

24, 1977

IN THE PRIVY COUNCIL

No. 30 of 1975

O N A P P E A L

FROM THE COURT OF APPEAL OF TRINIDAD AND TOBAGO

B E T W E E N :

KENNETH FREDERICK PATTRON
(Trading as "THE CARIBBEAN DAILY
NEED CHEMICAL WORKS") (Defendant) Appellant

- and -

10 COLGATE PALMOLIVE LIMITED
COLGATE PALMOLIVE (TRINIDAD)
LIMITED (Plaintiffs) Respondents

CASE OF THE APPELLANT

RECORD

20 1. This is an appeal from the Judgment of the Court of Appeal of Trinidad and Tobago (Hyatali C.J., Corbin and Rees JJA) given on the 3rd April 1974 allowing an appeal from a Judgment of the High Court of Justice of Trinidad and Tobago (D.Malone J.) given on 14th February 1972 dismissing an action by the Respondents, Colgate Palmolive Limited and Colgate Palmolive (Trinidad) Limited (hereinafter referred to respectively as "Colgate" and "Colgate (Trinidad)"), against the Appellant, Kenneth Frederick Pattron, for an injunction to restrain the Appellant from infringing Colgate's registered trade marks Nos. 397 and 811 and from passing off the Appellant's toothpaste as the goods of the Respondents or either of them.

30 2. The Appellant is the sole owner of a business carried on under the trade name or style of "The Caribbean Daily Need Chemical Works" and manufactures and deals in toothpaste.

p.10 lines
10-13

RECORD

p.8 lines
15-26

3. The First Respondent, Colgate, is a Company incorporated in the Dominion of Canada with a registered office in Toronto and was formerly registered in Trinidad and Tobago under Part "X" of the Companies Ordinance, Chapter 31 No.1. The Second Respondent, Colgate (Trinidad), is a wholly owned subsidiary of the First Respondent and is a company duly formed and registered under the said Companies Ordinance with a registered office in Barataria, Trinidad.

10

Exhibit E
Produce in
opening. Page
19 line 7

4. The First Respondent is the registered proprietor in Trinidad and Tobago of trade marks consisting of the words "Colgate" and of a "Colgate" label the marks being respectively registered in the Register of Trade Marks as No.397 on the 10th June 1958 and No.811 on the 18th December 1959 both registrations being in Class 48 and in respect of perfumery including toilet article preparations for the teeth and hair and perfumed soap.

20

Page 9 lines
37-47

5. The Second Respondent purchases toothpaste from the First Respondent which it imports into Trinidad and Tobago and sells and distributes the same therein in packages bearing with the consent of the First Respondent the registered "Colgate" trade marks.

Page 13 line 25
to page 14 line
9

6. The Appellant in about January 1970 put upon the market in Trinidad and Tobago and sold toothpaste manufactured locally by him, in tubes bearing the word 'Tringate' and to the right of the said word a disc containing a map of the island of Trinidad with a gate depicted thereon and round the inner circumference of the disc the words "The Caribbean Daily Need Chemical Works." The tubes were sold in boxes carrying the same word and device, which is substantially the same as the trade mark No.5337 registered in the Register of Trade Marks in Class 50 0(10) on the 25th February 1968, the registered proprietor being one Monica Pattron [?] of the Appellant trading as "The Caribbean Daily Need Chemical Works".

30

Exhibit B1
produced in
opening page 18
line 16
Exhibit EB3
page 23 lines
24-39

40

Page 65 line 28

7. On the 24th March 1970 Colgate issued a Writ against the Appellant claiming

RECORDED

10 injunctions to restrain the Appellant by himself, his servants or agents from infringing Colgate's registered trade marks Nos. 397 and 811 and from passing off his toothpaste as Colgate's toothpaste and for consequential relief, and on the 7th July 1970 issued a Chamber Summons claiming interlocutory relief. The said Summons was heard on the 28th September before the Honourable Mr. Justice Ralph Narine who granted an injunction until trial or further order restraining the Appellant from infringing Colgate's trade marks Nos.397 and 811 and from passing off his toothpaste as and for Colgate's goods, and further ordered that Colgate (Trinidad) should be added as a Plaintiff.

