1 complies
with section 1(2) of the Patents Act 1977

HEARING OFFICER Phil Thorpe

DECISION

Introduction

1. Patent application GB1407692.1 entitled "A method for displaying a page in an internet browser" was filed on 1st May 2014 and published as GB2521487A on 24th June 2015.
2. The search examiner issued a report under section 17(5)(b) and an Examination Opinion stating that a search would serve no useful purpose as the claimed invention was excluded from patentability under section 1(2) as a computer program and/or a method of doing business, and suggesting that the claims defined more than one invention. The applicant nevertheless requested substantive examination and the substantive examiner issued an Abbreviated Examination Report (AER) raising the same objections to excluded subject matter and plurality as outlined in the Examination Opinion.
3. Before responding to the AER, the applicant dispensed with the services of their agent, and from this point on all correspondence was with Mr Lee Cassingham of Chadex Ltd. There followed several rounds of correspondence between Mr Cassingham and the examiner, including several lengthy telephone conversations where the nature of the invention and whether or not it was excluded from patentability was discussed. Amended claims were filed on 15th December 2020 which restricted the claims to a single invention equivalent to that defined in claims 20-23 of the as filed claims. A further set of what were intended to be claims were filed on 9th June 2021, but the format of these made it difficult to ascertain the intended scope of the invention.
4. The examiner remained of the opinion that the invention as defined in any and all of the claims offered was excluded from patentability and that there was nothing in the overall application that could provide a patentable claim. He issued a pre-hearing report to that effect on 23rd June 2021 with two annexes. The first annex was his full objection to excluded matter based on the claims filed on 15th December 2020, and the second annex was his full objection to

excluded matter based on what he considered that the claims filed on 9th June 2021 were intended to define.

5. Prior to the hearing, I agreed that Mr Cassingham could provide one further set of amended claims for me to consider. Amended claims were filed on 3rd September 2021, these being identical to the as filed claims of 1st May 2014. This means that the examiner's pre-hearing report did not cover all claims to be considered at the hearing, but the objections made in that report are still considered to have some relevance to these claims. Mr Cassingham also provided a 28-page skeleton argument document which further suggested some combinations of claims which he asked to be considered at the hearing.
6. The hearing took place by video conference on 4th October 2021. Mr Cassingham represented Chadex Ltd. The hearing lasted a full day which is somewhat unusual for a hearing of this nature. Mr Cassingham was in effect a litigant in person and the lack of conciseness and the repetitious nature of some of his arguments reflected this. Even with a full day to present his case, Mr Cassingham indicated at the end of the hearing that there were arguments pertinent to the issues discussed which he had not had time to make. I therefore agreed to allow him to make one further written submission no later than 8th October 2021. Mr Cassingham duly filed a further 20-page submission on 8th October 2021 which I can confirm I have considered in reaching my decision.

The Invention

7. The invention relates to a method and a script for displaying a page in an internet browser. Although some claims are broader, the majority of the teaching of the application is that the method and script are for displaying advertisements on a page in an internet browser.
8. The description notes that:

“Internet advertising can be divided into two types, firstly there is brand awareness advertising, where the advertisement is used simply to increase customer awareness of a brand or product, and secondly performance advertising where a customer is encouraged to click on an advert which takes them to a secondary website where they may be able to purchase a product or service.

With performance advertising it is easy to determine the success or otherwise of an advertisement by tracking the number of potential customers who click on the advert and are redirected to the secondary website. However, with brand awareness advertising it is significantly more difficult to determine the effectiveness of an advertising campaign. In particular, it is difficult to determine which websites are effective in displaying adverts to potential customers.”
9. The invention seeks to address this problem by providing that an advert is only loaded onto the webpage when that advert would be visible. Further by polling the website it is possible to determine how long the advert was visible and charge according to the length of time it was displayed. To achieve this the

invention provides for the deployment if necessary, of scripts including a comm script to the webpage to enable it to assign unique identifier codes to iframes on the webpage and then to identify if an iframe is visible on the screen of the display device. If it is then the advert is loaded from the ad server and displayed. The process continues with each iframe repeatedly polling the comm script to determine whether the iframe is visible and logging the data according. This is typically done at a frequency of one polling per second.

