

**O-0895-25**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. 508751**

**BY ONE-LUX LIMITED**

**TO REVOKE ON THE GROUNDS OF NON-USE**



**OWNED BY:**

**BY KEVIN LEE**

## BACKGROUND AND PLEADINGS

1. On 21 March 2016, Kevin Lee (“the registered proprietor”) applied to register the mark shown on the cover page of this decision, namely UK trade mark number 915250707 (“the mark”), and the mark was entered on to the register on 2 August 2018 for services in Class 11.
2. On 16 April 2025 an application to revoke the mark for reasons of non-use was filed in Form TM26(N) by Swindell & Pearson Ltd on behalf of One-Lux Limited (“the cancellation applicant”).
3. The registered proprietor and the cancellation applicant (together “the parties”) were notified, by way of an official letter dated 28 April 2025, that a notice of defence and counterstatement in Form TM8(N) was due by no later than 30 June 2025. Specifically, the official letter stipulated the following:

“If you wish to continue with your registration, you need to file a notice of defence and counterstatement by completing Form TM8(N) - please note the important deadline below. You will find a blank Form TM8(N) on the IPO website, together with brief guidance on what happens after it is filed:

<https://www.gov.uk/government/publications/trade-mark-forms-and-fees/trade-markforms-and-fees>

Rule 38(3) of the Trade Marks Rules 2008 require that you must file your notice of defence and counterstatement (Form TM8(N)) within **two months** from the date of this letter.

**IMPORTANT DEADLINE: A completed Form TM8(N) MUST be received on or before 30 June 2025.**

Rule 38(3) and (4) allows you to file evidence of your use of the mark at the same time as your counterstatement. If you wish to do this your counterstatement **must** at Section 7 on the TM8(N) specify the goods/services that the mark has been used on, or in relation to. The evidence **must** be cross-referenced to specific exhibits e.g. the mark has been used on, or in relation to 'cutlery' as shown at Exhibit MR1. You do not have to file evidence of use with your counterstatement. If you do not, a further opportunity of two months will be given for that evidence to be filed.

Rule 38(6) of the Trade Marks Rules 2008 states that **“Where the proprietor fails to file a Form TM8(N) within the period specified in paragraph (3) the registration of the mark shall, unless the registrar directs otherwise, be revoked.”** It is important to understand that if the deadline date is missed, then in almost all circumstances, the registration will be treated as revoked in whole or part.”

4. The registered proprietor filed a notice of defence and counterstatement in Form TM8 on 27 June 2025.
5. By way of official letter dated 3 July 2025, the Tribunal wrote to the registered proprietor confirming that “in revocation proceedings the defence and counterstatement should be filed on Form TM8N, not Form TM8”, and provided a preliminary view that, as there had been a “clear and timely intention to defend proceedings”, the Tribunal would take a “pragmatic approach and allow an opportunity for the proprietor to amend the filing, to be provided on Form TM8N” (the “Preliminary View”). Accordingly, the Tribunal invited the registered proprietor to file an amended counterstatement on Form TM8N, on or before 24 July 2025 and stipulated that, if the registered proprietor chose not to amend the counterstatement, the tribunal “may move to strike out any grounds which are not adequately particularised.”
6. The registered proprietor filed a Form TM8(N) on 4 July 2025. However, the cancellation applicant challenged the Preliminary View by way of an email dated 9

July 2025 and submitted that the Tribunal had made a “mis-step” in allowing a Form TM8(N) to be entered into the proceedings, and requested that the mark should be revoked in whole, or that a hearing to consider this matter be convened.

7. A hearing was scheduled for Tuesday 2 September 2025. The cancellation applicant filed its skeleton argument on 29 August 2025, and the registered proprietor filed a document titled “Written Submissions of the Proprietor in anticipation of phone hearing of 2 September 2025”, which I confirmed to the parties would stand in the place of the registered proprietor’s skeleton argument.<sup>1</sup>

## **THE HEARING**

8. The hearing took place before me, via Microsoft Teams as an audio call, on Tuesday 2 September 2025. Tom Claydon of Swindell & Pearson Ltd appeared on behalf of the cancellation applicant, and Mark Smith of Harrison IP appeared on behalf of the registered proprietor.
9. During the hearing Tom Claydon submitted that the cancellation applicant had three grounds for challenging the Preliminary View, and these were as follows:
  - a. The registered proprietor did not file a defence within the timeframe stipulated in rule 38(3) of the Trade Mark Rules 2008 (“the Rules”) and thus the registration should be revoked in whole in line with rule 38(6) of the Rules.
  - b. The “defence” initially filed by the registered proprietor on Form TM8 was not sufficient as it:
    - i. Was not filed with a declaration of truth;
    - ii. Did not specify the goods and/or services of the registration for which they are submitting the notice of defence
    - iii. Did not clearly set out the “proper reasons for non-use; and

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<sup>1</sup> No challenge to this decision was made by either party prior to or at the hearing on 2 September 2025.