Page 1 line 15
to Page 2
line 28
Page 2 line 30
to Page 4
line 29

20 8. In an Amended Statement of Claim served on the 5th October 1970 Colgate and Colgate (Trinidad) alleged that the Appellant had infringed Colgate's registered Trade Marks Nos.397 and 811 and had passed off his toothpaste as the goods of Colgate and its associated companies (including Colgate (Trinidad)) by putting his toothpaste on the market in tubes and boxes bearing the word "Tringate" printed in such colouring and in such a script so as to closely imitate Colgate's Trade Mark No.811. It was further alleged that the use of this get-up and of the word "Tringate" was calculated to lead the public into believing that toothpaste bearing that mark was a local product of Colgate or of its associated companies (including Colgate (Trinidad)) or was otherwise associated with them. Colgate claimed an injunction to restrain the Appellant from infringing its registered Trade Marks Nos. 397 and 811 and obliteration upon oath of the word "Tringate" upon all offending tubes, boxes and containers. Colgate and Colgate (Trinidad) jointly claimed an injunction restraining the Appellant from passing off his toothpaste as their goods and consequential relief.

Page 2 line 29
to Page 12
line 31

50 9. By his Defence the Appellant admitted that he had put upon the market and sold toothpaste of his own manufacture bearing the word "Tringate" but denied that by the

Page 13 line 1
to Page 15
line 3

RECORD

use of the get-up of his toothpaste and/or of that word or otherwise he had infringed Colgate's registered Trade Marks or caused his goods to be passed off as the goods of Colgate or its associated companies.

Page 15 line 5
to Page 16
line 20

10. The Plaintiffs, Colgate and Colgate (Trinidad) served a Reply on 7th April 1971 contending that the differences between the Colgate box and the Tringate box alleged in the Defence were so insubstantial and that the words "The Caribbean Daily Need Chemical Works" "Trinidad W.l." were so inconspicuous as not to have prevented deception.

10

11. At the hearing before Mr. Justice D. Malone which commenced on 3rd February 1972 and lasted 5 days seven witnesses were called for the Plaintiffs (Respondents).

12. The following evidence given at the trial is relevant to this appeal:

Page 21
lines 2 to 9

(i) Colgate is the proprietor of the trade mark "Colgate" which is the subject of a number of registrations in Trinidad and Tobago, the first of these being registered in 1932. The Trade Marks of which the present complaint of infringements is made are Nos. 397 and 811.

20

Page 25 lines
3 to 7
P.51 11.21-31
P.25 11.30-32
P.52 11.32-
P.53 1.20

(ii) Colgate toothpaste has been sold in Trinidad and Tobago for upwards of 35 years. It is a well established product and is widely advertised.

30

Page 25 line 23
Page 29 lines
30-34

(iii) Colgate toothpaste has been sold in a red box with white lettering since about 1955. The red is similar to blood-red but is brighter. The box is distinctive and five of witnesses stated that they found it easy to recognise and to remember. Three sides of the box carry the word "Colgate" in large letters and underneath the words "Dental Cream with anti-cavity GARDOL" in smaller letters. At the top left hand corner the words "New Improved" appear in small white letters on a small royal blue panel. Apart from this blue panel these sides are substantially the same as the trade mark No. 811.

40

P.34 1.34 -
P.35 1.3
P.44 11.19-22
P.52 11.6-8
Exhibits A1 -6
Produced in
opening - Page
18 line 16

The fourth side bears the word "Colgate" with four lines of descriptive text and at the bottom the words "Colgate-Palmolive (Jamaica) Ltd. Kingston Jamaica. Colgate Reg. Trade Mark. Made in Jamaica".

