

O/0845/25

TRADE MARKS ACT 1994

CONSOLIDATED PROCEEDINGS

IN THE MATTER OF REGISTRATION NOS. 3345415, 3419961 & 3424607

IN THE NAME OF MANHOOD ACADEMY: OFFICIAL

FOR THE TRADE MARKS:

The Manhood Academy for Boys



Manhood Academy

IN CLASS 41

AND APPLICATIONS FOR DECLARATIONS OF INVALIDITY THERETO

UNDER NOS. 504308, 504309 & 504310

BY MANHOOD ACADEMY GLOBAL

Background and pleadings

1. Manhood Academy: Official (“the proprietor”) is the registered proprietor of the following trade marks (collectively, “the proprietor’s marks”):¹

(i) **The Manhood Academy for Boys**

UK registration no. 3345415

Filing date: 15 October 2018

Registration date: 11 January 2019

(“the proprietor’s first mark”)



(ii)

UK registration no. 3419961

Filing date: 8 August 2019

Registration date: 22 November 2019

(“the proprietor’s second mark”)

(iii) **Manhood Academy**

UK registration no. 3424607

Filing date: 29 August 2019

Registration date: 22 November 2019

(“the proprietor’s third mark”)

2. All three of the proprietor’s marks stand registered in class 41; the first and second for *academic mentoring of school age children* and the third for *academic mentoring*

¹ The proprietor’s marks were originally applied for by Lifelihood Academy CIC. However, ownership was transferred to the proprietor on 1 August 2022, as documented in the Form TM16 filed on 8 August 2022. On 13 March 2023, the proprietor confirmed that it had had sight of the forms filed in the proceedings and that it accepted liability for costs for the whole proceedings in the event that the applications for invalidity are successful.

of school age children; education and training services; education services; coaching; conducting guided tours of cultural sites for educational purposes.

3. On 2 November 2021, Manhood Academy Global (“the applicant”) made applications for declarations of invalidity in respect of the proprietor’s marks. The applications are based upon sections 5(4)(a) and 3(6) of the Trade Marks Act 1994 (“the Act”). These grounds have application in invalidation proceedings because of the provisions of sections 47(1) and 47(2)(b) of the Act, respectively.

4. Under section 5(4)(a), the applicant claims that it has a protectable goodwill in its business in relation to which it has used the signs **The Manhood Academy for Boys** and **Manhood Academy** throughout Greater London since December 2015. The services in relation to which the signs are said to have been used are *arranging, conducting and organising educational and cultural workshops, for young people and parents; international and local educational excursions and workshops; academic mentoring of school-age children; mentoring and coaching programmes for young people; training services for volunteers; education services; issuing of publications.* The applicant claims that use of the proprietor’s marks would be contrary to the law of passing off.

5. Turning to section 3(6), the applicant claims that, after having been dismissed from the applicant, members of the proprietor formed a new association in 2018 and began providing similar services. The applicant contends that these individuals knew that (i) they ceased to be members of the applicant, (ii) they ceased to have any interest in the goodwill in the applicant’s signs, (iii) they did not have permission to use the applicant’s signs, and (iv) they did not have permission to register trade marks identical/highly similar to the applicant’s signs. By doing so, the applicant submits that the proprietor’s marks were filed in bad faith.

6. The proprietor filed counterstatements, denying the grounds of invalidation.

7. On 14 September 2022, the proceedings were consolidated pursuant to rule 62(1)(g) of the Trade Marks Rules 2008.

8. Both parties filed evidence. A hearing was requested and held before me, by video conference, on 17 April 2024. Chris Pearson of counsel appeared for the applicant, whilst Jamie Muir Wood of counsel appeared for the proprietor.²

Relevance of EU law

9. The provisions of the Act relied upon in these proceedings are assimilated law, as they are 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.

Evidence

10. The applicant's evidence is given in the witness statement of Davis J Williams and one exhibit (DJW1). Mr Williams is the CEO of the applicant, a registered charity³. Mr Williams is also the director of two companies: The Manhood Academy for Boys⁴ and Manhood Academy⁵ ("MA Company"). He describes himself as the creator of 'Manhood Academy'.

11. The proprietor's evidence is given in the witness statement of Aundrieux Sankofa, filed together with 95 exhibits (AS1-AS95). Mr Sankofa is a co-director of the proprietor⁶ and of Lifehood Academy C.I.C.⁷ ("Lifehood"), the former owner of the proprietor's marks. He describes himself as one of the co-founders of 'Manhood Academy'.

12. The applicant filed evidence in reply, which included a second witness statement from Mr Williams and one further exhibit (DJW2). Also filed were witness statements

² Neither party had professional representation until the hearing.

³ Charity number 1191613.

⁴ Company number 11555636.

⁵ Company number 11621371.

⁶ Company number 13517174.

⁷ Company number 10770040.

from Hughie Rose, Albert Johnson, Angela Graham, Istaou Lovelace, Kemo Damian Jammeh, Michael Campbell, Michael Colin Lovelace and Michelle Thorney. Each of these witnesses provides their evidence in a personal statement exhibited to their witness statement (in Exhibits HR1, AJ1, AG1, IL1, KDJ1, MC1, MCL1 and MT1, respectively).

13. I have taken all the evidence into account in reaching my decision and will refer to it below where necessary.

Procedural developments

14. On 5 April 2024, the proprietor wrote to the Tribunal to make requests to file additional evidence and to cross-examine several of the applicant's witnesses.

15. The additional evidence consisted of a second witness statement from Mr Sankofa and one exhibit, as well as witness statements from other individuals. The evidence was said to disprove the surprise expressed by some of the applicant's witnesses regarding 'Manhood Academy West', whilst the other witness statements were intended to provide support to Mr Sankofa's narrative. Having not been filed with the request, the proprietor filed a copy of the exhibit on 9 April 2024 after a direction from the Tribunal.

16. As for the cross-examination request, the proprietor wished to test the veracity of the evidence of Mr Williams, Mr Johnson, Mr Rose, Ms Graham and Mr Lovelace. Broadly speaking, the topics in respect of which cross-examination were sought were the formation of 'Manhood Academy', the breakdown in the relationships between members of the parties, and the surprise expressed by some of these individuals regarding the creation of 'Manhood Academy West'.

17. On 9 April 2024, the applicant emailed the Tribunal to object to both requests. It highlighted that the hearing was only a short time away and that the additional evidence would impact on its preparations. As for the cross-examination request, the applicant argued that, if granted, the hearing would need to be vacated and relisted

for an entire day, in person; the applicant submitted that this was not reasonable or proportionate.

18. On 10 April 2024, the Tribunal issued preliminary views to refuse both requests. These were challenged by the proprietor on 11 April 2024. Consequently, these matters were dealt with as preliminary issues at the hearing.

19. After hearing submissions from Mr Pearson and Mr Muir Wood, I upheld the Tribunal's preliminary views and refused the proprietor's requests. In arriving at this decision in respect of the request to file additional evidence, I had regard to the factors outlined in *Property Renaissance Ltd v Stanley Dock Hotel & Ors* (2016) EWHC 3103 (CH). I considered that the request was made very late in the proceedings, a mere eight working days before the hearing was due to take place; the hearing would have been necessarily postponed until a later date when the applicant had been given an opportunity to properly review and, if needed, respond to the evidence, resulting in an avoidable delay. I also considered that the evidence could have certainly been filed sooner; the applicant's evidence in reply had been filed over six months before the request was made, and the email contained in the exhibit in question was from November 2018. Mr Muir Wood did not present any proper reasons why the evidence could only have been filed when it was. Whilst it was, in my view, arguable whether some of the evidence in question was material to the issues to be determined, I did not consider the materiality or importance of the document to be such that these factors were outweighed. The witness statements the proprietor wished to file merely serve to present additional individuals who agree with Mr Sankofa's version of events; they provide no real evidence themselves.