- iv. Did not state what goods/services they have used the mark for.
  - c. The reasons given by the registered proprietor for failing to file Form TM8(N) within the timeframe stipulated were not “exceptional” and therefore the Tribunal should not exercise its discretion to allow an extension of time.
10. In addition to the above, the cancellation applicant also submitted the following:
- a. That the registered proprietor was notified (at least 6 times) in correspondence sent by the Tribunal that a Form TM8(N) needed to be filed, and that the need for a Form TM8(N) was also stipulated in the guidance that would have been referenced in the correspondence from the Tribunal, as well as in the Manual of Trade Marks Practice, which was also available to the registered proprietor;
  - b. That the registered proprietor was in receipt of legal representation with considerable experience in trade marks and “inter parties proceedings such as opposition, revocation, invalidation actions”.
11. In response, the registered proprietor submitted that it was their primary position that the Form TM8 filed on 27 June 2025 should be accepted as a replica of the Form TM8(N). The registered proprietor submitted that the Form TM8 is a general notice of defence which contemplates cancellation proceedings as it uses the words “cancellation” and “registered proprietor” within the form. The registered proprietor also submitted that the Form TM8 filed on 27 June 2025 contained all of the salient information required to defend the revocation proceedings, including the cancellation number and a counter statement from which their submissions can be “easily inferred” (i.e., that “there has been some use for all of the goods or, alternatively, they there have been proper reasons for non-use”). In support of this submission the registered proprietor referenced Rule 3 of the Rules, which is outlined in further detail in paragraph 18 below.

12. The registered proprietor also referenced the case of *Channel Four Television Corporation v Meredith Corporation* (“*Meredith Corporation*”)<sup>2</sup> and specifically the comments of Judi Pike in paragraph 13 of that decision which were as follows:

“... I agree. Rule 3(2) explicitly states that a requirement to use a form as published is satisfied by the use either by a replica of that form or of a form which is acceptable to the registrar and contains the information required by the form as published and complies with any directions as to the use of such a form. A replica would therefore suffice; indeed it is common practice within the trade mark profession for firms of attorneys to use replicas of the statutory forms.”

13. It was noted by the cancellation applicant that Judi Pike also stipulates in *Meredith Corporation* that the document that was filed in the place of the Form TM8 should have been identified as a Form TM8 in order to be considered a replica in line with rule 3(2) of the Rules. Though, the registered proprietor highlighted in response that there were factual distinctions between the matter in issue and *Meredith Corporation* (namely, that *Meredith Corporation* related to opposition proceedings and the applicant in those proceedings was requesting for a suspension request to be deemed a replica to a Form TM8) and therefore submitted that *Meredith Corporation* cannot be applied exactly in this instance.

14. In the alternative, if the Tribunal did not accept that the Form TM8 filed on 27 June 2025 can be accepted as a replica of the Form TM8(N) as published, the registered proprietor requested that the Tribunal accepts the Form TM8(N) filed on 4 July 2025 as a late filing. The registered proprietor submitted that the mark should not be revoked on the basis of a small and immaterial clerical error, and in support of their request the registered proprietor noted the following:

- a. That the registered proprietor had filed a defence to the proceedings prior to the 30 June 2025 deadline, albeit on a Form TM8;

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<sup>2</sup> O/250/08

- b. The Form TM8 and counterstatement filed on 27 June 2025 contained all of the salient information, and no new information became apparent when the Form TM8(N) was filed on 4 July 2025;
- c. The filing of the Form TM8 was as a result of Mark Smith returning from a trip to the United States, and that return coinciding with one of just three trade mark practitioners at the firm leaving at the end of May 2025, which resulted in a much heavier than the usual workload for the two remaining trade mark practitioners at the firm;
- d. If the revocation action is undefended the registered proprietor will lose their mark, which they have spent thousands of pounds defencing in previous proceedings against the cancellation applicant, and this would be disproportionate and unjust;
- e. No prejudice would be caused to the cancellation applicant by the delay; and
- f. Refusing the extension of time for filing defence would be contrary to the overriding objective in the Civil Procedure Rules 1998.<sup>3</sup>

## **DECISION**

- 15. As a preliminary point, I note that both parties have referred to various previous decisions of the Tribunal which they consider to be similar to the circumstances of the case before me and therefore applicable to this matter. Whilst I have considered all of the case law presented by the parties, it should be noted that decisions like this, which involve the determination of whether the Tribunal should apply its discretion, are to be decided on a case-by-case basis, and each case turns on its own particular set of facts.
- 16. Having reviewed both parties' skeleton arguments and the submissions made during the hearing on 2 September 2025, I am of the view that it would be appropriate to consider, as it was contended by the registered proprietor, whether the notice of defence and counterstatement filed by the registered proprietor on 27 June 2025

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<sup>3</sup> Specifically rules 1.1 of the Civil Procedure Rules 1998

in Form TM8 was sufficient to meet the deadline of 30 June 2025, as well as the matter of whether the Tribunal acted correctly in issuing its Preliminary View under Rule 62.