- 10 (iv) The colour scheme of Tringate is markedly different to that of Colgate. Three sides of the Tringate box have a light Cambridge blue background over two thirds of the side, the third at the right hand side being white. Superimposed on the blue background is an orange-red panel bearing the word "Tringate" in large white letters, and above it the words "Sparkle White" in small blue letters on a white panel. On one side the white third of the background carries the device of a disc bearing the map of Trinidad substantially as shown in Trade Mark No. 5337. The disc is light blue and the gate device is orange-red. On the second side the white area carries the words "Special Formula" in red script and "Toothpaste for double protection" in blue capitals and on the third the words "Toothpaste" in red capitals and "For healthier teeth and the purest breath" in blue script. The fourth side has a white background with "Tringate" in red script "Toothpaste" in red capitals and "American Fluoride" [sic] in white letters on an orange-red panel and descriptive text.
- 20
- 30
- (v) The script in which the word "Tringate" is printed is similar but not identical to the script in which the word "Colgate" is printed. Colgate and Colgate (Trinidad) have no proprietary right to the script used for the word "Colgate".
- 40
- (vi) The word "Gardol" is an important feature of the Colgate box. The Tringate box contains no reference to "Gardol".
- (vii) No evidence that anyone had actually been deceived or confused or that anyone was likely to be deceived or confused by the use of the Defendants get-up of the word Tringate was adduced nor was there any evidence that the sales of Colgate toothpaste had declined significantly during the period that Tringate toothpaste was on the market.
- 50
- P.44 lines 23-27 Exhibits B1-6 Produced in opening p.18 lines 16-19
- Page 45 line 10 to page 46 line 15
- Page 44 line 31
- Page 48 lines 12-21

RECORD

Page 56 lines
22 to 28

(viii) One witness, Riccardo Hernandez, stated that the word "Tringate" signified to him that there was a manufacturer of toothpaste in Trinidad and that his product was called "Tringate"

Page 55 lines
1 to 15

13. Denis Malone J., giving the Judgment of the High Court, dismissed the action. In his reasons for judgment, after summarising the history of the action he considered the tests to be applied in actions for infringement and for passing-off, and held that they were the same, namely whether the acts of the Defendants are likely to deceive or confuse the public.

10

Page 67 lines
11 to 42

14. The learned Judge then summarised the facts relating to the registration and use of the Colgate trade marks. He found that the Colgate label is of a strong red colour with a distinctive design. The word "Colgate" is printed in a distinctive script, but Colgate has no proprietary right to that script and Colgate use different script for their products in different parts of the world.

20

Page 67 lines
43 to 52

15. Denis Malone J., then compared the word "Colgate" and "Tringate" and found that although the last syllable of each are the same there is a marked dissimilarity to both eye and ear of the whole words. He then considered the Plaintiff's submission that to the average purchaser the prefix "Trin" would denote that the goods were made in Trinidad and that purchasers would then conclude that "Tringate" is "Colgate" made in Trinidad as the last syllables are the same, and rejected it as being too ingenious as it ascribed to the average person the thought process of a cross-word puzzle addict. He considered it just as likely that the average casual purchaser seeing "gate" in the name "Tringate" would conclude that it means "the gate to dental health" as that it relates to "Colgate". The learned Judge further referred to the evidence of Mr. Hernandez and to the absence of evidence of actual confusion.

30

Page 67 line 8
to Page 69
line 7

40

Page 69 line 46
to Page 70
line 53

16. Denis Malone J., then turned to the appearance of the respective packages and after describing them held that the colours used on the Tringate package differed markedly in shade from the colours used by Colgate.

RECORD

Page 71 lines
1 to 34

10 He then went on to hold, considering the claim for infringement, that while the printing of the word 'Tringate' in a script similar to that of 'Colgate' on a red background was important, the colour and general get-up of the packages must also be considered, especially as he had already found that there was no likelihood of confusion or deception between the words "Colgate" and "Tringate".

Page 71 lines
35 to 47

20 17. The learned Judge finally held that there had not been any infringement of Colgate's trade mark because the words "Colgate" and "Tringate" could not give rise to confusion or deception, and because although the scripts were closely similar, they were printed on differently coloured background. As regards the passing-off action, he held that when the markedly different get-up of the packages was added to the distinction between the names "Colgate" and "Tringate" no confusion or deception could be caused to the average reasonable person, and therefore that action also failed.

Page 71 line
48 to Page 72
line 32

30 18. Colgate and Colgate (Trinidad) appealed from this Judgment by Notice and Grounds of Appeal dated 13th March 1972. The appeal was duly heard and the three members of the Court of Appeal, Hyatali L.J., Corbin and Rees JJA., delivered separate Judgments on 3rd April 1974.