20. As for the cross-examination request, I considered that no reasonable notice had been given; the request was made a very short time before the hearing (again, a mere eight working days), meaning that it would have to have been postponed until a later date. This would have resulted in delays and, considering the relisted hearing would have likely had to take place in person, increased costs for the parties and the Tribunal. There were undoubtedly earlier opportunities for the request to be made, the proprietor having requested a hearing in November 2023. Another factor which contributed to my refusal of the request was the fact that elements of the applicant's factual evidence

had already been challenged in the written procedure. Based upon the reasons that had been given, the issues to which cross-examination was proposed to be directed, and the length of time that was requested, I considered that cross-examination would be disproportionate, unnecessarily costly and burdensome.

Section 5(4)(a)

Legislation and case law

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

“(4) 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 of 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 (4A) is met,

(aa) [...]

(b) [...]

A person thus entitled to prevent the use of a trade mark is referred to in this Act as the proprietor of an “earlier right” in relation to the trade mark.”

22. Subsection (4A) of section 5 states:

“(4A) 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.”

23. In *Discount Outlet v Feel Good UK* [2017] EWHC 1400 IPEC, Her Honour Judge Melissa Clarke, sitting as a deputy Judge of the High Court, conveniently summarised the essential requirements of the law of passing off as follows:

“55. The elements necessary to reach a finding of passing off are the ‘classical trinity’ of that tort as described by Lord Oliver in the Jif Lemon case (*Reckitt & Colman Product v Borden* [1990] 1 WLR 491 HL, [1990] RPC 341, HL), namely goodwill or reputation; misrepresentation leading to deception or a likelihood of deception; and damage resulting from the misrepresentation. The burden is on the Claimants to satisfy me of all three limbs.

56. In relation to deception, the court must assess whether “a substantial number” of the Claimants’ customers or potential customers are deceived, but it is not necessary to show that all or even most of them are deceived (per *Interflora Inc v Marks and Spencer Plc* [2012] EWCA Civ 1501, [2013] FSR 21).”

24. Halsbury’s Laws of England Vol. 97A (2021 reissue) provides further guidance with regard to establishing the likelihood of deception. In paragraph 636 it is noted (with footnotes omitted) that:

“Establishing a likelihood of deception generally requires the presence of two factual elements:

(1) that a name, mark or other distinctive indicium used by the claimant has acquired a reputation among a relevant class of persons; and

(2) that members of that class will mistakenly infer from the defendant’s use of a name, mark or other indicium which is the same or sufficiently similar that the defendant’s goods or business are from the same source or are connected.

While it is helpful to think of these two factual elements as two successive hurdles which the claimant must surmount, consideration of these two aspects cannot be completely separated from each other.

The question whether deception is likely is one for the court, which will have regard to:

- (a) the nature and extent of the reputation relied upon,
- (b) the closeness or otherwise of the respective fields of activity in which the claimant and the defendant carry on business;
- (c) the similarity of the mark, name etc used by the defendant to that of the claimant;
- (d) the manner in which the defendant makes use of the name, mark etc complained of and collateral factors; and
- (e) the manner in which the particular trade is carried on, the class of persons who it is alleged is likely to be deceived and all other surrounding circumstances.

In assessing whether deception is likely, the court attaches importance to the question whether the defendant can be shown to have acted with a fraudulent intent, although a fraudulent intent is not a necessary part of the cause of action”.

Relevant date

25. In *Advanced Perimeter Systems Limited v Multisys Computers Limited*, BL O/410/11, Mr Daniel Alexander QC, as the Appointed Person, endorsed the Registrar's assessment of the relevant date for the purposes of section 5(4)(a) of the Act, as follows:

“43. In *SWORDERS TM O-212-06* Mr Alan James acting for the Registrar well summarised the position in s.5(4)(a) proceedings as follows:

‘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.’”

26. The prima facie relevant dates are the filing dates of the proprietor's marks, namely 15 October 2018, 8 August 2019 and 29 August 2019. However, it is the applicant's case that, at some point in 2018, members of the proprietor formed and began operating a new association of their own: 'Manhood Academy West'. No precise date is given. The first public-facing use associated with this alleged venture in the evidence is an Instagram post by 'manhoodacademy_official', which announced the beginning of 'Manhood Academy' sessions in West London on 8 December 2018.⁸ Consequently, I must assess what the position would have been at that date before considering whether the position would have been any different at the prima facie relevant dates. I should add that this only applies to the proprietor's second and third marks. The filing date of the proprietor's first mark (15 October 2018) remains the relevant date in respect of that mark, since it was before the sessions were due to begin in West London.

⁸ Exhibit AS26

Goodwill

27. In *Inland Revenue Commissioners v Muller & Co's Margarine Ltd* [1901] AC 217 (HOL), goodwill was described in the following terms:

“What is goodwill? It is a thing very easy to describe, very difficult to define. It is the benefit and advantage 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.”

Had any goodwill been accrued by the relevant dates?

28. Mr Williams says that the applicant provides ‘rites of passage’ self-development programmes for boys aged 8-19, which include mentoring and workshops. He says that the idea to develop the programmes was borne from a trip he took to The Gambia in October 2014 with a company called AGA Tours. Mr Williams says that, upon his return to the UK, he began delivering sessions and trialled ‘Manhood Academy’ sessions at Newman Catholic College and Undiluted Expressionz youth group.

29. On 16 October 2015, Mr Williams says that he requested volunteers through Facebook to assist with the project. He provides a printout of a Facebook post, dated 16 October 2015, in which he states that he had finalised the planning stage for taking a group of boys on a ‘rites of passage’ trip for a learning and growing experience; the post had 101 likes and 25 shares at the date it was obtained (presumably, the date of his statement: 2 February 2023).⁹ Through this ‘call to action’, Mr Williams says that he recruited Messrs Sankofa, Rose and Johnson, as well as Daron Osbourne, Kehinde Ogunlabi, Daniel Thomas and Rio McLaren. Shortly after, Mr Williams states that he presented the name ‘Manhood Academy’ to these individuals at his home. There being no better alternatives, the name was adopted, and this group of eight individuals became an unincorporated association going by the names of ‘Manhood Academy’ and ‘The Manhood Academy for Boys’.

⁹ Exhibit DJW1, pages 1-2

30. Mr Williams says that, from around December 2015, these signs were used by the association throughout Greater London for the services claimed at paragraph 2. Broadly speaking, these consist of educational, coaching and mentoring services. He provides the following evidence of activities conducted by the association.

31. On 24 December 2015 and 25 December 2015, Mr Williams says he created Facebook, Instagram and YouTube pages for the association. He provides a printout of the 'Manhood Academy Global' Facebook page, which shows that the page was created on 24 December 2015 under the name 'The Manhood Academy for Boys' (this was changed to 'Manhood Academy Global' on 30 July 2019).¹⁰

32. From January 2016 onwards, Mr Williams says that he held weekly planning meetings for the association and trained members of the association at the premises of a youth charity.

33. A further printout from Facebook is provided, from Mr Williams' personal page; in a post, dated 24 April 2016, he describes how he was with Messrs Sankofa, Osbourne and Rose "from the Manhood Academy for Boys building and reasoning about the vision".¹¹ The post had 15 reactions and 1 share at the date it was obtained (presumably, the date of his statement).

