

O/1098/22

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. 3628272
IN THE NAME OF DTCHD LTD
IN RESPECT OF THE TRADE MARK**



IN CLASS 25

AND

**THE FAST TRACK OPPOSITION THERETO
UNDER NO. 600002007
BY OLUWATOBI ODUKOYA**

Background and pleadings

1. Dtchd ltd (“the applicant”) applied to register the trade mark registration no. 3628272 for the mark shown on the cover page of this decision, in the UK on 18 April 2021. It was accepted and published in the Trade Marks Journal on 24 September 2021 in respect of the following goods:

Class 25: Clothing; Clothes; Wristbands [clothing]; Tops [clothing]; Knitted clothing; Motorcyclists' clothing; Hoods [clothing]; Leisure clothing; Infant clothing; Children's clothing; Childrens' clothing; Sports clothing; Leather clothing; Gloves [clothing]; Waterproof clothing; Plush clothing; Girls' clothing; Swaddling clothes; Knitwear [clothing]; Cloth bibs; Cyclists' clothing; Playsuits [clothing]; Slipovers [clothing]; Jerseys [clothing]; Weatherproof clothing; Casual clothing; Denims [clothing]; Combinations [clothing]; Furs [clothing]; Shorts [clothing]; Collars [clothing]; Ties [clothing]; Outer clothing; Cashmere clothing; Bandeaux [clothing]; Women's clothing; Bodies [clothing]; Embroidered clothing; Layettees [clothing]; Jackets [clothing]; Kerchiefs [clothing]; Chaps (clothing); Maternity clothing; Thermal clothing; Belts [clothing]; Muffs [clothing]; Capes (clothing); Motorists' clothing; Boas [clothing]; Slips [clothing]; Veils [clothing]; Wraps [clothing]; Athletic clothing.

2. Oluwatobi Odukoya



Class 25: Clothing.

3. By virtue of its earlier filing date of 11 July 2020, the above mark constitutes an earlier mark in accordance with section 6 of the Act.

4. The opponent argues that the marks are similar and that the goods are identical or similar to its earlier goods.

5. The applicant filed a counterstatement denying that the marks are similar and denying there exists a likelihood of confusion between the same.

6. Rule 6 of the Trade Marks (Fast Track Opposition) (Amendment) Rules 2013, S.I. 2013 2235, disapplies paragraphs 1-3 of Rule 20 of the Trade Mark Rules 2008 but provides that Rule 20(4) shall continue to apply. Rule 20(4) states that:

“(4) The registrar may, at any time, give leave to either party to file evidence upon such terms as the registrar thinks fit.”

7. The net effect of these changes is to require the parties to seek leave in order to file evidence in fast track oppositions. No leave was sought to file evidence in these proceedings.

8. Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if (i) the Office requests it or (ii) either party to the proceedings requests it and the registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost; otherwise, written arguments will be taken. A hearing was neither requested nor considered necessary and neither party filed written submissions in lieu of a hearing. This decision is taken following a careful perusal of the papers.

9. The opponent is unrepresented in these proceedings. The applicant is represented by Potter Clarkson LLP.

10. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Act relied upon in these proceedings are derived from an EU Directive. That is why this decision continues to refer to EU trade mark law.

Proof of use

11. The earlier mark holds a registration date of 29 January 2021. As it had not been registered for a period of five years or more at the date on which the application was filed, it is not yet subject to proof of use provisions in accordance with section 6A of the Act. The opponent may therefore rely upon all of the pleaded goods within this opposition.

Decision

Section 5(2)(b)

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

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

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark”.

13. Section 5A of the Act is as follows:

“5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

14. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia*

Sales Germany & Austria GmbH, Case C-120/04, Shaker di L. Laudato & C. Sas v OHIM, Case C-334/05P and Bimbo SA v OHIM, Case C-591/12P.

The principles

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

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

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

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

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

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

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

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

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

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

(k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

Comparison of goods

15. Where goods are included identically within two specifications, it is clear they should be considered identical. Additionally, where the wording differs but shares an identical meaning, the goods will be self-evidently identical. Finally, goods may be considered identical where they fall within a term covered by another application or registration. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court stated that:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 Institut für Lernsysteme v OHIM- Educational Services (ELS) [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark”.

16. Within its counterstatement, the applicant states:

“Despite the identity between the goods at issue, the marks are dissimilar...”