Page 74 line
22 to Page 76

40 19. In his Judgment Hyatali C.J. after summarising the history of the action, considered the submission of Colgate that Denis Malone J., had erred in holding that the test for liability was the same in infringement and passing-off actions. The learned Chief Justice considered the wording of S.5(1) of the Trade Mark Ordinance and referred to Clerk & Lindsell on Torts 13th Edition paragraph 2204, the Judgment of Sir Wilfred Greene M.R. in Saville Perfumery Ltd. v. June Perfect Ltd. (1941) 58 R.P.C. 147 at p.161, the Judgment of Lord Parker of Waddington in A.G. Spalding Bros. v. A.W. Gamage Ltd. (1951) 32 R.P.C. 273 at p.284 and Kerly's Law of Trade Marks and Trade Names 10th Edition p.450 at paragraphs 17-01 and
50 held that the learned Judge had correctly stated the law.

Page 77 line 27
to Page 78
line 19
Pages 81 to 85

RECORD

- Page 86 line 6
to Page 88
line 21
20. Hyatali L.J. then considered a submission that Denis Malone J., had wrongly excluded evidence to establish that the prefix "Trin" when used to form part of a brand name meant "made in Trinidad" and referring to de Cordova v. Vick Chemical Co. (1951) 68 R.P.C. 103 held that the evidence was admissible but that its exclusion did not result in substantial prejudice to the Plaintiffs' case.
- Page 88 line 21
to Page 91
line 25
21. He then went on to consider Colgate's submission that the learned Judge had failed to consider the likelihood of confusion of the incautious purchaser of imperfect recollection but had considered only the "average" reasonable member of the public who might be expected to purchase the article in question". The learned Chief Justice held that Denis Malone J. had correctly considered the standard of care required of the average purchaser in the law of trade mark infringement and passing-off, referring to Kerly p.454 paragraph 17-06, Tatem and Co. (1915) Ltd. v. Gaumont Co. (1917) 34 R.P.C. 181 at p.190, Coombe v. Mendi Ltd. (1913) 30 R.P.C. 709, Bale & Church Ltd. v. Sutton Parson & Sutton (1934) 51 R.P.C. 129 at p.141, Rysta's Ltd. Application (1943) 60 R.P.C. and Seixo v. Provozeno (1865) LT 1 Ch.192 at p.196.
- Page 91 line 26
to Page 93
line 16
22. Hyatali L.J. then went on to consider the trial Judge's evaluation of the evidence, relying on Benmax v. Austin Motor Co.Ltd. (1955) 1 All ER 326 at p.329 and Parker-Knoll Ltd. v. Knoll International Ltd. as authority that when facts are not in dispute an appellate court may as well evaluate the evidence as the Trial Judge. After disapproving a statement made by Denis Malone J., as to the emphasis to be laid on seeming similarities in cases of this kind by Judges of today.
- Page 93 line 17
to Page 94
line 37
23. The Chief Justice then wrongly stated that the learned Judge reached the point where he held that it was reasonable to suppose that the ordinary purchaser would conclude on seeing Tringate that the prefix "Trin" was a derivative of Trinidad and that "Tringate" toothpaste was a toothpaste made in Trinidad. The Chief Justice continued by purporting to summarise the evidence before the trial court. At items 5, 6 and 8 to 11 of this summary of the evidence the Chief Justice sets out a series of findings as a matter of fact
- Page 94 lines
39 to 51
- Page 94 line 52
to Page 50
line 41

RECORD

in relation to the appearance of the Plaintiffs' and the Defendant's boxes which findings are incorrect as can be seen by a comparison of the relevant boxes and by a consideration of the relevant findings of fact of the learned Trial Judge which are subsequently set out in the Judgment of the Chief Justice.

Exhibits A1-6
and B1-6
Page 96 line 37
- Page 97 line 9

10 24. The Chief Justice then considered against the background and circumstances set out in his summary of the evidence the question of whether not merely the word but the idea of the word "Tringate" on the basis of his findings as to the similarities of the respective boxes were confusingly similar to the word "Colgate" or to the label bearing the word "Colgate". Having set out his subjective findings of fact in relation to the comparison of
20 the marks and the boxes the Chief Justice then mentally removed the danger of allowing his own temperament or idiosyncratic knowledge to influence his decision and held that the use by the Respondent of the word "Tringate" on the label employed by him to introduce and sell his toothpaste was a use by him of a trade mark which so nearly resembled the trade marks of the Appellants as to be likely
30 to deceive or cause confusion.