34. Mr Williams says that his vision of Manhood Academy was solidified during a second trip to The Gambia in May 2016 with AGA Tours. This trip is evidenced by a certificate from the International Roots Festival.¹² He says that he wrote to AGA Tours thereafter to invite them to partner with the association. An email is in evidence, which shows Mr Williams making a proposal to AGA Tours on 30 June 2016 to work with 'The Manhood Academy for Boys' on its 'rites of passage' programme.¹³

35. Mr Williams says that he registered the domain name manhoodacademy.co.uk on behalf of the association on 26 August 2016. An invoice, dated 27 August 2016, from

¹⁰ Exhibit DJW1, page 3

¹¹ Exhibit DJW1, page 4

¹² Exhibit DJW1, page 5

¹³ Exhibit DJW1, page 7

1&1 Internet Ltd confirming the purchase of the domain by Mr Williams has been provided.¹⁴

36. On 15 October 2016, the association is said to have held a launch event at Park View School in Tottenham, London. Mr Williams provides details of the event from allevents.in; it is titled “The Manhood Academy For Boys Launch” and was due to take place on the date and at the location given.¹⁵ Mr Williams had previously posted about the launch on Facebook; his post, dated 31 August 2016, introduced ‘The Manhood Academy For Boys’ and included a link to book onto the launch event.¹⁶

37. According to Mr Williams, an article was published by *London Live* on 26 October 2016, entitled “How Tottenham’s Manhood Academy hopes to keep young men away from crime”. However, the article itself has not been provided.

38. From January 2017 onwards, the association is said to have delivered twice-weekly programmes at the premises of a youth charity with content that Mr Williams had created.

39. On 8 February 2017, Mr Williams says that he was a guest speaker on the topic of gang awareness at the ‘Better Brent’ forum. He says that he was there representing the association. A copy of the flyer for this forum has been evidenced.¹⁷ Mr Williams is listed as one of the speakers and is described as “the CEO of the Manhood Academy”.

40. Mr Williams says that the BBC published a short film about the association. A printout from the BBC website has been provided, which shows a three-minute video, entitled “Manhood Academy: Turning boys into men”.¹⁸ It was published on 18 June 2017. The video description references Mr Williams and “his ‘Manhood Academy’, in North London”. Mr Williams says that the BBC published a second piece about the

¹⁴ Exhibit DJW2, page 18

¹⁵ Exhibit DJW1, pages 8-10

¹⁶ Exhibit DJW2, page 14

¹⁷ Exhibit DJW1, pages 11-12

¹⁸ Exhibit DJW1, page 13

association; he provides a printout from Facebook, which shows a BBC Stories video entitled 'The Manhood Academy' and dated 18 June 2017.¹⁹

41. On 22 August 2017, Mr Williams says that the association received an email from a London-based production company, which makes content for major UK broadcasters, regarding the development of a documentary exploring the prevention of knife-related violence. A copy of the email has been provided.²⁰ The individual (at Big Deal Films) explained that they "came across the manhood academy" and requested to speak with Mr Williams in respect of a documentary which was being developed for the BBC.

42. Mr Williams also gives evidence of publications which featured 'Manhood Academy' around this time. The first is from *The Guardian* and is dated 2 September 2017; it refers to Mr Williams as "co-founder of the Manhood Academy" (along with Messrs Rose, Thomas, Ogunlabi and Sankofa) and describes the aims of the organisation as well as one of the programme meetings.²¹ The second is a printout from the BBC website, which shows a video (described by Mr Williams as a news item) entitled "The 'Manhood Academy'".²² The third is from *Huck Magazine*; the printout is undated, but Mr Williams says it was published on 9 January 2018.²³ It is entitled "The Manhood Academy where boys become men". It references the launch of the organisation by Mr Williams, Mr Sankofa and "six other men", and describes a programme meeting.

43. Mr Williams says that the association held a five-day residential programme in Bournemouth from 2 April 2018, with the aim of preparing participants for a 'rites of passage' trip to The Gambia. He adds that they were accompanied by a BBC film crew. However, there is no supporting evidence of this.

¹⁹ Exhibit DJW2, page 10

²⁰ Exhibit DJW1, page 14

²¹ Exhibit DJW1, pages 15-18; Exhibit DJW2, page 11

²² Exhibit DJW1, page 19

²³ Exhibit DJW1, pages 20-29

44. From October 2018 to the end of that year, the association is said to have been focused on planning and organising the trip to The Gambia, including raising £30,000 in funding. Again, there is no documentary evidence which supports this.

45. Mr Williams says that CNN published an article on 15 December 2018 which referred to the 'Manhood Academy' programmes. A copy of the article has been provided.²⁴ It is poor quality, so I am unable to confirm the date of the article, but I can make out the title ("Knives and gangs: What's driving Britain's broken boys to crime?") and references to 'Manhood Academy'.

46. On 31 December 2018, Mr Williams says that the association took a group of 14 teenagers to The Gambia for the 'rites of passage' trip. There is no documentary evidence of this.

47. On 8 February 2019, the BBC released episode two of its 'This is My Life' series, entitled "Boys to Men".²⁵ It says that it is the story of three teens who attend a week-long retreat with their mentorship group. Mr Williams says that this was the association. He also claims that the episode was nominated for 'Best Digital Children's Content' in the Broadcast Digital Awards and for the 'Teen' category in the BAFTA Children's Awards 2019.

48. In providing his own narrative, Mr Sankofa says that the initial concept for 'Manhood Academy' did emerge during a trip to The Gambia in October 2014, but that Mr Ogunlabi, his family, and Mr Rose also travelled with Mr Williams. A photograph of Messrs Ogunlabi, Rose and Williams on the trip has been evidenced, as has a photograph of the Ogunlabi family and their booking receipt for the trip.²⁶ Mr Sankofa says that the initial ideas were discussed in The Gambia, and that these three discussed the ideas thereafter with the other co-founders (confirmed as Messrs McLaren, Osbourne, Thomas and Johnson). A photograph of the eight co-founders at

²⁴ Exhibit DJW1, pages 30-42

²⁵ Exhibit DJW1, page 43

²⁶ Exhibits AS3-AS5

the launch of 'Manhood Academy' at Park View School, Tottenham, on 15 October 2016 has been provided.²⁷

49. Mr Sankofa says that he created the names 'Manhood Academy', 'Womanhood Academy', 'Parenthood Academy' and 'Lifelihood Academy' (the latter being a management organisation for the others) in late 2015 and presented them to the group. He says that they were intended to belong to the group as a whole, rather than any individual in the team. He provides an image of a logo for 'The Manhood Academy for Boys' which he created on 22 June 2016 but was never used.²⁸ Mr Sankofa says that the design of the logos used by the group was done by Mr Osbourne in 2016.

50. Mr Sankofa says that 'Manhood Academy' and 'Womanhood Academy' have conducted various programs in the UK. He says that from 2018 onwards, 'Manhood Academy' expanded from its North London base to other regions, including West London (8 December 2018), Birmingham (29 December 2019) and South London (18 December 2022). He provides a printout from the 'manhoodacademy_official' Instagram account, showing a post about 'MANOOD ACADEMY' coming to West London, with a 'rites of passage' programme for children beginning on 8 December 2018 at the Curve Community Centre.²⁹

51. Mr Sankofa says that, since its launch on 15 October 2016, 'Manhood Academy' has provided workshops for children and young adults, as well as consultations and workshops for parents, continuously under that name. He gives the following information in respect of 'Manhood Academy' programmes:

(i) 'Manhood Academy' at Kori Community Centre (North London), beginning on 17 March 2017. A photograph showing the group has been provided.³⁰

(ii) 'Manhood Academy' at The Edge Youth Club (North London), beginning in May 2017. An advertisement has been evidenced which confirms the location

²⁷ Exhibit AJ6

²⁸ Exhibit AS10

²⁹ Exhibit AS14

³⁰ Exhibit AS23

and says that it restarted on 17 January 2018.³¹ Details about this programme are also included in the Community Interest Company (“CIC”) Report dated 14 April 2020.³²

(iii) ‘Boys are Born, Men are Made: Manhood Academy Project’ in Haringey (North London), beginning in August 2018. A photograph, taken from the ‘manhoodacademy_official’ Instagram page has been provided; it shows a group in ‘Manhood Academy’ t-shirts and hats.³³

(iv) ‘Manhood Academy’ at The Curve Community Centre (West London), beginning on 8 December 2018. A photograph, taken from the ‘manhoodacademy_official’ Instagram page, shows a group in ‘Manhood Academy’ t-shirts and hats; the location is given as ‘The Curve’.³⁴ Details about this programme are also included in the CIC Report from April 2020.³⁵

(v) ‘Manhood Academy’ residential trip to an outdoor activity centre in Bournemouth between 2 April 2018 and 6 April 2018. This was said to have been in preparation for the ‘rites of passage’ journey to Africa.

