BL O/0804/26

IN THE MATTER OF THE TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00004005199 BY THE SCOTCH HOUSE ALBA LIMITED TO REGISTER

UP

AS A TRADE MARK IN CLASSES 9, 25 AND 36

AND

IN THE MATTER OF OPPOSITION THERETO UNDER NO. OP000447931 BY PARAGON FINANCE PLC

AND IN THE MATTER OF AN APPEAL FROM THE DECISION OF C. WILLIAMS (O/0174/26) DATED 27 FEBRUARY 2026.

DECISION

Introduction

1. This is an appeal by the Scotch House Alba Limited ("**Appellant**") from decision O/0174/26 of Ms C. Williams ("**Decision**") concerning the opposition by Paragon Finance plc ("**Respondent**") to the Appellant's trade mark application No. UK00004005199 ("**Application**").

2. The Application is for the word **UP** and was filed on 22 January 2024 and published on 8 March 2024. The Appellant sought registration for the goods and services listed in the Annex to this decision.

3. On 10 June 2024 the Respondent opposed the Application pursuant to ss. 5(1) and 5(2)(a) of the Trade Marks Act 1994 ("**the Act**"), relying upon the following mark ("**Earlier Mark**"):

   UP

   UKTM No. UK00003904804

   Filing date: 25 April 2023

   Registration date: 11 August 2023

4. The Respondent relied on all services in class 36, namely: *Savings services; savings accounts services; provision of savings plans; administration of savings accounts; financial services relating to savings; the provision of information and advice relating to all of the aforesaid*.

5. The Appellant filed a counterstatement admitting that the marks are identical but denying that there is any similarity between the respective goods and services. The Appellant filed evidence in chief and the Respondent filed evidence in reply. No hearing was requested and both parties filed written submissions in lieu.

6. Ms C. Williams for the Registrar held that the opposition was partially successful. On 31 March 2026 the Appellant filed a Notice to Appeal to the Appointed Person against the Decision under Section 76 of the Trade Marks Act 1994.

The Hearing Officer's decision

7. The Hearing Officer held as follows (in summary, and insofar as is relevant to this appeal):

   a. The average consumer may be a member of the general public or a business user. Members of the general public are likely to demonstrate at least a medium level of attention, whereas business users are likely to pay a slightly higher level of attention. Visual considerations are likely to dominate the selection process, as the goods/services are most likely to be purchased direct from the provider after being presented to the average consumer in advertising, on websites, or in physical premises where information will be displayed in brochures, pamphlets or on signage. However, an aural component cannot be discounted, as the average consumer may receive verbal recommendations or wish to discuss the services with the provider;

   b. The marks are identical;

   c. The Earlier Mark has a medium degree of inherent distinctive character;

   d. The goods/services in question range from dissimilar, through similar to a very low degree, to similar to a low degree;

   e. There is a likelihood of direct confusion for all the goods/services which have any degree of similarity.

Grounds of Appeal

8. The Appellant's Grounds of Appeal are as follows:

   Ground 1: Error of law in the characterisation of evidence. The Hearing Officer erred in principle by characterising certain of the Appellant's exhibits as "survey evidence" and consequently dismissing them for failing to meet the requirements set out in *Imperial Group plc v Philip Morris Limited*.

   Ground 2: Error in the comparison of goods and services in classes 9 and 36. The Hearing Officer was "distinctly wrong" to find a similarity between the Appellant's *Credit cards* and the Respondent's *Savings services*.

   Ground 3: Error in the assessment of the average consumer and level of attention. The Hearing Officer erred in finding that the average consumer would exercise only a medium level of attention.

   Ground 4: Failure to properly apply the interdependency principle. The Hearing Officer found only a very low degree of similarity between credit cards and savings services. Where similarity is very low, the identity of the marks should not be an automatic "trump card".

   Ground 5: Procedural irregularity regarding exhibit SOC-004. The Hearing Officer dismissed SOC-004 (a dictionary definition of "fungible") as survey evidence. A dictionary definition is a matter of lexicographical fact and judicial notice, not a survey.