17. The applicant appears to concede above that there is identity between the goods. I therefore consider that the identity of the goods is not in dispute. In any case, I find that all of the applicant's goods are either self-evidently identical to the opponent's goods or that they fall within the category of clothing, for which the opponent holds protection under its earlier mark. The goods are therefore all identical either self-evidently, or in line with the principles set out in *Meric*.

Comparison of marks

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

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

19. It would be wrong, therefore, to dissect the trade marks artificially, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

20. The respective trade marks are shown below:

Earlier trade mark	Contested trade mark
	

21. The earlier mark comprises three elements, namely the multicoloured stripes, the word DETACHED and the plus (+) symbol. It is well established that generally word elements may be considered as more distinctive and often more dominant than device elements within marks.¹ Further, whilst the word DETACHED is not at the very beginning of the mark, it falls at the beginning of elements that may be verbalised within the mark. I consider that word element DETACHED plays the greatest role in the marks overall impression. The coloured stripes and the plus symbol both play a lesser role in the overall impression of the mark, however, they are not negligible.

22. The contested mark comprises the slightly stylised word DETACHED with the additional, much smaller wording 'from reality' placed in brackets below. The font is shown in white and the text is all placed within a large blue² box. Again, the word DETACHED is the most dominant and distinctive element of the mark, with it being

¹ See *Migros-Genossenschafts-Bund v EUIPO – Luigi Lavazza (CREMESPRESSO)*, Case T-189/16, paragraph 52 which refers to the judgment of 6 December 2013, *Premiere Polish v OHIM — Donau Kanol (ECOFORCE)*, T-361/12, not published, EU:T:2013:630, paragraph 32 and the case-law cited, and explains it is well established in the case law that word elements are generally regarded as more distinctive and even as dominant over figurative elements.

² This is referenced by the applicant in its counterstatement as a purple background. Whilst I see this as blue, I note that whether it is considered by the consumer to be purple or blue will make no difference to the dominance of this element, to the comparison of the marks, or to any aspect of this decision.

the largest word element. The wording '(from reality)' plays a lesser role in the overall impression of the mark, with it being in a very small font, and placed in brackets which indicates it is not part of the main content of the wording. The role of the blue box is minimal with it appearing primarily decorative, and the slight stylisation of the font also plays only a small role in the overall impression of the mark.

Visual comparison

23. Visually, the earlier mark and the contested mark both share the dominant and distinctive element DETACHED. This element is more heavily stylised in the contested mark, and this creates a small point of visual difference between the marks. In addition, the coloured stripes and the plus symbol in the earlier mark have no counterpart in the contested mark, and the wording (from reality) and the blue box have no counterpart in the earlier mark. These all create additional points of visual difference. However, due to the significant visual overlap between the dominant elements of both of the marks, they remain visually similar to between a medium and high degree.

Aural comparison

24. It is my view that the earlier mark will be pronounced by consumers as the two words and three syllables DETACHED PLUS.

25. In respect of the contested mark, it is my view that there will be a significant portion of consumers who will not verbalise the wording '(from reality)' due to its very small relative size and the fact it is placed in brackets, indicating it is not a key part of the content or that it is a side note of sorts. Where this is the case, the contested mark will be pronounced as the single two syllable word DETACHED. However, I note there may also be some consumers who verbalise this in full as DETACHED FROM REALITY. Where DETACHED is verbalised only, I find there will be between a medium and high degree of aural similarity with the earlier mark, with the two initial syllables being identical. Where the contested mark is pronounced in full, I find the marks are aurally similar to at least a medium degree by virtue of the shared two syllable word DETACHED featuring at the beginning of the aural element of each mark.

Conceptual comparison

26. Both marks include the known English word detached. Within the earlier mark, it is my view that this will convey the meaning of either an object or a person being disconnected from either other objects or people, or from emotion or opinion. Collins dictionary puts this in the following terms:³

“1. disconnected or standing apart; not attached
a detached house

2. having or showing no bias or emotional involvement; disinterested

...”

27. It is my view that the plus symbol in the earlier mark will be viewed by the consumer as an addition symbol, and it is likely to suggest to consumers that something extra is offered, conveying the idea of a more advanced or elevated version of the goods, or in the context of these particular goods, the idea of a plus size range offering additional sizes. I do not consider any concept to be conveyed through the use of the coloured stripes.

28. I note that the contested mark combines the word detached with the wording in brackets ‘from reality’. It is my view that the word detached in the later mark will still convey the concept of a person being disconnected, but in this case, it is conveyed that what they are disconnected from is the fact or truth of what is going on around them. This does convey a slightly different meaning to the consumer than the word detached by itself, however due to the strong shared concept of detachment, I consider the marks to be conceptually similar to between a medium and high degree.