(vi) ‘Manhood Academy’ trip to The Gambia with 14 teenage boys between 24 December 2018 and 1 January 2019. Mr Sankofa says that £15,902 was raised for the trip throughout the year. He says that the trip involved learning about local culture and customs, visiting markets and historical sites, seeing wildlife and participating in philanthropic activities. Mr Sankofa says that the boys also underwent a ‘rites of passage’ ceremony to mark their transition to adulthood. Details about the trip are also included in the CIC Report from April 2020.³⁶

(vii) Residential trip to Amsterdam with 16 teenage boys between 20 October 2019 and 27 October 2019. A photograph, taken from the

³¹ Exhibit AS24

³² Exhibit AS35

³³ Exhibit AS25

³⁴ Exhibit AS26

³⁵ Exhibit AS35

³⁶ Exhibit AS35

'manhoodacademy_official' Instagram page, shows two boys with 'Manhood Academy' bags; the location is given as 'Bijlmer Parktheatre'.³⁷

(viii) Residential trip to an adventure centre in Surrey between 29 November 2019 and 1 December 2019. A photograph of a group of boys in 'Manhood Academy' hoodies and hats in front of a climbing wall has been provided.³⁸

(ix) 'Manhood Academy' at the Legacy Centre of Excellence (Birmingham), beginning on 31 October 2020. A photograph of a group of boys wearing 'Manhood Academy' jumpers has been provided.³⁹

(x) Online virtual programmes between March and June 2020 during the COVID-19 pandemic. These consisted of 'Futureversity' sessions provided by 'Manhood Academy' via Zoom, as shown by an advertisement in evidence,⁴⁰ and Instagram live interviews with community professionals.

(xi) 'Manhood Academy' summer camp at The Curve Community Centre for three weeks in July and August 2020.

(xii) 'Manhood Academy' online 'MoneyTelligence' event from The Curve Community Centre on 17 August 2020.

(xiii) 'Manhood Academy' at Lancaster Youth Hub, Notting Hill, beginning on 19 February 2022. A photograph, taken from the 'manhoodacademy_official' Instagram page, shows a group participating at an event.⁴¹ It is not dated.

(xiv) 'Manhood Academy', Brixton, beginning in December 2022. Mr Sankofa says that this branch was inaugurated with a Kwanzaa celebration and introductory event.

³⁷ Exhibit AS28

³⁸ Exhibit AS29

³⁹ Exhibit AS31

⁴⁰ Exhibit AS32

⁴¹ Exhibit AS33

52. Mr Sankofa gives the following information relating to funding that 'Manhood Academy' has received:

Year	Project	Amount (£)
2018	Gofundme for trip to The Gambia	18,071.74
2019	UBLE EU exchange programme fund	34,480.00
2020	City life, London Living Grant	2,500.00
2021	BHM Grant (Kensington & Chelsea)	1,000.00
2022	BHM Grant (Kensington & Chelsea)	700.00
Total		57,751.74

53. According to Mr Sankofa, consistent efforts have been made to maintain a high profile with the public with advertising and promotional campaigns. He provides evidence of major projects between 2017 and 2023, comprising an advert for a 'Manhood Academy' programme at The Edge Youth Hub, beginning on 13 May 2017; an advert for a 'Futureversity' Instagram live stream on 16 May 2020; an advert for 'Cocoa Kids Fest', held at Dulwich College on 24 October 2021; an advert for a 'Manhood Academy' session in Birmingham on 1 May 2021; an advert regarding 'Manhood Academy' coming to Lancaster Youth Centre (no date); and an advert regarding 'Manhood Academy' coming to Brixton (no date).⁴²

54. Mr Sankofa provides information on awards and nominations which have recognised 'Manhood Academy'. These include the African Ignited Community Hero Award (2017); the NABBS Supplementary Education Award for cultural education (2018); The Speakers Club Award for educational development (2018); a nomination in the PTAH Council Intl. Awards rites of passage and mentoring category (2019); a nomination in the Legacy Achievement Awards: Paving the Way (2020); and a nomination in the MBCC Awards: Multicultural Business & Community Champion, Birmingham City (2022). Mr Sankofa provides evidence of the latter two, consisting of images showing the nominations on what are likely to be the websites of the awarding bodies.⁴³ Mr Sankofa also provides information about further nominations and awards,

⁴² Exhibits AS36-AS42

⁴³ Exhibits AS44 and AS45

namely BAFTA Teen and Broadcast Digital Awards in 2017 and 2019, respectively. This includes a printout from the BAFTA website, showing 'This Is My Life: Boys to Men' nominated in in the Children's Awards in 2019.⁴⁴ However, these awards and nominations appear to relate to the television and broadcasting aspects of the programmes themselves, rather than the activities conducted by 'Manhood Academy'.

55. Mr Sankofa says that, on 7 December 2019, the Queen of the Democratic Republic of Congo visited a 'Manhood Academy' session at The Curve Community Centre, London. This is shown in a photograph, taken from the 'manhoodacademy_official' Instagram account.⁴⁵ Moreover, on 5 October 2021, Mr Sankofa says that the Mayor of the Royal Borough of Kensington and Chelsea attended a 'Manhood Academy' fundraising event at Kensington town hall. This is shown in a photograph.⁴⁶ The Mayor also posted on Twitter about the visit, thanking 'Manhood Academy' for their work, on 19 November 2021.⁴⁷

56. As for press recognition, Mr Sankofa has provided an email from a London-based photojournalist, dated 8 December 2017, in which they express interest in profiling 'Manhood Academy' for *Huck Magazine*.⁴⁸ He has also evidenced an email, dated 17 September 2018, which details a request about the CNN feature, as well as an image of what Mr Sankofa describes as the final feature (an undated photograph of an individual in a 'Manhood Academy' t-shirt).⁴⁹ In addition, Mr Sankofa refers to the BBC documentary, stating that it was published on 8 February 2019. He exhibits a printout from BBC iPlayer of the documentary and an email, dated 31 March 2018, from the Creative Director at Big Deal Films.⁵⁰ Mr Sankofa has also provided extracts from the articles in *The Guardian* (2 September 2017) and *Huck Magazine* (9 January 2018).⁵¹

⁴⁴ Exhibit AS43

⁴⁵ Exhibit AS46

⁴⁶ Exhibit AS47

⁴⁷ Exhibit AS48

⁴⁸ Exhibit AS49

⁴⁹ Exhibits AS50 and AS51

⁵⁰ Exhibits AS52 and AS53

⁵¹ Exhibits AS54 and AS55

57. Mr Sankofa provides a list of 'Manhood Academy' websites and social media sites, their handles and hyperlinks to the same. However, the only evidence of these he provides is an undated printout from the manhoodacademyofficial.com website.⁵²

58. From Mr Muir Wood's submissions at the hearing, I did not understand it to be in dispute that goodwill associated with the signs had been generated. Although goodwill traditionally arises from trading activities, in *Wadlow on the Law of Passing-Off* (6th edition), Professor Christopher Wadlow observed, at paragraph 3-114, that "[...] charities and other non-profit or non-trading organisations such as churches, political parties and interest groups, do depend on the financial contributions of their members and the general public. To that extent, they may be said to have something corresponding sufficiently closely to the goodwill of trading organisations in so far as they are able to attract money (or money's worth) which would otherwise have been kept, spent or bestowed elsewhere". In consideration of the proprietor's position, I find that there was goodwill (or something sufficiently similar) in the London area associated with the signs 'The Manhood Academy for Boys' and 'Manhood Academy' at the earlier relevant dates. As much of the evidence in these proceedings is from after 15 October 2018 and 8 December 2018, I find that the amount of goodwill was relatively small at those times.