Page 95 line 42
- Page 96 line 1

Page 96 line 5 -
Page 96 line 19

40 25. The Chief Justice then stated that he was not impressed with the significance of or the conclusion drawn by the learned Trial Judge from the findings of fact set out by the learned Trial Judge in relation to the comparison of the appearance of the Plaintiffs' and the Defendants' boxes. For this he gives two reasons. Firstly despite his earlier summary of the evidence and in the absence of any evidence to support his conclusion he states that it is clear to him from the evidence and from his examination of all the packages that what the Respondent really did was to borrow features from the packages, tubes and labels of the Appellants and to knit them together into the label which he used as a trade mark. Secondly despite the manifest difference
50 of appearance between the two products he states that the ordinary purchaser of ordinary memory purchasing with ordinary

Page 97 lines 10-12

Page 97 lines 12-18

Page 97 lines 19-24

RECORD

Page 79 lines 25 to 43	caution could not be expected to make the careful side by side comparison the Judge had made. He therefore concluded that the Respondent's <u>Appellant's</u> use of his mark, name and get-up was calculated to deceive or to attract Colgate's goodwill to his. Accordingly he allowed the appeal.	
Page 100 lines 37-40	26. Corbin J.A. in his Judgment rightly observed that products are frequently remembered rather by general impression than	10
Page 101 lines 30-32	by a particular feature and that he thought it logical to infer that many persons may be deceived by a strong similarity in regard to format and colour. However he continued without reference to his general impression of the get-up of the respective products or to the general impression of the learned Trial Judge and the witnesses to observe	
Page 101 lines 32-35	that he thought it logical to infer that many people may even conclude that "Tringate" is really "Colgate" manufactured in Trinidad where it is sold in boxes with such similar (though unidentified by the learned Judge of Appeal) characteristics. He then criticised the approach of the learned Judge as being too much from the point of view of an intellectual purchaser although the learned Judge in the passage subjected to criticism by Corbin J.A. was in fact making a comparison between two equally incorrect approaches. He then proceeded without any revision of the evidence to hold that the learned Trial Judge erred in holding that "no deception or confusion would be caused to the eye of the average reasonable person" and held that the Respondent (Appellant) was liable for both passing off and infringement of trade mark.	20
Page 101 lines 36-44		
Page 68 line 9- Page 69 line 7		30
Page 102 lines 7-10		
Pages 103-104	27. Rees J.A. also agreed with the learned Chief Justice. After summarising the background to the action he rejected the submission that Denis Malone J., had inaccurately stated the test to be applied. He then considered the action for infringement and held that, in the absence of specific evidence of confusion or deception, the Trial Judge was correct in placing himself in the position of a purchaser, referring to Lord Diplock's Judgment in <u>General Electric Co. v. The General Electric Co.Ltd. (1972) 2 All E.R. 507 at p.515.</u>	40
Page 105 line 36 to Page 110 line 40	The learned Justice of Appeal held, however,	50

10 that a careful side by side comparison such as the Trial Judge had made was not sufficient, relying on Saville Perfumery Ltd. v. June Perfect Ltd. (supra) and de Cordova v. Vick Chemical Co. (supra), and that the learned Judge should have gone on to consider whether marks had been used on "Tringate" toothpaste in such a manner as to be confusingly similar to the "Colgate" name and label. He held after a careful side by side comparison of the marks to establish points of resemblance that, considering both the words "Colgate" and "Tringate" and their respective labels and in the absence of any evidence to support his findings, the Respondent (Appellant) had imitated Colgate's trade marks and get-up. He further held again in the absence of any supporting evidence that a purchaser with imperfect recollection of the Colgate mark and label would be likely to be deceived or confused on seeing the word Tringate printed in white in a similar script against a red background. He also held that such a person would no doubt come to the conclusion that "Tringate" was a word invented by Colgate and Colgate (Trinidad) to describe toothpaste with some connexion with both Trinidad and Colgate, there again being no evidence in the case to support such a finding which like his earlier finding on imitation far exceeded the bounds of the dicta of Lord Diplock in the General Electric case (loc cit).