Average consumer and the purchasing act

29. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion,

³ <https://www.collinsdictionary.com/dictionary/english/detached> [accessed 26 November 2022]

it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

30. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

31. All of the goods will be aimed primarily at members of the general public, although I note there will also be a group of professional consumers who will purchase the goods for the purpose of stocking retail stores for example. Whilst the price of the goods may therefore vary from affordable to very expensive, I do not find this will increase the level of attention paid towards the category of goods as a whole. However, when purchasing the goods, the consumer will consider the quality, materials, aesthetics, and practicality of the same. Overall I find the attention paid by the general public towards the goods will be medium. In respect of the professional public, the increased responsibility and liability that comes with stocking a retail business and ensuring its success, in addition to the higher volumes purchased means that the level attention paid to the goods will be at least above medium.

32. The goods will primarily be purchased visually, either via physical or online retail stores. However, I note the possibility for word-of-mouth recommendations, verbal assistance from retail staff, or in the case of the professional consumer, the possibility that orders may be placed over the phone. I cannot therefore completely discount the aural considerations.

Distinctive character of the earlier trade mark

33. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

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

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

34. The dominant element in the earlier mark, namely the word DETACHED is not descriptive nor is it allusive of the goods for which it is registered. However, it is a known English word, and it is my view that this element it is inherently distinctive to a medium degree. The colourful lines add only marginally to the distinctive character of the mark overall, whilst the simple plus symbol does not appear to add much to the marks inherent distinctiveness as a whole due to its suggestive nature in the context of the goods. Considering all of the elements, I find the mark to be inherently distinctive to slightly above a medium degree.

35. The opponent has not filed evidence showing use of her mark, and I therefore cannot consider that the distinctiveness of the earlier mark has been enhanced above its inherent level by virtue of the use made of the same.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion

36. Prior to reaching a decision under Section 5(2)(b), I must first consider all relevant factors, including those as set out within the principles A-K at paragraph 14 of this decision. I must view the likelihood of confusion through the eyes of the average consumer, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them they have kept in their mind. I must consider the level of attention paid by the average consumer, and consider the impact of the visual, aural and conceptual similarities of the marks by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. I must consider that the level of distinctive character held by the earlier mark will have an impact on the likelihood of confusion. I must remember that the distinctive character of the earlier mark may be inherent, but that it may also be increased through use, and that the distinctiveness of the common elements is key.⁴ I must keep in mind that a lesser degree of similarity between the goods may be offset by a greater degree of similarity between the marks, and vice versa. I must also consider that both the degree of attention paid by the average consumer and how the goods are obtained will have a bearing on how likely the consumer is to be confused.

37. I consider at this point that there are two types of confusion that I may find. The first type of confusion is direct confusion. This occurs where the average consumer mistakenly confuses one trade mark for another. The second is indirect confusion. This occurs where the average consumer notices the differences between the marks,

⁴ See *Kurt Geiger v A-List Corporate Limited*, BL O-075-13, in which Mr Iain Purvis Q.C. as the Appointed Person pointed out that the level of 'distinctive character' is only likely to increase the likelihood of confusion to the extent that it resides in the element(s) of the marks that are identical or similar.

but due to the similarities between the common elements, they believe that both products derive from the same or economically linked undertakings.⁵

38. In *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, Mr James Mellor Q.C. (as he then was), as the Appointed Person, stressed that a finding of indirect confusion should not be made merely because the two marks share a common element. In this connection, he pointed out that it is not sufficient that a mark merely calls to mind another mark. This is mere association not indirect confusion.

39. I found the earlier mark to be visually and conceptually similar to the contested mark to between a medium and high degree, and to be aurally similar to between a medium and high degree for some consumers, and to a medium degree for others. I have found the goods to be identical, and the level of attention paid by the general public to be medium, whilst this will be at above medium for professional consumers. I have found the goods will primarily be purchased visually, but that aural considerations cannot be completely ignored. I have found the element of the earlier mark that is shared with the contested mark to be the dominant and distinctive element of both marks, and to hold a medium degree of inherent distinctive character, but I have found that there is no evidence that its distinctiveness has been enhanced above its inherent level by virtue of the use made of the same.