Who owns the goodwill?

59. With the greatest respect to the parties, and acknowledging their status as unrepresented parties until the substantive hearing, I have found the way in which they made their respective evidential cases in these proceedings unhelpful and unfocused. The witness statements contained lengthy, incoherent narratives, which included a number of irrelevant matters and inconsistencies. As both parties were represented by counsel at the hearing, I make the following assessment on the basis of how their respective cases were presented at the same.

60. It is not in dispute that eight individuals collectively started out with the name 'Manhood Academy', those being Messrs Williams, Sankofa, Osbourne, Ogunlabi,

⁵² Exhibit AS56

Thomas, McLaren, Rose and Johnson. Irrespective of who coined the name 'Manhood Academy', this group of individuals with a common purpose would have legally constituted an unincorporated association operating under that name.

61. In *John Williams and Barbara Williams v Canaries Seaschool SLU*, BL O/074/10, Mr Geoffrey Hobbs QC, sitting as the Appointed Person, provided the following guidance:

"26. [...] I make the general observation that goodwill can be and frequently is built up and acquired by means of economic activities carried out collectively. By using the word 'collectively' I am intending to refer to all of the various ways in which alliances may be formed between and among individuals or corporate bodies in pursuit of shared interests and objectives. It is appropriate in this connection to refer to the following observations in the judgment of the Court of Appeal delivered by Hughes LJ in *R v. L(R) and F(J)* [2008] EWCA Crim. 1970; [2009] 1 Cr. App. R 16:

Unincorporated associations

11. There are probably almost as many different types of unincorporated association as there are forms of human activity. This particular one was a club with 900-odd members, substantial land, buildings and other assets, and it had no doubt stood as an entity in every sense except the legal for many years. But the legal description "unincorporated association" applies equally to any collection of individuals linked by agreement into a group. Some may be solid and permanent; others may be fleeting, and/or without assets. A village football team, with no constitution and a casual fluctuating membership, meeting on a Saturday morning on a rented pitch, is an unincorporated association, but so are a number of learned societies with large fixed assets and detailed constitutional structures. So too is a fishing association and a trade union. And a partnership, of which there are hundreds of thousands, some very large indeed, is a particular type of unincorporated

association, where the object of the association is the carrying on of business with a view to profit.

12. At common law, an unincorporated association is to be distinguished from a corporation, which has a legal personality separate from those who have formed it, or who manage it or belong to it. The most numerous species of corporation is the limited liability company, but there are of course other types, such as chartered professional associations, local government bodies and indeed bishops. At common law, as the judge succinctly held, an unincorporated association has no legal identity separate from its members. It is simply a group of individuals linked together by contract. By contrast, the corporation, of whatever type, is a legal person separate from the natural persons connected with it.

13. This is an apparently simple legal dichotomy duly learned by every law student in his first year. But its simplicity is deceptive. It conceals a significantly more complicated factual and legal position.

14. As to fact, many unincorporated associations have in reality a substantial existence which is treated by all who deal with them as distinct from the mere sum of those who are for the time being members. Those who have business dealing with an unincorporated partnership of accountants, with hundreds of partners world-wide, do not generally regard themselves as contracting with each partner personally; they look to the partnership as if it were an entity. The same is true of those who have dealings with a learned society, or a trade union, or for that matter with a large established golf club. Frequently, as Lord Phillips of Worth Matravers C.J. pointed out in *R. v. W. Stevenson & Sons* (a partnership and others) [2008] EWCA Crim. 273; [2008] 2 Cr. App. R. 14 (p.187) (at [23]) third parties will simply not know whether the organisation being dealt with is a company or some form of unincorporated association.

[...]

The judgment in that case related to the operation of the general rule that in any enactment passed after 1889 the word 'person' includes 'a body of persons corporate or unincorporate' unless the contrary intention appears: Section 5 and Sch. 1, Interpretation Act 1978."

62. It can be seen from the above that unincorporated associations are collectively capable of owning goodwill. As such, from the beginning, the members of the association called 'Manhood Academy' would have jointly owned any goodwill which was accrued through its use of the sign. This unincorporated association appears to have been the arrangement from at least the launch on 15 October 2016.

63. At this juncture, I pause to consider whether any goodwill was accrued prior to this date, given that some of Mr Williams' narrative relates to developments before the official launch. He claims that the signs were used from around December 2015 and that, in January 2016, he started holding weekly planning and training sessions. However, there is no evidence which supports these assertions. There is no supporting evidence of the signs being used as far back as December 2015 or of any planning or training sessions having taken place. In respect of the latter, even if any such sessions did take place with other members of the association, this would not have generated any goodwill on its own. This is because it would not have been a public-facing activity; the public are unlikely to have been aware of these sessions or been exposed to the association or its signs through the same. Furthermore, whilst Mr Williams may have created social media accounts and registered a domain name prior to the launch, the mere existence of these sites in December 2015 and August 2016 does not suffice for the establishment of goodwill; there is no evidence that any individuals would have seen them prior to the launch. I note that Mr Williams posted about the 'Manhood Academy for Boys' from his own Facebook account in April 2016. However, this post had a very small number of reactions, and these figures were correct as of February 2023, i.e. after both the official launch and the relevant dates. Overall, I find that Mr Williams had not accrued any goodwill prior to the launch of 'Manhood Academy' by the association on 15 October 2016.

64. Following the operation of 'Manhood Academy' by the unincorporated association, the applicant's position is that, on or around 11 August 2018, the members agreed to

form a senior leadership team (“SLT”) to manage the organisation. This is said to have comprised Messrs Williams, Johnson and Ogunlabi. On 21 September 2018, Messrs Ogunlabi, Sankofa and Osbourne are said to have been dismissed from the association and ceased to be members. Between that date and 15 October 2018, Messrs Thomas and McLaren are said to have stopped engaging in ‘Manhood Academy’ sessions and voluntarily left the association. The result of this was that, at that point in time, Messrs Williams, Rose and Johnson (the remaining three members) collectively owned the goodwill. Ownership of the goodwill is then said to have passed to MA Company on 20 September 2019 when it was incorporated by Mr Williams. The applicant’s position is that the transfer of the association’s business activities to this entity acted as an implied assignment of the goodwill and effective dissolution of the association. MA Company is said to have been the owner of the goodwill until the registration of the applicant on 2 October 2020, the entity wherein the goodwill is now said to reside.

65. The proprietor’s position differs. It says that Lifehood was incorporated on 15 May 2017 as the company through which the unincorporated association would thereafter provide their services under the signs. The proprietor says that, in or around autumn 2018, the members of the association fell out with one another, forming two groups. According to the proprietor, Messrs Rose and Johnson resigned from Lifehood on 18 October 2017 and 30 November 2018, respectively, whilst Mr Williams had never formally been a director. The other members of the previous association are said to have remained directors, continuing to provide services under the signs. At the hearing, Mr Muir Wood acknowledged that Messrs Williams, Rose and Johnson continued to operate under the signs, but submitted that from late 2018 onwards they ceased to do so under Lifehood. It is the proprietor’s position that, whilst there were two groups of people providing services in parallel under the same signs, Lifehood was the earlier user.

66. After carefully considering the evidence and submissions made, I find more support for the proprietor’s position. Firstly, a copy of contemporaneous meeting notes, dated 28 July 2018, has been provided; it states that “Lifehood Academy was birthed out of a conversation with a few Manhood Academy for boys founders and was voted in as being the holding company, the administrative arm, the business that will

oversee all the activities [...]”. Listed as present at that meeting were, *inter alia*, Messrs Williams, McLaren, Rose and Johnson. In addition, a ‘Strategic Framework’ document, which was created on 27 March 2017, has been provided, showing ‘Lifelihood Academy’ above ‘Manhood Academy’.⁵³ The creation of the document shortly before Lifelihood was incorporated is indicative of what the intended purpose of the entity was at that time. These aspects of the proprietor’s case have not been challenged by the applicant, notwithstanding the extensive evidence in reply that was filed.

