O/0804/24

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. 3818728

BY FUTURE FOODS US, LLC

TO REGISTER:

Brooklyn Calzones

AS A TRADE MARK IN CLASS 43

AND

IN THE MATTER OF THE OPPOSITION THERETO

UNDER NO. 437741 BY

BAR SPORT BRANDS LIMITED

BACKGROUND AND PLEADINGS

1. On 10 August 2022, Future Foods US, LLC ("the applicant") applied to register **Brooklyn Calzones** as a trade mark in the United Kingdom in respect of the following services:

> *Class 43*
> *Restaurant services, namely, offering food and drink via online and mobile ordering for delivery.*

2. Priority is claimed from US Trademark No. 97/308670, which has a filing date of 11 March 2022.

3. On 28 November 2022, the application was opposed by Bar Sport Brands Limited ("the opponent"). The opposition is based on sections 5(2)(b) and 5(4)(a) of the Trade Marks Act 1994 ("the Act") and concerns all the services applied for.

4. Under section 5(2)(b), the opponent is relying on the UK Trade Mark ("UKTM") No. 3091357, which is a series of two marks, **BROOKLYN BARBECUE** and **BROOKLYN BBQ**. I shall refer to these marks as "the earlier word marks". The application for these marks was filed on 27 January 2015 and they were registered on 1 May 2015 in respect of the following services, all of which the opponent relies on under this ground:

> *Class 41*
> *Sporting and cultural activities; entertainment; live performances; live and personal appearances for entertainment purposes; hosting and management of sports events and entertainment featuring sports personalities; organising and operating talent shows and fashion shows; screening of live and recorded sports events and sporting competitions; information, advisory and consultancy relating to all the aforesaid.*

> *Class 43*
> *Bar, café, and restaurant services; club services for the provision of food and drink; provision of food and drink; catering services including mobile catering services; lounge services; wine and cocktail bar services; information about bars, menus and drinks provided on-line from a computer database or from the*

Internet; takeaway food and drink services; information, advisory and consultancy services in respect of the above.

5. The opponent also relies on UKTM No. 3091425, which is also a series of two marks which are shown below. I shall refer to these marks as "the earlier figurative marks". The application for these marks was filed on 28 January 2015 and they were registered on 1 May 2015 for the same services as UKTM No. 3091357, all of which the opponent relies on under this ground.

6. Both registrations qualify as earlier marks under section 6(1) of the Act and, as they were registered more than five years before the priority date of the contested mark, the opponent is required to have used them during the five years before that priority date or to have proper reasons for non-use.

7. The opponent claims that the contested mark is highly similar to the earlier word marks, with the first word being identical and the second descriptive, and that the contested mark is highly similar to the earlier figurative marks, as the word "BROOKLYN" is the dominant element of those marks. It also claims that the contested services are identical, similar and/or complementary to the services covered by its marks, and that there is a likelihood of confusion on the part of the public. Registration should therefore be refused under section 5(2)(b) of the Act.

8. Under section 5(4)(a), the opponent claims to have used the sign **BROOKLYN BARBECUE** throughout the UK since 2015 for the Class 43 services covered by the earlier marks. It claims to have acquired goodwill such that the public associate the mark **BROOKLYN BARBECUE** and **BROOKLYN BBQ** with the opponent. It argues that the public will see the addition of the word "CALZONES" as an extension of its business and thus the contested mark would constitute a misrepresentation to the public that the applicant's services are those of the opponent or that there exists some

commercial relationship between the two parties. Economic and reputational damage is likely to result, and there is also a risk of dilution of the opponent's brand. The requirements of passing off are, according to the opponent, met and registration should be refused under section 5(4)(a) of the Act.

9. The applicant filed a defence and counterstatement and put the opponent to proof of use. Under section 5(2)(b), it denies that the marks are similar and that there is any likelihood of confusion. Under section 5(4)(a), it denies that the opponent has acquired goodwill, that use of the contested mark would constitute a misrepresentation, and that any damage would occur.

10. Neither party requested a hearing and both filed written submissions in lieu on 20 December 2023.

11. In these proceedings, the opponent is represented by Mathys & Squire LLP and the applicant by Bird & Bird LLP.

EVIDENCE

12. The opponent's evidence in chief comes from Scott Murray, the Director of Bar Sport Brands Limited, a position he has held since 27 May 2010. His witness statement is dated 17 May 2023 and goes to the use made of the earlier marks and the claims to goodwill.

13. The applicant's evidence comes from Roberto Pescador, a Chartered Trade Mark Attorney at the applicant's representative. His witness statement is dated 17 July 2023 and is a vehicle for exhibiting the results of internet searches for the opponent's premises and menu.

14. The opponent filed evidence in reply in the form of a second witness statement from Mr Murray, dated 23 October 2023. He comments on Mr Pescador's evidence and provides further images of the premises and menu.