40. Considering the fact that the dominant and distinctive element of each mark is the word DETACHED, it is my view that this is the key element of each mark that the consumer is likely to recall. However, bearing in mind the consumers imperfect recollection and the fact that they will rarely have the opportunity to consider the marks side by side, it is my view that when the consumer encounters the contested mark, having viewed the earlier mark previously, they may easily forget the coloured lines present in the earlier mark and the differences in the stylisation of the font, both of which play a lesser role and hold no concept in the marks, and are less to stick in the consumers mind. In addition, it is my view that the consumer may well believe the very small additional wording in the contested mark may have been present in the earlier mark, or that it would be forgotten when viewing the earlier mark due to its small size

⁵ *L.A. Sugar Limited v Back Beat Inc*, BL O/375/10

and minimal impact. Further, the blue background also makes only a minimal impact on the contested mark overall, and I consider that this background element itself is unlikely to differentiate between marks in the mind of the consumer when viewing these separately. In respect of the 'plus' element that is present in the earlier mark, I note this is likely to be verbalised and to provide a concept which may assist with the consumers recollection of the same, although I still find it to be a fairly weak distinguishing element with it conveying a meaning that is at least suggestive in the context of the goods. However, taking this into account, and reminding myself that I must be careful not to artificially dissect the marks and that I must take into account the overall impression of the same, I have carefully considered the impact on the consumer of the accumulation of the multiple small differences between the marks, including the PLUS element present in the earlier mark. Considering all of the factors and keeping in mind of the identity of the goods and the medium level of attention paid by the general public, it is my view that in this instance it is unlikely that the consumers will fail to notice or misremember all of the differences between the marks, and I therefore find it unlikely the consumer will be directly confused between the same.

41. I therefore consider if there will be a likelihood of indirect confusion between the marks for those consumers who are not directly confused between the same. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor QC (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said at [16] that “a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion”. Arnold LJ agreed, pointing out that there must be a “proper basis” for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

42. In *L.A. Sugar* Mr Iain Purvis Q.C. (as he then was), as the Appointed Person set out three examples of when indirect confusion may occur as below:

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (“26 RED TESCO” would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).”

43. I note that the examples above were intended to be illustrative and are not exhaustive. In this instance, I do not consider that the marks fall directly into one of these categories. However, I consider again the similarities between the marks and that the dominant and distinctive element of both of the marks is the word detached, which holds a medium degree of distinctive character in respect of the goods. I also consider that the goods are identical, and that the ‘plus’ element in the earlier mark may convey to the consumer the idea of an elevated range of goods, or a plus sized clothing range. I also consider that sub brands are not uncommon in the clothing sector.⁶ Further, I consider that the use of a much smaller size font and brackets surrounding the additional wording in the contested mark makes it clear this is not part of the key content of the mark, and for this reason it may reasonably not be carried through to a sub-brand. Even if this difference were to be recalled by the consumer, which it may not be, this logic may therefore be applied. I also consider that the blue box makes a minimal impact on the overall impression of the marks, and that even where some of the differences such as the plus symbol are noticed by the consumer, the consumer may still fail to recall the minimal stylistic differences, or they may place little importance on the same. With consideration to these factors, is my view that the

⁶ See paragraph 78 of the General Court decision in *Zero Industry Srl v OHIM*, Case T-400/06

earlier mark is likely to be considered by at least a significant portion of consumers to be a sub brand of the contested mark, indicating either an elevated or a plus size range of goods. For these consumers, I consider there will be a likelihood of indirect confusion between the marks in respect of all of the goods.

Final Remarks

44. The opposition has succeeded in its entirety, and subject to any successful appeal, the application will be refused.

COSTS

45. The opponent has been successful and would ordinarily be entitled to a contribution towards its costs. On the 12 September 2022, the Tribunal wrote to the opponent attaching a copy of a blank costs pro-forma and explaining as follows:

What to do if you intend to request costs

If you intend to make a request for an award of costs you must complete and return the attached pro-forma and send a copy to the other party. Please send these by e-mail to tribunalhearings@ipo.gov.uk on or before 12 October 2022. If the pro-forma is not completed and returned, costs, other than official fees arising from the action (excluding extensions of time), may not be awarded. You must include a breakdown of the actual costs, including accurate estimates of the number of hours spent on each of the activities listed and any travel costs. Please note that The Litigants in Person (Costs and Expenses) Act 1975 (as amended) sets the minimum level of compensation for litigants in person in Court proceedings at £19.00 an hour.

46. The opponent did not return a completed costs pro-forma. In the circumstances, I award the opponent costs to the sum off £100 only, to cover the official fee for filing the opposition.

47. I therefore order Dtchd Ltd to pay Oluwatobi Odukoya the sum of £100. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 13th day of December 2022

**Rosie Le Breton
For the Registrar**