67. At the hearing, Mr Pearson submitted that Lifelihood was dormant until around February 2018; thereafter, it was operating for purely administrative purposes, there being no evidence of any trading activity. He argued that it was still the association trading at that point and the goodwill remained in their hands until the split. This, in the applicant’s view, undermines the potential for Lifelihood having been the owner of the goodwill. I agree with Mr Pearson to the extent that there is a scarcity of evidence clearly pointing to Lifelihood being the public-facing, trading entity using the signs after its incorporation. However, Mr Williams himself states that Lifelihood was responsible for issuing and paying invoices and collecting public donations from around February 2018. As such, the public is likely to have seen Lifelihood as the undertaking ultimately responsible for the provision of the services. I also note that Lifelihood is referenced in an Instagram post about ‘Manhood Academy’ sessions in West London commencing on 8 December 2018.⁵⁴ In any event, whilst goodwill typically arises as a result of trading activities, the question is not whether Lifelihood started generating any goodwill of its own, separate to that of the association, following its incorporation. Rather, the question is who owned the goodwill that had previously been accrued by the association.

68. I acknowledge that there is nothing explicit in the evidence regarding the transfer of any goodwill to Lifelihood at the time of its incorporation, such as, for example, an assignment document or a written agreement that the goodwill associated with the relevant signs would be owned by Lifelihood. In fact, there is nothing formal regarding the ownership of any assets at all. Nonetheless, the evidence establishes that the

⁵³ Exhibits AS17 and AS18

⁵⁴ Exhibit AS14

association agreed to incorporate Lifehood for the purposes of running the 'Manhood Academy' business; it was to be the overarching business under which 'Manhood Academy' activities would be carried out. In such circumstances, it is open to me to infer that there was an effective transfer of the goodwill from the previous association to Lifehood upon its incorporation.

69. I note that Mr Williams has provided an email from Mr Johnson, dated 2 November 2018, in which he says that "Lifehood Academy is not the business branch of The Manhood Academy of Boys / Womanhood or Parenthood Academy".⁵⁵ At the hearing, Mr Muir Wood invited me to treat the email with scepticism, highlighting that the body of the email is presented in two different typefaces. Although it is true that Mr Johnson's email is written in two different typefaces, it is my understanding that this point was not raised during the evidence rounds, meaning that the applicant has not been given a proper opportunity to respond to it. Therefore, it would be manifestly unfair to make a finding that the email was edited or fabricated to mislead the Tribunal. However, I note that Mr Johnson's email was filed before the proprietor's evidence, which included both the aforementioned meeting notes and a direct challenge to the veracity of the statement in the email itself. The only response to it from the applicant came in the form of a statement (i.e. not contemporaneous evidence of fact) from Mr Williams that "Lifehood Academy was never supposed to be managed by Manhood Academy. I confirm that the Lifehood Academy Articles of Association do not make any mention of Manhood Academy".⁵⁶ Nothing has been provided in support of this, notwithstanding the substantial amount of evidence in reply that was filed. I also note that Mr Johnson's own statement makes no reference at all to the email he sent or its contents. In his skeleton arguments, Mr Pearson submitted that Lifehood's role was terminated by the association on or around 21 December 2018, but he did not point to any evidence demonstrating that this had happened, and did not advance this argument at the hearing.

70. Much of the applicant's own case on who owns the goodwill appears to rest on the claim that Messrs Ogunlabi, Osbourne and Sankofa were dismissed from 'Manhood

⁵⁵ Exhibit DJ1, pages 52-53

⁵⁶ Exhibit DJW2, page 21

Academy' on 21 September 2018. At the hearing, Mr Muir Wood submitted that the dismissal letters appear to have been forged. This was based on the use of the following logo in the letterhead:



71. Mr Muir Wood submitted that this is the logo of 'Manhood Academy Global', which, on Mr Williams' own evidence, was not formed until February 2019. This challenge was foreshadowed in Mr Sankofa's statement. Mr Sankofa disputed that any SLT meetings about the dismissals ever took place and gave evidence that none of the individuals received the letters. Moreover, Mr Sankofa claimed that the 'Manhood Academy Global' letterhead could not have existed at that time, given that the company itself was yet to be registered. He highlighted Mr Williams' own narrative evidence that "[o]n 23 February 2019, I publicly stated on Facebook that the Association had changed its name to Manhood Academy Global with a new logo and domain name. On 20 September 2019, on behalf of the Association, I incorporated Manhood Academy Global [...]". In addition to this, he highlighted a post on Instagram where Mr Williams stated on 17 December 2019 that "[w]e are slowly phasing out the old logo".⁵⁷ Mr Muir Wood also referred to Mr Lovelace's narrative, which states that "[i]n November 2019, as part of the rebranding, we set up [a] new company [...] I really wanted to set up a new company so we could separate ourselves from [Mr Sankofa] and his team, new logo and approach". The proprietor's position in light of all this is that, when the dismissal letters were allegedly sent, the logo used on the letters did not exist. I note that, notwithstanding the substantial evidence in reply that was filed by the applicant, nothing specific was provided to respond to this particular challenge. No further evidence supporting the applicant's claims in respect of these documents has been provided. If they had been sent when alleged, and if the new logo was in fact

⁵⁷ Exhibit AS94

created or in use prior to that point, it would have been a straightforward task for the applicant to provide evidence of it. For instance, it was open to the applicant to provide copies of the cover emails of the letters (if sent electronically) or proof of postage (if sent physically). Even the evidence from ActionFraud – which Mr Williams considers to be relevant to the alleged dismissal – shows that a report was made on 2 April 2020, well over a year later.⁵⁸ A final point I have considered in this regard is that, within his second witness statement, Mr Williams says that “Manhood Academy West first came onto the SLT radar in November 2018”. The dismissal letters were allegedly sent two months prior to that, and the decision to dismiss the individuals is said to have been due, in part, to the formation of ‘Manhood Academy West’. The evidence on the point is not consistent. On the balance of the evidence, I agree with the proprietor that the letters could not have been sent when alleged; the evidence does not establish that Messrs Sankofa, Ogunlabi and Johnson were dismissed from ‘Manhood Academy’.

72. In terms of the decision to dismiss these individuals from ‘Manhood Academy’, Mr Pearson referred to two issues at the hearing, namely missing funds and the formation of ‘Manhood Academy West’. In respect of the former, Mr Pearson referred me to Mr Williams’ first statement where he outlines his belief that Messrs Ogunlabi, Osbourne and Sankofa were responsible, since they had access to the relevant account. This allegedly led to Mr Williams’ dismissing them and reporting the matter to the police. No documentary evidence is provided pointing to any missing funds or the involvement of these individuals. Mr Sankofa strongly denied Mr Williams’ accusation in his statement. A narrative largely reiterating Mr Williams’ allegations was provided in response but, again, no documentary evidence was provided pointing to any missing funds or the involvement of these individuals. Mr Pearson invited me to make a reasonable inference on this matter, but, put simply, I do not consider it appropriate to do so. Theft is clearly a very serious allegation, and if a party considers it important to their case, proper evidence of it ought to be provided. The only piece of evidence that Mr Williams provided in this regard is the aforementioned printout from ActionFraud, showing that an alleged fraud had been reported on 2 April 2020. I note that Mr Williams also provided an email chain between Mr Thomas and Dave Walters, an

⁵⁸ Exhibit DJW2, page 23

accountant.⁵⁹ Whilst Mr Walters requested a full set of financial statements from Mr Thomas, this does not prove the applicant's allegations. In my view, at best, the evidence demonstrates just that: allegations. It falls a long way short of actually proving those allegations.