10. The claims under consideration are those filed on 3rd September 2021, which are identical to the as filed claims of 1st May 2014. There are four independent claims which read as follows:

Claim 1

A method for displaying a page in an internet browser, comprising the steps: -

using a first script portion, on an internet page formed from script and displayed on a display device using an internet browser, to instruct said internet browser to send a message to at least one second script portion, said second script portion forming a portion of said page;

if said second script portion recognises said message, said second script instructs said internet browser to respond with an identifier code;

said first script portion instructs said internet browser to store said identifier code;

said second script portion instructs said internet browser to poll said first script portion using said identifier to determine if said displayed version of said second script portion is visible on said display device displaying said internet browser;

said first script portion instructs said internet browser to determine whether said displayed version of said second script portion is located in a visible position on said display device displaying said internet browser and send a message to said second script portion accordingly; and

said second script portion instructs said internet browser to display said displayed version on said display device if said display version is visible in said internet browser.

Claim 8

Script for displaying a page in an Internet browser, the script comprising: -

a first script portion, for use on an internet page formed from script and displayed on a display device using an internet browser, said first script instructing said internet browser to send a message; and

second script portion forming a portion of said page to be displayed and adapted to receive said message;

wherein if said second script portion recognises said message, said second script instructs said internet browser to respond with an identifier code;

said first script portion instructs said internet browser to store said identifier code;

said second script portion instructs said internet browser to poll said first script portion using said identifier to determine if said displayed version of said second script portion is visible on said display device displaying said internet browser;

said first script portion instructs said internet browser to determine whether said displayed version of said second script portion is located in a visible position on said display device displaying said internet browser and send a message to said second script portion accordingly; and

said second script portion instructs said internet browser to display said displayed version on said display device if said display version is visible in said internet browser.

Claim 15

A method of advertising on a page displayed in an internet browser, comprising the steps of: -

displaying at least one advertisement on a website in an internet browser operating with a display device as a first display event;

determining that the advertisement is no longer displayed on the display device as a second display event;

determining the period of time between the first and second display events; and

charging for the advertisement dependent upon said period of time.

Claim 20

A method for displaying a page in an Internet browser, comprising the steps, using code portions on an Internet page displayed on a display device using an Internet browser, the code portions including at least one first code portion for instructing said Internet browser to determine whether:

a) a second code portion, which is linked to an advert to be displayed on the display device, is, when interpreted by said Internet browser, displayed on a visible portion of said Internet browser; or

b) a scroll event has occurred and said second code portion is, when interpreted by said Internet browser, displayed on said visible portion of said Internet browser,

before downloading advert data linked to said second code portion for displaying said advert on said display device.

11. Claims 1 and 8 define a complementary method and script for displaying a page in an internet browser which are not limited to advertising. Claim 15 defines a method of charging for the length of time that an advertisement is displayed and claim 20 defines a further method for displaying a page in an

internet browser which has some similarities to the method of claim 1 but is limited to advertising.

12. The examiner considered that the claims related to three separate inventions defined by claims 1 and 8, claim 15 and claim 20 respectively. This decision relates to the question of whether the application discloses subject matter that is not excluded. In my decision I will therefore consider these three inventions separately, although much of the discussion and reasoning in terms of excluded matter is common to all three inventions.

The Law

13. The examiner has raised an objection under section 1(2) of the Patents Act 1977 that the invention is not patentable because it relates a category of excluded matter. The relevant provisions of this section of the Act are shown with added emphasis below:

1(2) It is hereby declared that the following (amongst other things) are not inventions for the purpose of the Act, that is to say, anything which consists of...

(c) ...a scheme, rule or method for...doing business, or a program for a computer;

but the foregoing provisions shall prevent anything from being treated as an invention for the purposes of the Act only to the extent that a patent or application for a patent relates to that thing as such.