DECISION

Section 5(2)(b)

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

"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 mark."

16. This provision is assimilated law, as it is derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

Proof of Use

17. Section 6A of the Act is as follows:

"(1) This section applies where-

(a) an application for registration of a trade mark has been published,

(b) there is an earlier trade mark of a kind falling within section 6(1)(a), (aa) or (ba) in relation to which the conditions set out in sections 5(1), (2) or (3) obtain, and

(c) the registration procedure for the earlier trade mark was completed before the start of the relevant period.

(1A) In this section '*the relevant period'* means the period of 5 years ending with the date of the application for registration mentioned in subsection (1)(a) or (where applicable) the date of the priority claimed for that application.

(2) In opposition proceedings, the registrar shall not refuse to register the trade mark by reason of the earlier trade mark unless the use conditions are met.

(3) The use conditions are met if-

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

(b) the earlier trade mark has not been so used, but there are proper reasons for non-use.

(4) For these purposes-

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

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

[(5) Repealed]

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

…"

18. The case law on genuine use was summarised by Arnold LJ in *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247:

"105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bundersvereinigung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 *P Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W. F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

106. Ignoring issues which do not arise in the present case, such as use in relation to spare parts or second-hand goods and use in relation to a sub-category of goods or services, the principles may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Centrotherm* at [71]; *Leno* at [29]; *Ferrari* at [32].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at

[36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

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

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

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use

if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72] and [72]; *Leno* at [55].

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

107. The trade mark proprietor bears the burden of proving genuine use of its trade mark: see section 100 of the 1994 Act and *Ferrari* at [73]-[83]. The General Court of the European Union has repeatedly held that genuine use of a trade mark cannot be proved by means of probabilities or suppositions, but must be demonstrated by solid and objective evidence of effective and sufficient use of the trade mark on the market concerned: see e.g. Case T-78/19 *Lidl Stiftung & Co KG v European Union Intellectual Property Office* [EU:C:2020:166] at [25]. It has also repeatedly held that the smaller the commercial volume of the exploitation of the mark, the more necessary it is for the proprietor to produce additional evidence to dispel any doubts as to the genuineness of its use: see e.g. *Lidl* at [33]. In *Awareness Ltd v Plymouth City Council* [2013] RPC 24 Daniel Alexander QC sitting as the Appointed Person said:

'19. For the tribunal to determine in relation to what goods or services there has been genuine use of a mark during the relevant period, it should be provided with clear, precise, detailed and well-supported evidence as to the nature of that use during the period in question from a person properly qualified to know.

…

> 22. … it is not strictly necessary to exhibit any particular kind of documentation but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the tribunal … comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said the public.'"

19. The period in which use must be shown is the five years ending with the priority date of the contested application, which is 11 March 2022. Therefore, the relevant period is 12 March 2017 to 11 March 2022.

Evidence

20. Mr Murray states that the opponent operates bar and restaurant premises and also provides the opportunity to license or franchise its brands. These brands include the earlier marks, which, he claims, have been in use in its venue in Cannock, Staffordshire, since 2015. Exhibit SM02 contains a photograph that Mr Murray says is of this particular venue, and which I have reproduced below. It is undated and no further information is given in the witness statement.

21. Mr Pescador, for the applicant, carried out his own searches on the internet and in Exhibit RP-2 shows six images from Google Streetview for the premises. These date from May 2017 to December 2022, with the last two taken after the end of the relevant period. I have examined these images under magnification and cannot see either of the earlier marks.

22. Mr Murray's Exhibit SM02 also contains images of menus. The figurative mark can be seen on the cover and next to particular sections of the menu: chargrilled steaks, hot dogs, ribs & wings, and Man versus Food.

23. Mr Murray states that the menu shown has been used since April 2021, when the venue reopened after the Covid pandemic. Mr Pescador states that he has searched through the opponent's Facebook page and has found no reference to the mark or to the menus shown above.[1] Examples of the posts are shown in Exhibit RP-3. He also says that the menu on the opponent's website differs from that shown above. However, I do note that the date of the printout in Exhibit RP-4 is 17 July 2023, which is over a year after the relevant date. In his second witness statement, Mr Murray says that the website content has rarely been changed and adduces website print-outs dated 27 July 2015, 28 July 2015 and 1 July 2022 containing identical text to support this statement.[2] He explains that:

> "… the mark is used in relation to a service and menu provided seasonally to compliment [sic] or fit in alongside other promotions, events and variations at our venues. Due to the non-permanent nature, these changes to our menus are not generally updated online."[3]

24. Turnover for sales under the earlier marks was £46,677.05 between 1 January 2018 and 31 March 2020 and £102,482.97 between 3 April 2021 and 15 May 2023. This latter figure covers sales for 14 months after the relevant date, as well as 11 months before it. The lack of sales in the intervening period is attributed to the lockdown imposed during the Covid pandemic. Mr Murray also provides total turnover figures for what he describes as *"the Bar and Restaurant Venues"* in general as he argues that this gives an indication of the footfall in the venues and the exposure to the earlier marks. The turnover for the same two periods was £3,234,351.91 and £4,405,317.21. Confidential Exhibit SM03 states that these figures relate to "Site 1" and the turnover under the earlier marks is recorded under headings containing the phrase "Brooklyn Smokehouse".