9. The Respondent filed a Respondent's Notice. Neither side requested a hearing, and only the Appellant filed submissions in lieu. Accordingly I have conducted this appeal on the basis of the Decision, the evidence and submissions before the Hearing Officer, the Grounds of Appeal, the Respondent's Notice and the Appellant's submissions in lieu.

Standard of review

10. The approach to be adopted in an appeal hearing has been laid down a number of times in case law, most recently in *Iconix Luxembourg Holdings SARL v. Dream Paris Europe Inc* [2025] UKSC 25 at §§94-95:

> "94. It is perhaps obvious, and certainly an inevitable conclusion drawn from experience, that reasonable minds, and in particular reasonable judicially trained minds, each faithfully applying the relevant law and principles, will come to different conclusions about the answer to these multifactorial questions. While of course the decision of an appellate court trumps that of the court below, the law has imposed structured constraints designed to prevent a free for all in a higher court whenever a party (with the necessary resources) wishes to challenge the first instance decision of the trial judge. The reasons for these constraints are set out in a string of well-known authorities including, in the intellectual property context, *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5; [2014] FSR 29, per Lewison LJ at para 114. The reasons there set out relevantly include the following:
>
>> (i) The trial is not a dress rehearsal. It is the first and last night of the show.
>>
>> (ii) Duplication of the trial judge's role on appeal is a disproportionate use of the limited resources of an appellate court.
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>> (iii) In making his decisions the trial judge will have regard to the whole of the sea of evidence presented to him, whereas an appellate court will only be island hopping.
>
> 95. In *Lifestyle Equities CV v Amazon UK Services Ltd* [2024] UKSC 8; [2024] Bus LR 532 this court reviewed those constraints in a trade mark context. After citing from the *Fage* case this court in a joint judgment said, at paras 49- 50:
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>> "49. That does not, however, mean the appeal court is powerless to intervene where the judge has fallen into error in arriving at an evaluative decision such as whether an activity was or was not targeted at a particular territory. It may be possible to establish that the judge was plainly wrong or that there has been a significant error of principle; but the circumstances in which an effective challenge may be mounted to an evaluative decision are not limited to such cases. Many of the important authorities in this area were reviewed by the Court of Appeal in *In re Sprintroom Ltd* [2019] 2 BCLC 617, paras 72–76. There, in a judgment to which all members of the court (McCombe, Leggatt and Rose LJJ) contributed, the court concluded, at para 76, in terms with which we agree, that on a challenge to an evaluative decision of a first instance judge, the appeal court does not carry out the balancing exercise afresh but must ask whether the decision of the judge was wrong by reason of an identifiable flaw in the judge's treatment of the question to be decided, such as a gap in logic, a lack of consistency, or a failure to take into account some material factor, which undermines the cogency of the conclusion.
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>> 50. On the other hand, it is equally clear that, for the decision to be 'wrong' under CPR r 52.21(3), it is not enough to show, without more, that the appellate court might have arrived at a different evaluation.""

11. Further guidance was provided in *Axogen v Aviv* [2022] EWHC 95 (Ch) at §24-25:

"24. Although I was referred to numerous cases on the subject (including *English v Emery Demibold & Struck Ltd* [2002] 1 WLR 2409, *REEF Trade Mark* [2003] RPC 5, *Fine & Country Ltd v Okotoks Ltd* [2014] FSR 11, *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5, *Shanks v Unilever Plc* [2014] RPC 29, *TT Education Ltd v Pie Corbett Consultancy* [2017] RPC 17, *Apple Inc v Arcadia Trading Limited* [2017] EWHC 440 (Ch), *Actavis Group PTC v ICOS Corporation* [2019] UKSC 1671 and *NINEPLUS* O/039/21), the approach of the appeal court to a statutory appeal under section 76(1) of the TMA is uncontroversial. I bear the following principles, relevant to the issues before me, firmly in mind:

i) The appeal is by way of a review, not a rehearing (see *TT Education Ltd v Pie Corbett Consultancy Ltd* (O/017/17) at [52(i)]);

ii) The appeal court will allow an appeal where the decision of the lower court was "wrong" (see CPR 52.11). Neither surprise at a Hearing Officer's conclusion, nor a belief that he or she has reached the wrong decision suffices to justify interference (*NINEPLUS* O/039/21 at [14]);

iii) The decision of the lower court will be "wrong" if the judge makes an error of law, which might involve asking the wrong question, failing to take account of relevant matters or taking into account irrelevant matters. Absent an error of law, the appellate court would be justified in concluding that the decision of the lower court was wrong if the judge's conclusion was "outside the bounds within which reasonable disagreement is possible" (*Actavis Group* at [81]);

iv) The approach required by the appeal court depends on a number of variables including the nature of the evaluation in question (*REEF Trade Mark* [2003] RPC per at [26]). There is a "spectrum of appropriate respect for the Registrar's determination depending on the nature of the decision" (*TT Education* at [52(ii)]), with decisions of primary fact at one end of the spectrum and multi-factorial decisions (of the type which the parties agree were made in this case by the Hearing Officer) being further along the spectrum.

v) In the case of a multifactorial assessment or evaluation, involving the weighing of different factors against each other, the appeal court should show a real reluctance, but not the very highest degree of reluctance, to interfere in the absence of a distinct and material error of principle. Special caution is required before overturning such decisions (*TT Education* at [52(iv)], *REEF* at [28] and *Fine & Country* at [50]-[51]).

vi) An error of principle is not confined to an error as to the law but extends to certain types of error in the application of a legal standard to the facts in an evaluation of those facts. The evaluative process is often a matter of degree upon which different judges can legitimately differ and an appellate court ought not to interfere unless it is satisfied that the judge's conclusion is outside the bounds within which reasonable disagreement is possible (*Actavis Group* at [80]).

vii) Another variable to be taken into account will be "the standing and experience of the fact-finding judge or tribunal" (*REEF* at [26], *Actavis Group* at [78]). Expert tribunals are charged with applying the law in the specialised fields and their decisions should be respected unless it is quite clear that they have misdirected themselves in law. Appellate courts should not rush to find such misdirections simply because they might have reached a different conclusion on the facts (*Shanks* at [28] citing the warning given by Baroness Hale in *AH (Sudan) v Secretary of State for the Home Department* [2007] UKHL 49).

viii) The appellate court should not treat a judgment as containing an error of principle simply because of its belief that the judgment or decision could have been better expressed; "The duty to give reasons must not be turned into an intolerable burden" (see *REEF* at [29]). The reasons need not be elaborate. There is no duty on a judge, in giving her reasons, to deal with every argument presented by counsel in support of his case. It is sufficient if what she says shows the basis on which she has acted (*English* at [17], *Fage* at [115]). The issues the resolution of which were vital to the judge's conclusions should be identified and the manner in which she resolved them explained (*English* at [19]).

ix) In evaluating the evidence, the appellate court is entitled to assume, absent good reason to the contrary, that the first instance judge has taken all of the evidence into account (*TT Education* at [52(vi)])."

12. To the above should be added the judgment of the Court of Appeal in *Lidl Great Britain Ltd v. Tesco Stores Ltd* [2024] EWCA Civ 262, where Arnold LJ said at §110 "It is common ground that, in so far as the appeals challenge findings of fact made by the judge, this Court is only entitled to intervene if those findings are rationally insupportable".