14. As explained in the notice published by the IPO on the 8th December 2008¹, the starting point for determining whether an invention falls within the exclusions of section 1(2) is the judgment of the Court of Appeal in *Aerotel/Macrossan*².
15. The interpretation of section 1(2) has been considered by the Court of Appeal in *Symbian*³. *Symbian* arose under the computer program exclusion, but as with its previous decision in *Aerotel* the Court gave general guidance on section 1(2). Although the Court approached the question of excluded matter primarily on the basis of whether there was a technical contribution, it nevertheless (at paragraph 59) considered its conclusion in the light of the *Aerotel* approach. The Court was quite clear (see paragraphs 8-15) that the structured four-step approach to the question in *Aerotel* was never intended to be a new departure in domestic law; that it remained bound by its previous decisions, particularly *Merrill Lynch*⁴ which rested on whether the contribution was technical; and that any differences in the two approaches should affect neither the applicable principles nor the outcome in any particular case.
16. Subject to the clarification provided by *Symbian*, it is therefore appropriate to proceed on the basis of the four-step approach explained at paragraphs 40–48 of *Aerotel* namely:

¹ <http://www.ipo.gov.uk/pro-types/pro-patent/p-law/p-pn/p-pn-computer.htm>

² *Aerotel Ltd v Telco Holdings Ltd and Macrossan's Application* [2006] EWCA Civ 1371; [2007] RPC 7

³ *Symbian Ltd v Comptroller-General of Patents*, [2009] RPC 1

⁴ *Merrill Lynch's Appn.* [1989] RPC 561

- (1) *Properly construe the claim.*
- (2) *Identify the actual contribution (although at the application stage this might have to be the alleged contribution).*
- (3) *Ask whether it falls solely within the excluded matter.*
- (4) *If the third step has not covered it, check whether the actual or alleged contribution is actually technical.*

Applying the Aerotel test

Step 1 – Properly construe the claim

17. The examiner did not raise any issues of claim construction in his pre-hearing report, and nor do either of Mr Cassingham's submissions. In the hearing Mr Cassingham did point out though that the term 'visible' is intended to mean that the content in question is present on the page, and not necessarily that the content is on a part of the page viewed by a user at that time. I accept this construction of the term 'visible' and consider that there are no further issues in construing each of the four independent claims.

Step 2 – Identify the actual contribution

18. Jacob LJ addressed this step in *Aerotel/Macrossan* where he noted:

"43. The second step — identify the contribution — is said to be more problematical. How do you assess the contribution? Mr Birss submits the test is workable — it is an exercise in judgment probably involving the problem said to be solved, how the invention works, what its advantages are. What has the inventor really added to human knowledge perhaps best sums up the exercise."

Jacob LJ goes on to say that:

'44. ...at the application stage — ...the Office must generally perforce accept what the inventor says is his contribution'

19. As the application has not been searched, I will give the benefit of the doubt on contribution to the applicant. The contribution of the three separate inventions identified clearly differ, with the latter two being limited to advertising.

20. In his skeleton arguments, Mr Cassingham discusses the contribution of the invention of claim 1 in terms of the technical advantages that he considers it to achieve. He also states that the 'solution' to the advantages is a method exactly as worded in claim 1. At the hearing, Mr Cassingham spent significant time discussing what he considered to be the contribution of the invention of claim 1, again mainly in terms of the advantages he considers the invention to achieve. None of the arguments presented suggests that the contribution of claim 1 is anything other than that identified by the examiner in his pre-hearing report. I do though take Mr Cassingham's point that the invention of claim 1 (and claim 8) is broader than just advertising, and so I consider the contribution of claims 1 and 8 to be:

A computer implemented method of displaying content in an internet browser on a display device wherein a first script portion instructs the browser to send a message to at least one second script portion which forms a portion of the page, if the second script portion recognises the message it instructs the browser to respond with an identifier code. The first script portion instructs the browser to store the identifier code and the second script portion instructs the browser to poll the first script portion using the identifier to determine if a displayed version of the second script portion is visible on the display device. The first script portion instructs the browser to determine whether the displayed version of the second script portion is located in a visible position and to send a message to the second script portion accordingly. In response, the second script portion instructs the browser to display the displayed version on the display device if the displayed version of the second script portion is located in a visible position.

21. There was no discussion of the contribution provided by claim 15 in the examiner's pre-hearing report as it was not the subject of any of the claims considered at that time. Mr Cassingham also provided no observations on the contribution of claim 15 in either of his submissions or at the hearing. Having given it due consideration, in light of all the submissions provided, I consider the contribution of claim 15 to be:

A method of advertising comprising the steps of displaying an advert on a website at a first time, determining that the advert is no longer displayed at a second time, determining the period between the first and second times and charging for the advert accordingly.