**(i) Whether the registered proprietor met the deadline on 30 June 2025 for defending the revocation proceedings and whether the Tribunal acted correctly in issuing its Preliminary View?**

17. The filing of a Form TM8(N) in revocation proceedings is governed by rule 38 of the Rules. The relevant parts read as follows:

“38. (1) An application to the registrar for revocation of a trade mark under section 46, on the grounds set out in section 46(1)(a) or (b), shall be made on Form TM26(N).

(2) The registrar shall send a copy of Form TM26(N) to the proprietor.

(3) The proprietor shall, within two months of the date on which he was sent a copy of Form TM26(N) by the registrar, file a Form TM8(N), which shall include a counter-statement.

(4) Where the proprietor fails to file evidence of use of the mark or evidence supporting the reasons for non-use of the mark within the period specified in paragraph (3) above the registrar shall specify a further period of not less than two months within which the evidence shall be filed.

(5) The registrar shall send a copy of Form TM8(N) and any evidence of use, or evidence supporting reasons for non-use, filed by the proprietor to the applicant.

(6) Where the proprietor fails to file a Form TM8(N) within the period specified in paragraph (3) the registration of the mark shall, unless the registrar directs otherwise, be revoked.

(7) Where the proprietor fails to file evidence within the period specified under paragraph (3) or any further period specified under paragraph (4), the registrar may treat the proprietor as not opposing the application and the registration of the mark shall, unless the registrar directs otherwise, be revoked.

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

18. It is clear that Rule 38 envisages that a Form TM8(N) should be filed in order for a registered proprietor to defend revocation proceedings that are brought on the grounds of non-use. Having said that, as outlined above, rule 3(2) stipulates:

*“3.—(1) Any forms required by the registrar to be used for the purpose of registration of a trade mark or any other proceedings before the registrar under the Act pursuant to section 66 and any directions with respect to their use shall be published on the Office website and any amendment or modification of a form or of the directions with respect to its use shall also be published on the Office website.*

*(2) Except in relation to Forms TM6 and TM7A a requirement under this rule to use a form as published is satisfied by the use either of a replica of that form or of a form which is acceptable to the registrar and contains the information required by the form as published and complies with any directions as to the use of such a form.”*

19. It is clear therefore that an alternative form may be accepted by the Tribunal if:
- a. The Tribunal considers such a form to be “acceptable”;
  - b. The form contains the information required by the form as published; and
  - c. The filing of the form complies with any direction as to the use of such a form.

20. The question is therefore whether the Form TM8 filed on 27 June 2025 contained the information required by a Form TM8(N) as published. As outlined above, it is the registered proprietor's view that Form TM8 and Form TM8(N) there were filed contained the same information. This is, of course, denied by the cancellation applicant. However, having reviewed the relevant forms together it is clear that they both contained the following information:
- a. The Trade Mark Number for the mark in issue;
  - b. The Cancellation Number;
  - c. The name of the registered proprietor;
  - d. The contact details of the person filing the relevant form on behalf of the registered proprietor;
  - e. Confirmation of the person filing the form's interest in the trade mark;
  - f. Confirmation that there are no related proceedings;
  - g. A declaration that the facts stated in the notice of defence and counterstatement are true immediately above the signature of the person submitting the relevant form<sup>4</sup>;
  - h. Confirmation of the relevant reference details and contact details of the registered proprietor's representative; and

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<sup>4</sup> Whilst I note that the date that has been entered on both forms is 27 June 2025, and therefore that the Form TM8(N) must have been backdated, I see no basis to not accept the entering of Harrison IP Limited's signature within the respective declarations sections of the forms immediately under "I believe that the facts stated in this notice of defence and counterstatement are true" as anything other than a signed declaration of truth.