13. I shall bear all the above in mind when reviewing the Decision.

Discussion

(1) Error of law in the characterisation of evidence

(5) Procedural irregularity regarding exhibit SOC-004

14. I shall deal with these two grounds together as they raise a common issue.

15. At §§9-11 the Hearing Officer said:

> "I note that the majority of Mr O'Connor's evidence appears to contain survey evidence. This includes:
>
> - A credit card market study interim report from the Financial Conduct Authority dated November 2015;
> - Competition and Markets Authority Report into Acquisition by Experian PLC of Clearscore dated 28 November 2018;
> - A cash savings market review from the Financial Conduct Authority dated July 2023.
>
> I note that no permission was sought to file such evidence, neither were the requirements as set out in the Trade Mark Manual or the criteria as laid out in *Imperial Group plc & Another v. Philip Morris Limited & Another* adhered to.
>
> Even if permission had been sought to introduce this evidence it is of little relevance. The results are not particularly insightful or helpful for my assessment and I place little weight on it".

16. The Appellant contends that the Hearing Officer was incorrect to state that the requirements of the *Imperial Group* case (the so-called Whitford Guidelines) applied in relation to admissibility of this evidence, as the evidence in question was generated by third parties, and not by a litigant for the purposes of these proceedings.

17. I agree with the Appellant in this regard. The requirement of permission and compliance with the Whitford guidelines is only strictly necessary for admissibility where a party to litigation conducts its own survey – it is a condition of it being admitted. The Hearing Officer would not have been wrong to consider whether any surveys contained within the Appellant's evidence complied with the Whitford Guidelines when assessing how much weight to give to that evidence, but that is not the approach she took.

18. However, the Hearing Officer went on to dismiss the evidence as being of "little relevance". I have considered the evidence for myself in order to review that decision. The Appellant relies on the reports as showing that credit products and savings products occupy distinct markets and satisfy different consumer needs. The difficulty with that submission is that the Hearing Officer substantially accepted those propositions. Throughout §§25, 26, 32, 34 and 35 she repeatedly found differences in nature, purpose and method of use between the competing goods and services. The Decision therefore proceeded on the basis that credit products and savings products are different in important respects.

19. The Hearing Officer nevertheless concluded that a residual degree of similarity arose from overlapping users, trade channels and, in some cases, common provision by financial institutions. The FCA and CMA materials did not contradict those propositions. Accordingly, even had greater weight been attached to the exhibits, there is no realistic prospect that the outcome of the comparison would have been different.

20. Ground 5 fares no better. It is well established that a tribunal is not required to discuss every item of evidence or every argument advanced by a party. In the absence of some indication to the contrary, an appellate tribunal is entitled to proceed on the basis that all evidence was considered: see §11(ix) above.

21. The fact that exhibits SOC-002, SOC-004 and SOC-005 were not individually analysed does not establish that they were ignored. Nor were they of such obvious significance that the Hearing Officer was obliged to discuss them expressly.

22. As regards SOC-004, the dictionary definition of "fungible", the proposition for which it was said to stand was effectively accepted. The Hearing Officer expressly recognised that borrowing and saving perform different functions. The issue in dispute was not whether money is fungible, but whether, notwithstanding those differences, the average consumer may attribute the respective goods and services to the same commercial origin. The dictionary definition did not materially assist in answering that latter question.

23. In those circumstances, I do not consider that either Ground 1 or Ground 5 discloses a material error of principle, a failure to consider relevant evidence, or a deficiency in reasoning sufficient to justify appellate intervention. I therefore dismiss both grounds.

(2) Error in the comparison of goods and services in classes 9 and 36

24. The Appellant contends that the Hearing Officer was "distinctly wrong" to find a similarity between the Appellant's *Credit cards* and the Respondent's *Savings services*. As is clear from the case law I cite at §§10-11 above, this is a high hurdle for the Appellant to overcome. It is not

enough, without more, that the Appellant might establish that a different hearing officer, or indeed the appellate tribunal, might have arrived at a different evaluation. Rather, the Appellant must show that the Hearing Officer's decision was "outside the bounds within which reasonable disagreement is possible". Or, put another way, that no reasonable hearing officer could have reached the decision actually reached by the Hearing Officer.

25. The Appellant relies on a number of arguments under this ground. First, it contends that having held that the nature and purpose of these items are different (debt vs asset accumulation) and the method of use is different, the Hearing Officer then placed undue and determinative weight on the fact that both are offered by banks.