22. The contribution identified in Annex I of the examiner's pre-hearing report was based on a claim identical to claim 20:

A computer implemented method of displaying an advert in an internet browser wherein a first code portion determines whether a second code portion, which is linked to an advert to be displayed, is displayed on a visible portion of the browser before downloading data for displaying the advert. The method may, in some circumstances, have the advantage of reducing the quantity of advertising script call requests.

23. Mr Cassingham's skeleton arguments discussed the perceived advantages provided by claim 20 in relation to the contribution it provides. The only concise summary of the contribution provided though is:

[utilising] code portions in determining whether a code portion is displayed on a visible portion of a said internet browser and a step to control the initialisation of the that the script portion in displaying ad advertisement when it is within a predetermined distance of said visible portion of said internet browser.

24. Mr Cassingham further stated that:

“The contribution is invoking a step to the method of rendering data to the benefit of the device, the user and computer programmer.”

25. Mr Cassingham’s summary of the contribution is not entirely inconsistent with that of the examiner, although the details relating to the predetermined distance are not introduced until claim 21. I therefore accept the examiner’s contribution of claim 20 as far as:

A computer implemented method of displaying an advert in an internet browser wherein a first code portion determines whether a second code portion, which is linked to an advert to be displayed, is displayed on a visible portion of the browser before downloading data for displaying the advert.

Steps 3 and 4 – Ask whether it falls solely within the excluded matter and check whether the actual or alleged contribution is actually technical

26. I will consider steps 3 and 4 together.

27. Lewison J (as he then was) set out five signposts *AT&T/CVON*⁵ that he considered to be helpful when considering whether a computer program makes a technical contribution. In *HTC*⁶ the signposts were reformulated slightly in light of the decision in *Gemstar*⁷. The signposts are:

- i. Whether the claimed technical effect has a technical effect on a process which is carried on outside the computer.
- ii. Whether the claimed technical effect operates at the level of the architecture of the computer; that is to say whether the effect is produced irrespective of the data being processed or the applications being run.
- iii. Whether the claimed technical effect results in the computer being made to operate in a new way.
- iv. Whether the program makes the computer a better computer in the sense of running more efficiently and effectively as a computer.
- v. Whether the perceived problem is overcome by the claimed invention as opposed to merely being circumvented.

28. It is important to stress that these signposts are just that. They are not barriers or hurdles that need to be individually or collectively overcome by the applicant. They are rather a non-exhaustive list of some of the factors that can indicate in some cases whether a particular contribution may be technical.

29. With 48 pages of written submissions and a five-hour hearing, Mr Cassingham’s arguments are many and varied, and often are not specific to the contributions of his claims or indeed the overall invention as disclosed in the application. For this reason, it is not practicable to cover in detail all the arguments made by Mr Cassingham in my decision. I can confirm though that I

⁵ *AT&T Knowledge Venture/CVON Innovations v Comptroller General of Patents* [2009] EWHC 343 (Pat); [2009] FSR 19

⁶ *HTC v Apple* [2013] EWCA Civ 451

⁷ *Gemstar-TV Guide International Inc v Virgin Media Ltd* [2009] EWHC 3068 (Pat); [2010] RPC 10

have fully considered them all and will summarise what are considered to be the most pertinent arguments made. Mr Cassingham's skeleton arguments also suggested some dependent claims and combinations thereof which he would like to be considered should the contributions of the independent claims be found to be excluded, and I agreed at the hearing that I would be willing to consider some dependent claims and combinations thereof to the extent that is reasonably practicable.