Page 110 line 41 to Page 111 line 37

Page 111 lines 25 to 30

28. Rees J.A. then considered the passing-off action and at p.112 lines 22-25 referred erroneously to the Plaintiffs' case as being that there was a false misrepresentation. He held that, on the authority of Singer Manufacturing Co. v. Loog (1880) 18 Ch.D. 395 and A.G. Spalding Bros. v. A.W. Gamage Ltd. (supra) that the Trial Judge had understood correctly the principles to be applied. He referred to the reasons given by Malone J. in holding that there had been no passing-off but held that the Judge should have borne in mind potential customers of imperfect recollection (Re Rysta Ltd.'s Application (supra) and Re Peddie's Application (1944) 61 R.P.C. 31). He then stated that he thought the essential feature of the Respondent (Appellant's) mark was the word "Colgate" which he described as

Page 112 lines 22-25
Page 111 line 38 to Page 113 line 29

Page 113 line 30 to Page 114 line 12

Page 115 line 30 to Page 116 line 8

RECORD

Page 116 lines
9 to 40

being printed in a very distinctive script in white on a red background and comprised of the syllables 'Col' and 'gate'. He then and again in the absence of any evidence to establish such a finding of fact stated that the syllable 'gate' had been associated for over 35 years with the toothpaste of the Respondent (Appellant) in the word 'Colgate'. The learned Judge of Appeal then gave evidence as a potential buyer of toothpaste that 'Trin' means Trinidad and 'gate' when associated with toothpaste had something to do with Colgate toothpaste. After referring to the basic colours of the packs but ignoring their different shading and completely different placements and proportional amounts he concluded there was a real probability of 'Tringate' toothpaste being in some way associated with the Appellant's toothpaste by potential purchasers of an imperfect recollection. 10 20

29. Rees J.A., then rejected the Respondent's Appellant's submission that an appellate court ought not to reverse a decision based purely on a question of fact unless the Trial Judge had misdirected himself or his Judgment is unreasonable, citing Benmax v. Austin Motor Co.Ltd. (supra).

30. The Court accordingly allowed the appeal and granted the injunction sought. 30

31. From this decision the Appellant appeals to Her Majesty in Council and humbly submits that this appeal should be allowed and the Respondents' action should be dismissed and the injunction against the Appellant discharged and the Respondents should be ordered to pay the Appellant's costs and disbursements.

32. In support of the submissions in paragraph 28 hereof the Appellant relies upon the following among other 40

R E A S O N S

- (i) FOR THE REASONS given by Denis Malone J., in the High Court :
- (ii) BECAUSE all the learned members of the Court of Appeal were in error in failing to compare the words "Colgate" and "Tringate" as a whole but instead laid

emphasis on the common last syllable.

RECORD

- (iii) BECAUSE all the learned members of the Court of Appeal were in error in holding that the average prospective purchaser of toothpaste would conclude that the word "Tringate" implied "Colgate" made in Trinidad because there was no evidence that such persons would be likely to reach such a conclusion.
- 10 (iv) BECAUSE all the learned members of the Court of Appeal were in error in holding that the Appellant in choosing the word "Tringate" and the get-up of his toothpaste intended to deceive because there was no evidence of such an intention.
- (v) BECAUSE all the learned members of the Court of Appeal were in error in holding that there was a likelihood of confusion or deception because they failed to
20 have regard to the marked dissimilarities between the colouring and design of the "Colgate" and "Tringate" tubes and boxes, and further they failed to consider the evidence that the "Colgate" box was familiar through long and widespread user and was distinctive and easily memorable.
- (vi) BECAUSE all the learned members of the Court of Appeal were in error in holding that Denis Malone J., had failed to consider
30 the ordinary purchaser with imperfect recollection.
- (vii) BECAUSE on a proper comparison of the two marks and of the two get-ups there was no reasonable likelihood of deception or confusion.
- (viii) BECAUSE the decision of the Court of Appeal was against the weight of the evidence and/or is unreasonable and cannot be supported by the evidence.

40

VIVIAN PRICE

W. BRUCE SPALDING

No. 30 of 1975

IN THE PRIVY COUNCIL

O N A P P E A L
FROM THE COURT OF APPEAL OF
TRINIDAD AND TOBAGO

B E T W E E N :

KENNETH FREDERICK PATTRON
(Trading as "THE CARIBBEAN
DAILY NEED CHEMICAL WORKS")
(Defendant)

Appellant

- and -

COLGATE PALMOLIVE LIMITED
COLGATE PALMOLIVE (TRINIDAD)
LIMITED (Plaintiffs)

Respondents

CASE FOR THE APPELLANT

PHILIP CONWAY THOMAS & CO.,
61 Catherine Place,
London, SW1E 6HB

Solicitors for the Appellant.