26. For example, at §26 the Hearing Officer said:

> "Credit cards differ in terms of nature, purpose and method of use compared to the opponent's financial services relating to savings. However, it is not uncommon for banks to offer both these goods and services to their customers. I therefore find that users and trade channels overlap. I do not consider there to be an important relationship between these goods and services because credit cards are for borrowing money up to a set limit whereas savings accounts are for storing money and accruing interest; as such they are not complementary. I do not consider there to be any competition between the goods and services. Overall, I consider there to be a very low degree of similarity".

27. At 34, in relation to *Financing services, instalment loans, loans [financing], lending services*:

> "The applicant's services provide money or credit to their customers, whether by way of instalment arrangements, loan products or other forms of lending. The opponent's services help customers store and grow their existing money, usually through savings accounts, savings plans, or similar deposit-based products. As such, these services differ in terms of nature, purpose and method of use. A customer may choose either the applicant's or opponent's services to fund a purchase, so I consider there to be some degree of competition. I also consider that the same undertaking would provide these services and users and trade channels would overlap. I do not consider the services to have a complementary relationship. As such, I find there is a low degree of similarity between these services".

28. It is clear from the above that the Hearing Officer based her findings not solely on the fact that both are offered by banks. Rather, she also took into account that users and trade channels will overlap. Was she justified in doing so? In my view she was. The Respondent filed evidence below of three high street banks offering both saving accounts and credit cards. Even without that, the Hearing Officer would have been justified in taking judicial notice of the fact that both services are routinely offered by banks and other financial institutions in the UK. The Respondent's evidence did not expressly establish that individual customers may use both savings accounts and credit cards from the same institution, and it appears therefore that the Hearing Officer based that finding on judicial notice. Again, I consider that the Hearing Officer was entitled, and indeed correct, to make such a finding.

29. The Appellant also relies on an alleged inconsistency between the finding that credit cards were similar to a very low degree (§26) and the finding that e-wallet and card payment processing services were dissimilar (§33). I do not regard that as demonstrating error.

30. The goods and services being compared were different, and the Hearing Officer was entitled to assess each grouping on its own facts. The existence of similarities in certain aspects of the reasoning does not mean that identical outcomes were required. Multifactorial assessments frequently involve matters of evaluative judgment upon which reasonable decision-makers may differ. The fact that another Hearing Officer might have drawn the line in a different place does not establish that the line actually drawn was impermissible.

31. I likewise reject the Appellant's reliance on the contrast between §§30 and 35 of the Decision. The Hearing Officer was comparing different categories of goods and services. The fact that both related, in a broad sense, to credit activities did not require identical outcomes. The Hearing Officer expressly regarded the class 9 goods as internal business tools used by financial institutions, whereas the class 36 services were directed to the provision of services to customers. In those circumstances, the different conclusions reached do not reveal any logical inconsistency.

32. The Appellant further criticises the Hearing Officer's observation that cards may be issued to customers to access savings accounts. Even if that particular example were inapt, it was not material to the reasoning. The Hearing Officer's conclusion did not depend upon any finding that credit cards and savings accounts perform the same function. On the contrary, she repeatedly recognised that they do not. The essential basis of her conclusion was that both products may be supplied through the same financial institutions to overlapping groups of consumers. There was ample basis for that conclusion independently of the example relied upon.

33. Finally, I note that the Respondent's case before the Hearing Officer was that the degree of similarity was materially higher than that ultimately found. The Hearing Officer did not simply adopt the Respondent's contentions. Rather, she accepted many of the Appellant's points regarding differences in nature, purpose and method of use, but nevertheless concluded that a residual degree of similarity remained. Far from indicating an error of approach, that tends to demonstrate that she reached a balanced evaluative conclusion after considering both sides' competing submissions.