30. Mr Cassingham asserted at the hearing that the contribution of claims 1 and 8 meet signpost (i) as data, and the storage thereof in a memory, can be considered to be outside of the computer. He also asserted that the invention relates to the use of physical data that exists in the physical world as the user receives a communication from the display of the computer.
31. Mr Cassingham referred to paragraph 34 of the judgement of *PKTWO*⁸ in which Floyd J held that a contribution relating to the content of electronic communications can be a physical one rather than an abstract one with the result of the invention in question in *PKTWO* being a technically superior monitoring system and so providing a technical contribution outside of the computer. This cannot though be considered analogous to the present application. The judgment in *PKTWO* hinged entirely on there being an improved monitoring and alert system which provided a sufficient technical effect outside of the computer. In the present application, the method of displaying content on an internet browser may be improved, but that is entirely within the computer, and there is no effect on any process carried on outside the computer, only the display of the content in question. Indeed, in paragraph 34 Floyd J also remarks that it was correct in the case of two out of the three patents considered by Mann J in *Gemstar*⁹, where information was simply displayed on a screen, that there was no technical effect outside of the computer. To my mind, this equally applies to the contributions of claims 15 and 20; there being no suggestion that there is any technical effect on a process which is carried on outside the computer, such as monitoring, an alert or a warning as in *PKTWO*. Mr Cassingham further suggests on page 12 of his skeleton arguments that *PKTWO* and the Transfer Patent in *Gemstar* each suggest that the movement of data, even if occurring within a computer may produce a relevant technical effect. It is true that the respective contributions in each case did include data transfer within a computer, but in neither case was there found to be a relevant technical effect because of the transfer of data.
32. I would add that retrieving data in the form for example of an advert from a server separate to the device that has the browser does not equate to having a technical effect on a process external to the computer. Firstly, movement of data between connected computers is generally considered to be happening within the "computer" or the network of computers. Secondly, simply retrieving

⁸ *Protecting Kids the World Over (PKTWO) Ltd. v Comptroller General of Patents* [2011] EWHC 2720 (Pat)

⁹ *Gemstar-TV Guide International Inc. , Starsight Telecast Inc., United Video Properties Inc. v Virgin Media Limited, Virgin Media Payments Limited* [2009] EWHC 3068

information such as an advert from an ad server as in this case does not provide the necessary technical contribution.

33. Mr Cassingham continued to assert that communication of information between computers and what is displayed to the user is improved by the invention, thus making the network of computers a more useful network for the display of content communications. He considered that this satisfies both signposts (ii) and (iii) as the invention is working at the level of the architecture of the computer which causes the computer to operate in a new way. I do not see though that this suggests any operation at the level of the architecture of the computer as the effect produced is entirely dependent on the data being processed which, in this case, relates to the display of content (such as an advert) in an internet browser. Mr Cassingham discussed signpost (ii) further in his submission after the hearing. It is clear to me from this that his understanding of the level of the architecture of the computer does not correlate to that envisaged by signpost (ii).
34. I also do not see that the computer employing the invention would operate in a new way, only that it processes the data to provide an improved method of displaying content to a user. That the program is an improvement on the prior programs is on its own not enough as if it were then that would render the exclusion effectively meaningless. Rather what is required for the purposes of signposts (iii) is some suggestion that the computer running the program is operating in a new way in a technical sense. The monitoring of a browser page to determine if a part of the page is visible and then displaying some content in that part is not in my opinion operating the computer in a new way that is technical. This again is common to the contributions of each of claims 1, 8, 15 and 20.
35. Mr Cassingham asserted that the repeated polling of the first script portion to determine if the displayed version of the second script is visible as defined in claim 2 makes the computer run more efficiently and effectively as required by signpost (iv). It is not clear to me why this would be the case. The method of claim 1 wherein the advert or content is only downloaded when it would be visible on the display device can provide for more efficient data processing but that is not in itself the same as making the computer itself more efficient or effective which is what signpost (iv) requires. The repeated polling of the first script portion to determine if the displayed content is still visible is directed rather to determining how long content is displayed rather than to managing the loading of the content itself. Even if the latter was the purpose it would still not result in the computer itself running more efficiently.
36. With respect to signpost (v), Mr Cassingham considers the problem that the invention overcomes relates to the ability to adapt the code portions of a page and generate event data about the code portions displayed on a page, and to control when a displayed version is displayed with a displayed version of a code portion in the browser. In the skeleton arguments, he asserts that a key aspect of the function of claim 1 (and claim 8) is distinguishing between the display version and the displayed version of a code portion providing versioning and control of the version of code portions representing an entire page or part of a page.