73. In respect of 'Manhood Academy West', Mr Pearson submitted that just days prior to the trip to The Gambia, the individuals who were allegedly dismissed created this new venture. It was argued that the timing was "cynical", since these individuals knew that the others would be busy with the organisation of the trip. Mr Pearson referred to Mr Williams' narrative that explains his surprise at the formation of the project, and how it caused conflict and confusion in the community. Mr Williams also claims that Mr Sankofa says in his witness statement that he was the one who left 'Manhood Academy' to create a new venture, rather than Mr Williams having left. Mr Muir Wood submitted that 'Manhood Academy West' was not the creation of a new company and highlighted Mr Sankofa's evidence that it was simply an opportunity for the existing 'Manhood Academy' to expand into West London. Messrs Williams, Rose and Johnson are said to have resisted the expansion and diverged from Lifelihood from that point onwards. I note that Mr Sankofa says that, on 8 December 2018, five of the eight co-founders "initiated an expanded Manhood Academy workshop at The Curve [...] West London". However, Mr Sankofa also says that this was after Mr Williams had separated from the organisation. I do not understand Mr Sankofa's narrative to be admitting that he, along with the other four individuals, left 'Manhood Academy'. In my view, these passages seem to suggest that Mr Williams (and others) had already left Lifelihood after a falling out between the co-founders when those who remained at Lifelihood took an opportunity to expand that arose. Mr Williams did not provide any documentary evidence in response which shows that the venture into West London represented a split by Mr Sankofa and the others, or that that there was anything inappropriate about it such that these individuals were dismissed from the association.

74. An additional issue with the applicant's case is the basis upon which Mr Williams could have dismissed any of the other co-founders. As Mr Muir Wood put it at the hearing, it is not clear how he would have had the authority to do so. Although Mr

⁵⁹ Exhibit DJW2, pages 38-39

Williams may consider himself the creator and operator of 'Manhood Academy', he was not a director of Lifehood. Therefore, it is not clear how he could have dismissed any individuals on his own accord. Even if Lifehood had not been made the operative entity of 'Manhood Academy' upon its incorporation, and it remained the association of eight co-founders who collectively ran the organisation, one would have expected there to be some form of majority vote. There is nothing which points to Mr Williams having the authority to unilaterally dismiss individuals from 'Manhood Academy'.

75. At the hearing, Mr Pearson referred to Mr Sankofa's narrative that Mr Williams separated from the organisation in late 2018 and submitted that Mr Williams could not have left 'Manhood Academy' at that time. This was because of the trip to The Gambia, which had been being planned from earlier in 2018 and due to take place around that time. He questioned the logic of Mr Williams' attending the trip on behalf of the organisation after leaving it. Whilst I can see the logic in Mr Pearson's argument, I do not consider the trip to The Gambia to be determinative in the way he suggests. Mr Sankofa stated that Mr Williams "split from the majority team Manhood Academy"; he did not say that Mr Williams discontinued all involvement with activities under the signs. The proprietor accepts that there was continued use of the signs by both groups, so it seems entirely plausible that Mr Williams could travel to The Gambia as part of the scheduled 'Manhood Academy' trip, crucially, without that being under the auspices of Lifehood.

76. Finally, I note that Mr Pearson referred to the witness statements of Mr Rose, Mr Johnson, Ms Graham, Ms Lovelace, Mr Jammeh, Mr Campbell, Mr Lovelace and Ms Thorney at the hearing. They largely reiterate and support Mr Williams' version of events; in my view, they do not add a great deal to the applicant's case over and above what is provided in Mr Williams' evidence. I do not consider it determinative that there are more individuals on one side of the argument, as it were. This is particularly the case in circumstances where I am not entirely convinced that these witness statements are strictly 'in reply' to Mr Sankofa's evidence, and Mr Sankofa has not had an opportunity to respond to any of these individuals' statements.

77. Upon reflection of the applicant's case under this ground, I have regard to *Dixy Fried Chicken (Stratford) Limited v Dixy Fried Chickens (Euro) Limited* [2003] EWHC 2902 (Ch), in which Laddie J (as he then was) explained that:

“6. [...] Once registered, a trade mark is presumed to be valid. It is for this respondent to prove otherwise. When a s.5(4)(a) attack is being run, the attacker must prove on a balance of probabilities that the use of the mark can be prevented by an action for passing off. As Pumfrey J explained in *REEF Trade Mark* [2002] RPC 19, the Registrar is entitled to receive sufficient evidence at least to raise a prima facie case that the attacker's reputation extends to the goods comprised in the specification of goods for the registered mark. He also said:

“Thus evidence will include evidence from the trade as to reputation, evidence as to the manner in which goods are traded or the services supplied; and so on.” (para 27)

7. In other words, mere assertion is not enough. Before one can invalidate a registration and thereby deprive a trader of his exclusive rights, one must produce relevant credible evidence of sufficient weight [...].”

78. It is my view that the applicant has failed to provide sufficient evidence to support its own case. In this context, and having found that the proprietor's evidential case is to be preferred, I am satisfied that the goodwill previously accrued by the association was transferred to Lifehood upon its incorporation. Whilst, through the activities of Messrs Williams, Rose and Johnson, the applicant may have begun generating its own goodwill after the breakdown of the previous arrangement, I find that the goodwill that was accrued by the association would have remained with Lifehood, i.e. these three individuals effectively abandoned their claim to a share of the existing goodwill. As such, the proprietor (through its predecessor in title, Lifehood) was the earlier user at the relevant dates of 15 October 2018 and 8 December 2018. For the avoidance of doubt, the situation was no different at the filing dates of the proprietor's second and third marks. Even if the goodwill had not been transferred to Lifehood, I see no basis for finding that it was carried with Mr Williams or any predecessor of the applicant.

There was no goodwill owned by the applicant capable of preventing the registration of the proprietor's marks at the relevant dates.

79. As the applicant has not established that it was the earlier user of the signs, its claims under section 5(4)(a) of the Act must fail.

Section 3(6)

80. Section 3(6) of the Act states:

“(6) A trade mark shall not be registered if or to the extent that the application is made in bad faith.”

81. In *SkyKick UK Ltd & Anor v Sky Ltd & Ors (Rev1)* (“*SkyKick*”) [2024] UKSC 36, Lord Kitchin summarised the general principles applicable to bad faith at paragraph 240 as follows:

“(i) [...]”

(ii) The date for assessing whether an application to register [a] trade mark was made in bad faith is the date the application for registration was made (*Lindt*, para 35).

(iii) Bad faith in this context is an autonomous concept of EU law which must be given a uniform interpretation [...], and must be interpreted in the context of Directive 89/104 in the same manner as in the context of Regulation 40/94 ([*Malaysia Dairy Industries Pte Ltd v Ankenævnet for Patenter og Varemaerker* (C-320/12) EU:C:2013:435 (“*Malaysia Dairy*”), para 29; [*Sky plc v SkyKick UK Ltd* (C-371/18) EU:C:2020:45 (“*Sky CJEU*”), para 73).

(iv) While, in accordance with its usual meaning in everyday language, the concept of bad faith presupposes the presence of a dishonest state of mind or intention, the concept must also be understood in the context of trade mark law, which involves the use of marks in the course of trade. Further, it must have

regard to the objectives of the [...] law of trade marks, namely the establishment and functioning of [...] a system of undistorted competition in which each undertaking must, in order to attract and retain customers by the quality of its goods or services, be able to have registered as trade marks signs which enable consumers, without any possibility of confusion, to distinguish those goods or services from those which have a different origin (*Lindt*, para 45; [*Koton Mağazacılık Tekstil Sanayi ve Ticaret AS v European Union Intellectual Property Office (EUIPO)* (C-104/18) EU:C:2019:724 (“*Koton*”)], para 45).

(v) Consequently, the objection will be made out where the proprietor made the application for registration, not with the aim of engaging fairly in competition but either (a) with the intention of undermining, in a manner inconsistent with honest practices, the interests of third parties; or (b) with the intention of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark, and in particular the essential function of indicating origin (*Koton*, para 46; *Sky CJEU*, para 75).