34. I dismiss this second ground of appeal.

(3) Error in the assessment of the average consumer and level of attention

35. The Appellant contends that the Hearing Officer’s finding at §40 that members of the general public would demonstrate "at least a medium level of attention" and that business users would pay "a slightly higher level of attention" is inconsistent with the other findings in the same paragraph. She found that "none of the goods or services are casual purchases, given that they are all financial in nature", and that "[t]he average consumer is likely to consider factors such as the reputation of the provider, interest rates, security and efficiency when making a selection".

36. The Appellant submits that those findings describe a deliberate, information-led purchasing decision in which the consumer interrogates the identity of the provider and the commercial terms on offer. They are the hallmarks of a high, not a medium, degree of attention.

37. I disagree for two reasons. First, no error of principle is identified. The assessment of the average consumer’s level of attention is a matter for the first instance tribunal. It is clear from the full text of §40 that the Hearing Officer considered all the factors she was required to

consider, and came to a balanced view, taking into account factors which point away from a high degree of attention (see underlined wording below) as well as factors pointing towards a high degree of attention:

> "The average consumer of the goods and services which I have found to be similar may be a member of the general public or a business user. The frequency with which the services are purchased/selected is likely to vary but overall, I do not consider the services to be overly expensive. However, none of the goods or services are casual purchases, given that they are all financial in nature. The average consumer is likely to consider factors such as the reputation of the provider, interest rates, security and efficiency when making a selection. In my view, members of the general public are likely to demonstrate at least a medium level of attention. Business users are likely to pay a slightly higher level of attention because they will recognise that the selection may be important to the success of their business".

38. Nor can it be said that the Hearing Officer's assessment is plainly wrong.

39. Secondly, I bear in mind the observations of Iain Purvis QC (as he then was) sitting as the Appointed Person in *GREYBOX* BLO/106/20:

> "I do not consider there is any great value in debating differences between 'fairly low' and 'medium' degrees of similarity in the context of the overall assessment of likelihood of confusion. Certainly, I do not consider that such fine distinctions can properly be characterized as errors of principle. They are at best simply disagreements about the precise 'weight' to be given to a factor in the overall assessment, something which the Courts have consistently rejected as a proper ground of Appeal. Furthermore, given the lack of clarity and subjectivity of the terms in question, it is impossible to have any sensible debate on Appeal about whether the Hearing Officer was right".

40. Although Mr Purvis was discussing assessment of degrees of similarity, it seems to me that the same consideration applies to assessment of degree of attention. A different Hearing Officer may well have assessed the degree of attention as high, or at least higher than assessed by this Hearing Officer, but that does not mean she was wrong.

41. In any event, even if a higher degree of attention were assumed, consumers do not cease to rely upon imperfect recollection. The existence of a careful purchasing process is therefore not, of itself, inconsistent with a finding of confusion where identical marks are used for goods and services found to be similar.

42. I dismiss this third ground of appeal.

(4) Failure to properly apply the interdependency principle

43. The Appellant contends that the operative reasoning in the Decision is contained in a single sentence at §49:

> "Weighing up all of the above, noting the principle of imperfect recollection, that the earlier mark has a medium level of distinctive character, and that consumers rarely have the opportunity to compare marks side by side, I consider that the average consumer is likely to mistake the parties' marks for one another despite the goods and services being similar to a low or very low degree. I make this finding on the basis of the interdependency principle and as I consider this lesser degree of similarity between these

goods will be offset by the identity between the contested mark and the earlier mark. Consequently, I find that there is a likelihood of direct confusion between the marks. For the avoidance of doubt, the identity of the marks means that this finding applies even where the consumer pays a higher than medium degree of attention. (my underlining)

44. It contends that the Hearing Officer applied the interdependency principle as though it were "a rule of arithmetic under which identity of marks automatically cancels out any degree of dissimilarity, however great".