25. He says that

> "It has always been the intention of my Company to expand the use of the BROOKLYN BBQ marks and whilst paused by Covid there are now plans to offer food and restaurant services in venues in Birmingham,

[1] Paragraph 7.
[2] Exhibit SMB-2.
[3] Paragraph 11.

Wolverhampton, Walsall, Stafford and Stoke. There is a website in development and as with other of my Company's brands we are looking for wider extension through license [sic] and franchise arrangements."[4]

26. Exhibit SMB-1 to Mr Murray's second witness statement contains three printouts from the opponent's website with dates from 15 December 2020 to 17 December 2021. They show the brands and trade marks that are available for licensing and franchising and include the following mark and photograph (the numeral 4 indicates the number of the page from which I have taken the images):

27. A contact number and email address are given for any queries about franchises and licences, but there is no further information.

Does the evidence show genuine use of the earlier marks?

28. For use to be genuine, it must have been real commercial exploitation of the mark, in the course of trade, sufficient to create or maintain a market for the services at issue in the UK during the relevant five-year period. In making my assessment, I am required to consider all relevant factors including (i) the scale and frequency of the use shown; (ii) the nature of the use shown; (iii) the services for which use has been shown; (iv)

[4] First witness statement of Mr Murray, paragraph 8.

the nature of those services and the market(s) for them; and (v) the geographical extent of the use shown.

29. I accept that the opponent's ability to use the mark is likely to have been restricted during the lockdown, but this period constitutes just over one year out of the whole relevant period. I also accept that the opponent has provided turnover figures for services recorded on an internal document under the term "Brooklyn Smokehouse", but I also note that there is very limited evidence to show me how the marks have been publicly used. The extent of this evidence is an undated photograph of part of the premises, a menu, and a website indicating that the figurative mark is available for licensing and franchising. Although Mr Murray says in his first witness statement that the menu has been used since the re-opening of the premises after the Covid lockdown, he says in his second witness statement that the marks were used in relation to a menu and service provided seasonally. This implies that the use has not been continuous during the period and I have been given no information to allow me to make any inferences about whether the extent of the use is enough to enable me to find that the marks have been genuinely used. Internal use is not sufficient: see *Ansul BV v Ajax Brandbeveiliging BV*, Case C-40/01 at [37]. There is also no specific information on the efforts said to be made to use the mark in other locations or to offer franchising opportunities.

30. As Arnold LJ said in *easyGroup Ltd* at [107] *"genuine use of a trade mark cannot be proved by means of probabilities or suppositions, but must be demonstrated by solid and objective evidence of effective and sufficient use of the trade mark on the market concerned"*. Such evidence has not been provided and so I find that the opponent has not proved genuine use of the mark for the services relied upon.

31. The opposition under section 5(2)(b) therefore fails.

Section 5(4)(a)

32. Section 5(4)(a) of the Act states that:

> "A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented –

(a) by virtue of any rule or law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, where the condition in subsection 4(A) is met"

33. Subsection 4(A) is as follows:

"The condition mentioned in subsection (4)(a) is that the rights to the unregistered trade mark or other sign were acquired prior to the date of application for registration of the trade mark or date of the priority claimed for that application."

34. In *Reckitt & Colman Products Limited v Borden Inc. & Ors* [1990] RPC 341, HL, Lord Oliver of Aylmerton described the 'classical trinity' that must be proved in order to reach a finding of passing off at [406]:

"First, he must establish a goodwill or reputation attached to the goods or services which he supplies in the mind of the purchasing public by association with the identifying 'get-up' (whether it consists simply of a brand name or a trade description, or the individual features of labelling or packaging) under which his particular goods or services are offered to the public, such that the get-up is recognised by the public as distinctive specifically of the plaintiff's goods or services. Secondly, he must demonstrate a misrepresentation by the defendant to the public (whether or not intentional) leading or likely to lead the public to believe that the goods or services offered by him are the goods or services of the plaintiff. Thirdly, he must demonstrate that he suffers or, in a quia timet action, that he is likely to suffer damage by reason of the erroneous belief engendered by the defendant's misrepresentation that the source of the defendant's goods or services is the same as the source of those offered by the plaintiff."