(vi) The intention of the applicant is a subjective matter, but it must be capable of being established objectively by the competent administrative or judicial authorities having regard to the objective circumstances of the case ([*Hasbro Inc v EUIPO, Kreativni Dogaaji d.o.o. (intervening)* (Case T-663/19) EU:T:2021:211 (“*Hasbro*”)], paras 39 and 40; *Koton*, para 47).

(vii) The burden of proving that an application for a registered mark was made in bad faith lies on the party making the allegation. But where the circumstances of the case may lead to a rebuttal of the presumption of good faith, it is for the proprietor of the mark to explain and provide a plausible explanation of the objectives and commercial logic pursued by the application for registration (*Hasbro*, paras 42 and 43).

(viii) Whether the applicant was acting in bad faith must be the subject of an overall assessment, taking into account all of the factors relevant to the particular case (*Lindt*, para 37).

(ix) The applicant for a trade mark is not required to indicate or to know precisely when the application is filed or examined, the use that will be made of it (*Sky CJEU*, para 76; [*AS v Deutsches Patent-und Markenamt* (C-541/18) EU:C:2019:725], para 22).

(x) Nevertheless, the registration by an applicant of a mark without any intention to use it in relation to the goods and services covered by the registration may constitute bad faith where there is no rationale for the application in the light of the aims referred to in Regulation 40/94 and Directive 89/104 (*Sky CJEU*, para 77).

(xi) Such bad faith may, however, be established only where there are objective, relevant and consistent indicia tending to show that, when the application was filed, the applicant for registration had the intention either of undermining, in a manner inconsistent with honest practices, the interests of third parties, or of obtaining, without targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark (*Sky CJEU*, para 77).

(xii) It follows that the bad faith of the applicant cannot be presumed on the basis of a mere finding that, at the time of filing the application, the applicant had no economic activity corresponding to the goods and services referred to in the application (*Sky CJEU*, para 78).

(xiii) When the absence of an intention to use the mark in accordance with the essential functions of a trade mark concerns only certain goods or services referred to in the application for registration, that constitutes making the application in bad faith only in so far as it relates to those goods or services (*Sky CJEU*, para 81).

(xiv) If, at the end of the day, the court concludes that, despite formal observance of the relevant rules and conditions for obtaining registration, the purpose of the rules has not been achieved, and that there was an intention to take advantage of the rules by creating artificially the conditions laid down for

obtaining the registration, this may amount to an abuse sufficient to find that the application was made in bad faith (see, for example, *Hasbro*, para 72).

(xv) Directive 89/104 does not preclude a provision of national law under which an applicant for registration must state that the mark is being used in relation to the goods or services in relation to which it is sought to register the mark, or that the applicant has a bona fide intention that it should be used, provided that infringement of such an obligation cannot constitute a ground for invalidity. It may, however, constitute evidence for the purposes of establishing possible bad faith on the part of the applicant when the application was filed (*Sky CJEU*, paras 86 and 87).”

82. According to *Alexander Trade Mark*, BL O/036/18, the key questions for determination in a claim of bad faith are:

- (i) What, in concrete terms, was the objective that the applicant has been accused of pursuing?
- (ii) Was that an objective for the purposes of which the contested application could not be properly filed?
- (iii) Was it established that the contested application was filed in pursuit of that objective?

83. It is necessary to ascertain what the applicant knew at the relevant date.⁶⁰ In these proceedings, those are 15 October 2018, 8 August 2019 and 29 August 2019, respectively. Evidence about subsequent events may be relevant if it casts light backwards on the position at the relevant date.⁶¹

84. I can deal with this ground relatively swiftly. In concrete terms, the applicant’s pleaded case is that Messrs Ogunlabi, Sankofa, Osbourne, Thomas and McLaren –

⁶⁰ *Red Bull GmbH v Sun Mark Limited and Sea Air & Land Forwarding Limited* [2012] EWHC 1929 (Ch)

⁶¹ *Hotel Cipriani SRL and others v Cipriani (Grosvenor Street) Limited and others*, [2009] RPC 9 (approved by the Court of Appeal in England and Wales: [2010] RPC 16).

all of whom had either been dismissed from or voluntarily left the association – formed and began a new venture, Manhood Academy West, in 2018 without the consent of the other members and began providing similar services under the same/similar signs. The applicant claims that, at the relevant dates, these individuals (the controlling minds of the proprietor) knew that they had ceased to be members of the association and did not have permission to use or file applications to register such marks. Further or in the alternative, the applicant contends that, even if these individuals held any interest in the marks or the associated goodwill, any such interest did not give the proprietor the right to a monopoly over them without the applicant's consent. If so proven, this is an objective for which the proprietor's marks could not be properly filed.

85. However, I have already found that, when Lifehood was incorporated on 15 May 2017, ownership of the goodwill which had been jointly owned by the members of the associated incorporation trading under the name 'Manhood Academy' was transferred to Lifehood. At this time, the association was dissolved and none of the members of it had an individual claim to the goodwill. I have already found that Lifehood was the earlier user of the proprietor's marks. Whilst the applicant may have begun generating its own goodwill after the breakdown of the previous arrangement through the ongoing activities of Messrs Williams, Rose and Johnson, I have found that these three individuals effectively abandoned their claim to a share of that goodwill. I do not consider the applications for the proprietor's mark to have been made in bad faith in circumstances where the proprietor (or its predecessor in title: Lifehood) is the rightful owner in the earlier goodwill. Neither would it have been necessary for the proprietor to have sought the applicant's consent to do so. As Mr Muir Wood states in his skeleton arguments, it was entirely legitimate for Lifehood to apply to register the marks.

86. As the authorities cited above make clear, bad faith is a serious allegation which must be distinctly proved; it is not enough to establish facts which are as consistent with good faith as bad faith. It is for the party alleging bad faith to prove it. The initial evidential burden falls upon the applicant: it must present evidence from which a rebuttable presumption of lack of good faith can be drawn. Only if it does that does the burden shift to the proprietor to rebut the allegation. Taking all the above into account, I am not satisfied that it has been established that the applications were filed in pursuit

of the alleged objective. The applicant has failed to establish a prima facie case of bad faith.

87. The applicant's claims under section 3(6) of the Act are dismissed.

Overall outcome

88. The applications for invalidation under sections 5(4)(a) and 3(6) of the Act have been unsuccessful. Subject to any appeal against this decision, the proprietor's marks will remain registered in the UK.

Costs

89. The proprietor has been successful and is entitled to a contribution towards its costs. As it was not professionally represented, the proprietor was invited by the Tribunal to indicate whether it intended to make a request for an award of costs, by filing a costs pro-forma including accurate estimates of the number of hours spent on a range of given activities relating to the proceedings. It was made clear in the official letter dated 13 November 2023 that, if the pro-forma was not completed, costs may not be awarded. The proprietor did not return a completed pro-forma to the Tribunal and, on this basis, no costs are awarded up to the hearing stage.

90. However, the proprietor instructed counsel in Mr Muir Wood to represent it at the hearing. Accordingly, it is my view that the proprietor is entitled to a contribution towards the costs associated with the hearing, based upon the scale published in Tribunal Practice Notice 2/2016.⁶² At the hearing, Mr Muir Wood and Mr Pearson seemed to be in agreement that any costs award in these proceedings ought to be in line with the lower end of the scale. This was due to the status of the parties and the basis on which counsel had been instructed. In the circumstances, I award the proprietor the sum of **£400** as a contribution towards the cost of preparing for and attending the hearing.

⁶² The proceedings having commenced after 1 July 2016 but before 1 February 2023.

91. I order Manhood Academy Global (a charity) to pay Manhood Academy: Official the sum of **£400**. This sum is to be paid within 21 days of the expiry of the appeal period or within 21 days of the final determination of the proceedings if any appeal against this decision is unsuccessful.

Dated this 16th day of September 2025

James Hopkins
For the Registrar