45. The wording underlined in §49 above certainly seems, at first sight, to suggest that the Hearing Officer made her decision on the basis of the interdependency principle alone. However, it is important to have regard to the entirety of paragraph §49, and particularly the wording at the beginning: "Weighing up all of the above, noting the principle of imperfect recollection, that the earlier mark has a medium level of distinctive character, and that consumers rarely have the opportunity to compare marks side by side …". I believe it is clear that, notwithstanding the impression that may be given from the underlined wording that the finding was solely on the basis of the interdependency principle, she in fact took other factors into account also when making her finding of a likelihood of confusion. If I am wrong, and the finding was made solely on the basis of the interdependency principle, there is sufficient support from the other factors mentioned in §49 to justify her finding.

46. I also reject the submission that the Hearing Officer failed to address the question required by *Canon*, namely whether consumers may believe that the goods and services originate from the same or economically linked undertakings. The structure of §§46-49 demonstrates that she conducted a conventional global assessment directed to the existence of confusion. That question is answered implicitly by her express conclusion that there was a likelihood of direct confusion. While the reasoning might have been more elaborately expressed, appellate courts have repeatedly cautioned against treating brevity of reasoning as an error of principle.

47. Nor do I accept the submission that the Hearing Officer presumed confusion. The fact that she ultimately found that identity of marks outweighed a low degree of similarity between the goods and services does not mean that she dispensed with the requirement to assess likelihood of confusion. Her reasoning may have been concise, but it demonstrates that she carried out the required global assessment before reaching her conclusion.

48. I dismiss this fourth ground of appeal.

Conclusion

49. The appeal is dismissed. Subject to the separate opposition referred to at §51 in the Decision, Application No. UK00004005199 shall continue in accordance with the Hearing Officer's decision.

Costs

50. Clearly, the Respondent has been the successful party in this appeal. Although there was no hearing, it did file a Respondent's Notice, and in accordance with the scale costs in TPN 1/2023, I order that the Appellant should pay the Respondent the sum of £500 reflecting the preparation of the Respondent's Notice only.

51. The Hearing Officer ordered that each party should pay its own costs of the proceedings below. which I do not disturb. Accordingly, the Appellant must pay the Respondent the sum of £500 within 21 days of this decision.

Dr. Brian Whitehead

2 September 2026

Representation

Mr Sion O’Connor, director, for the Appellant

Irwin Mitchell LLP for the Respondent

Annex – goods and services in the specification to the Application

Class 9: Credit cards; encoded cards; chip cards; smart cards; card readers for credit cards; credit card terminals; Commercial information agency software; communication installations; communications software; credit bureau software; credit consultancy software; database management software; databases, data sets and software relating to credit account management databases, data sets and software relating to billing; databases, data sets and software relating to biometric data; databases, data sets and software relating to candidate verification; databases, data sets and software relating to credit application processing; databases, data sets and software relating to credit assessment and credit screening; databases, data sets and software relating to credit scorecards; databases, data sets and software relating to credit strategy management; databases, data sets and software relating to customer profiling; databases, data sets and software relating to financial information; databases, data sets and software relating to identity documents; databases, data sets and software relating to identity verification and authentication; databases, data sets and software relating to names of individuals and organisations; databases, data sets and software relating to postal codes and addresses; databases, data sets and software relating to public record information.

Class 35: Credit card registration services, provision of credit card rewards based programs; preparation of monthly statements of credit card and reward account; provision of credit card and reward monthly statements.

Class 36: E-wallet payment services; financing services; instalment loans; issuance of credit cards; issuance of credit; loans [financing]; processing of credit card payments; Consumer credit history services; credit account management services; credit agency services; credit assessment services; credit bureau services; credit consultancy services; credit evaluation services; credit information services; credit rating services; credit risk assessment services; credit risk information services; credit scoring and credit scorecard services; credit screening services; credit strategy management services; debt collection services; fraudulent credit application detection services; preparation of credit reports; credit application processing services; credit care services; consumer credit services; credit card services; magnetic card services; chip card services; smart card services; issuance of credit, cards; credit card payment processing; lending services; advisory, consultancy and information services related to all of the aforesaid.