35. In *Advanced Perimeter Systems v Keycorp Limited (MULTISYS)*, BL O-410-11, Mr Daniel Alexander QC, sitting as the Appointed Person, quoted with approval the summary made by Mr Allan James, acting for the Registrar, in *SWORDERS Trade Mark*, BL O/212/06:

> "Strictly, the relevant date for assessing whether s.5(4)(a) applies is always the date of the application for registration or, if there is a priority date, that date: see Article 4 of Directive 89/104. However, where the applicant has used the mark before the date of the application it is necessary to consider what the position would have been at the date of the start of the behaviour complained about, and then to assess whether the position would have been any different at the later date when the application was made."[5]

36. The applicant has not claimed to be using the contested mark before the date of application, and so the priority date claimed is the relevant date. This is 11 March 2022.

Goodwill

37. The opponent must show that it had goodwill in a business at the relevant date and that the sign relied upon, **BROOKLYN BARBECUE**, is associated with, or distinctive, of that business.

38. The concept of goodwill was considered by the House of Lords in *Inland Revenue Commissioners v Muller & Co's Margarine Ltd* [1901] AC 217 at [224]:

> "What is goodwill? It is a thing very easy to describe, very difficult to define. It is the benefit and advantages of the good name, reputation and connection of a business. It is the attractive force which brings in custom. It is the one thing which distinguishes an old-established business from a new business at its first start. The goodwill of a business must emanate from a particular centre or source. However widely extended or diffused its influence may be, goodwill is worth nothing unless it has the power of attraction sufficient to bring customers home to the source from which it emanates."

39. In *South Cone Incorporated v Jack Bessant, Dominic Greensmith, Kenwyn House and Gary Stringer (a partnership)* [2002] RPC 19 (HC), Pumfrey J stated:

> "27. There is one major problem in assessing a passing off claim on paper, as will normally happen in the Registry. This is the cogency of the evidence

[5] Quoted in paragraph 43 of BL O-410-11.

of reputation and its extent. It seems to me that in any case in which this ground of opposition is raised the registrar is entitled to be presented with evidence which at least raises a prima facie case that the opponent's reputation extends to the goods comprised in the applicant's specification of goods. The requirements of the objection itself are considerably more stringent than the enquiry under s. 11 of the 1938 Act (see *Smith Hayden & Co Ltd's Application (OVAX)* (1946) 63 RPC 97 as qualified by *BALI Trade Mark* [1969] RPC 472). Thus the evidence will include evidence from the trade as to reputation; evidence as to the manner in which the goods are traded or the services supplied; and so on.

28. Evidence of reputation comes primarily from the trade and the public, and will be supported by evidence of the extent of use. To be useful, the evidence must be directed to the relevant date. Once raised, the applicant must rebut the prima facie case. Obviously, he does not need to show that passing off will not occur, but he must produce sufficient cogent evidence to satisfy the hearing officer that it is not shown on the balance of probabilities that passing off will occur."

40. However, in *Minimax GmbH & Co KG v Chubb Fire Limited* [2008] EWHC 1960 (Pat) Floyd J (as he then was) stated that:

"8. [The above] observations are obviously intended as helpful guidelines as to the way in which a person relying on section 5(4)(a) can raise a case to be answered of passing off. I do not understand Pumfrey J to be laying down any absolute requirements as to the nature of evidence which needs to be filed in every case. The essential is that the evidence should show, at least prima facie, that the opponent's reputation extends to the goods comprised in the application in the applicant's specification of goods. It must also do so as of the relevant date, which is, at least in the first instance, the date of application."

41. The shortcomings with the evidence that I identified under section 5(2)(b) are also apparent here. I can accept that the opponent has been operating a sports bar and that this business may have generated goodwill; what I cannot infer from the evidence

is that the sign that it seeks to rely on is distinctive of that goodwill. There is little firm evidence showing the extent to which the sign has been used and therefore whether it would identify the trade source of any services. Consequently, I find that even if the opponent has protectable goodwill, it is not associated with the earlier signs and so the opposition fails under section 5(4)(a).

OUTCOME

42. The opposition has failed and Application No. 3818728 may proceed to registration.

COSTS

43. The applicant has been successful and is entitled to a contribution towards its costs in line with the scale set out in Tribunal Practice Notice No. 2/2016. I have calculated the award as follows:

> *£300 for preparing a statement and considering the other side's statement;*
> *£750 for preparing evidence and considering and commenting on the other side's evidence;*
> *£350 for preparing written submissions in lieu of a hearing.*
>
> ***£1400 in total***

44. I therefore order Bar Sport Brands Limited to pay Future Foods US, LLC the sum of £1400. This 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 21st day of August 2024

Clare Boucher
For the Registrar,
Comptroller-General