37. In his submission of 9th October 2021, Mr Cassingham alleges that the contribution of claim 1 allows the conditional display of display versions which provides the practical benefit of allowing the device and content owners to limit the display of age restricted content, thus satisfying signpost (v). In his argument, Mr Cassingham again refers to *PKTWO* in support of the contribution of claim 1 overcoming a technical problem. However, I do not see that the contribution of claim 1 achieves the alleged benefit. Further, there is no mention nor suggestion in the application of the invention being used in any way to control or monitor age restricted content.
38. I would add that the steps of providing unique identifiers to portions of the code and if necessary replacing portions of that code during the initialisation procedure is to enable the script to determine if parts of the code are being displayed so that the relevant content can be uploaded from a server. Whilst the specification does refer to a blacklist of URLs that result in no advert being displayed, neither this nor any aspect of the initialisation procedure solve a technical problem in the way envisaged by signpost v).
39. Regarding claim 2, Mr Cassingham considered that a further problem overcome by the invention is the inability for a programmer to know when content has been displayed in the browser and for how long. The invention of claim 2 overcomes this by repeatedly polling of the first script portion to determine if the displayed version of the second script is visible. It can be agreed that the invention of claim 2 does indeed overcome the problem identified. However, I do not consider this to be a technical problem as would be required to satisfy signpost (v). In the context of the application as a whole, the reason behind wanting to know when content is displayed and for how long is to allow accurate billing for an advert. This is inherently a business or administrative problem and not a technical one. Whilst I have accepted that claim 1 (and claim 2 by extension) is broader than just advertising, the application provides no support for a type of content which would suggest that the inability for a programmer to know when content has been displayed in the browser and for how long is a technical problem.
40. Claim 7 when dependent upon claim 2 was also discussed, but the provision of a unique identifier for each second script portion still does not make the contribution of the invention technical – it is still a data processing method which may solve a business or administrative problem.
41. At this point it is worth remembering that the contribution of claim 15 differs from that of claims 1, 8 and 20 in that it includes charging for a time period that an advertisement is displayed. Mr Cassingham sought at the hearing to apply a broad definition to the term ‘advertisement’, in that it just means to make something known. I can agree with this in so much as the term ‘advertisement’ on its own is broad enough to extend beyond commercial advertising, e.g. of products or services. However, claim 15 also includes the step of charging for the advertisement. This immediately ties the advertisement to being commercial in nature so that term ‘advertisement’ in the context of claim 15 must be tied to commercial advertising, albeit I accept that the advert could include any content. This may take the contribution beyond solely lying in the excluded field of a program for a computer. However, determining the basis of

charging for a service (advertising) is undoubtedly entirely a method of doing business, and so the contribution of claim 15 still falls wholly within the excluded fields of a program for a computer and a business method.

42. Mr Cassingham asked at the hearing whether amending claim 15 to instead define a method of displaying a code portion, pointing to various parts of the description in alleged support of such broadening. I do not see that such an amendment would make any difference. The claim would still define charging for the period of time that the code portion is displayed, and a displayed code portion would not seem to materially differ from Mr Cassingham's construction of the term 'advertisement', i.e. making something known. Moreover, Mr Cassingham seemed to be under the impression that the only issue with claim 15 was that it was a method of doing business by virtue of being restricted to advertising. This is not though the case. The aspect of charging for an advertisement, or indeed a displayed code portion, is a business method, but even if divorced from the business method, the contribution of claim 15 would be nothing more than a program for a computer.
43. Claim 19 when dependent upon claim 16 was also discussed at the hearing, this combining all of the features defined in claims 15, 16, 19 and 1-7. This undoubtedly restricts the method of claim 15 to a number of further steps in the method of displaying and charging for an advertisement based on the use of script portions, in particular the polling of the first script portion under instruction of the second script portion. At the hearing, Mr Cassingham did not present his arguments with respect to any particular signpost, and I do not see that the combination of claims offered could though satisfy any of the signposts as its contribution does not extend materially beyond a combination of the contributions of claims 1, 2 and 15.
44. Having fully reviewed all of Mr Cassingham's submissions (at the hearing and in writing) I do not consider that any of the identified contributions of his invention satisfy any of the *HTC* signposts, and nor, taking a step back do I consider that any part of the identified contributions are technical to the extent that they extend beyond the exclusions of section 1(2).

Conclusion

45. Having carefully considered the arguments, I am of the view that the contributions of each of claims 1, 8, 15 and 20 fall solely within the matter excluded under section 1(2) as a program for a computer as such and/or as a method of doing business. This is also true of all claim combinations offered by Mr Cassingham, and indeed I can see nothing in any of the dependent claims, alone or in combination, or the specification as a whole that could reasonably be expected to form the basis of a valid claim. I therefore refuse this application under section 18(3).

Appeal

46. Any appeal must be lodged within 28 days after the date of this decision.

Phil Thorpe

Deputy Director, acting for the Comptroller