- i. A counterstatement containing the following submissions:
    - i. A general denial of the claim for revocation on the basis of non-use and therefore a request that the revocation be dismissed;
    - ii. That the mark in issue was put to genuine use during the relevant period, or that there were proper reasons in line with those contemplated by section 46(1)(b) for the Act for non-use; and
    - iii. That any necessary evidence will be provided the registered proprietor “at the appropriate juncture”;
21. I do note that the Form TM8 filed on 27 June 2025 differs from the Form TM8(N) in that it does not contain the same section 7 (Notice of Defence) or 9 (Evidence in support of the counterstatement). Specifically, these sections of the Form TM8(N) require the registered proprietor to specify the goods and services of the registration for which they are submitting the notice of defence, and to confirm whether they will be filing evidence with the form or subsequently. However, as outlined above, the counterstatement does contain an outright denial of the claim which can be taken to be in relation to all goods and services and confirmation that any required evidence will be provided “at the appropriate juncture”. As such, I consider that the counterstatement within the Form TM8 filed on 27 June 2025 contains all of the information necessary to stand in the place of a Form TM8(N).
22. The Tribunal does also have wide ranging general powers under Rule 62 of the Rules, and although the Tribunal’s letter did not specify that rule in offering the registered proprietor the opportunity to file a Form TM8(N), it would appear that that was the rule relied upon in issuing its Preliminary View. Specifically, Rule 62(1)(a) of the Rules stipulates the following:
- “62.—(1) Except where the Act or these Rules otherwise provide, the registrar may give such directions as to the management of any proceedings as the registrar thinks fit, and in particular may—

(a) require a document, information or evidence to be filed within such period as the registrar may specify”.

23. In the light of the above, I am of the view that the Tribunal could have accepted the Form TM8 filed on 27 June 2025 as a sufficient defence of the revocation proceedings under rule 3(2), and determined that the deadline of 30 June 2025 for defending the revocation proceedings was met by the registered proprietor. I am also of the view that Tribunal acted correctly under Rule 62(1)(a) of the Rules to allow the registered proprietor’s notice of defence and counterstatement to be re-filed on Form TM8(N) as proposed. I therefore uphold the Tribunal’s Preliminary View, and, accordingly, determine that the Form TM8(N) should be admitted into proceedings.

24. However, for completeness, and if I am found to be wrong in the above determinations and the Tribunal did not have the ability to accept the Form TM8 in the place of the Form TM8(N), or to accept the filing of the Form TM8 on 27 June 2025 as a sufficient defence of the revocation proceedings, I will also consider whether the period of time for filing the Form TM8(N) should be extended as proposed, and therefore whether the Form TM8(N) filed on 4 July 2025 can be admitted into proceedings as a late filed form.

**ii. Whether an extension of time should be granted for the registered proprietor to defend the proceedings?**

25. The rules relating to extensions of time are contained in rules 77(1) and (5) and Schedule 1 of the Rules. The combined effect of these rules means that the time limit in rule 38, which sets the period in which the defence in revocation proceedings on the basis of non-use must be filed, is non-extendable other than in the circumstances identified in Rule 77(5) which states:

“A time limit listed in Schedule 1 (whether it has already expired or not) may be extended under paragraph (1) if, and only if –

(a) the irregularity or prospective irregularity is attributable, wholly or in part, to a default, omission or other error by the registrar, the Office or the International Bureau; and

(b) it appears to the registrar that the irregularity should be rectified.”

26. The combined effect of rules 77(1), 77(5) and schedule 1, mean that the time limit specified in Rules 38 is not extendable other than in the circumstances identified in rules 77(5)(a) and (b), and, as there is no suggestion in this case that there has been any irregularity on the part of the Tribunal, these clearly do not apply in these proceedings.

27. However, that is not the end of the matter, as the wording of rule 38(6) includes the following:

**“... unless the registrar directs otherwise, be revoked.”**

28. The use of the word “may” in the rule clearly provides the Tribunal, in appropriate circumstances, with the discretion not to treat an application for registration as revoked in circumstances where the registered proprietor fails to file a Form TM8(N) within the relevant period. The question, of course, is how this discretion should be exercised.

29. Sitting as the Appointed Person in *Kickz*, Mr Geoffrey Hobbs KC held that the discretion conferred by Rule 18(2) can be exercised only if there are “extenuating circumstances”.

30. Further, sitting as the Appointed Person in *Mark James Holland and Mercury Wealth Management Limited* (BL-O-050-12) (“*Mercury*”), Ms Amanda Michaels KC held that there must be “compelling reasons” to justify the Registrar exercising that discretion. In considering relevant factors, Ms Michaels referred to the

criteria established in *Music Choice Ltd's Trade Mark* [2006] R.P.C. 13 ("*Music Choice*"), which provides guidance applicable by analogy when exercising the discretion under rule 18(2). I will consider each of these factors identified by Ms Michaels in turn below:

(i) The circumstances relating to the missing of the deadline including reasons why it was missed and the extent to which it was missed

31. The registered proprietor confirmed that the Form TM8 was filed, as opposed to a Form TM8(N), as a result of Mark Smith returning from a trip to the United States to attend the annual International Trademarks Association networking meeting, and this return to the United Kingdom coinciding with a much heavier than usual workload caused by the resignation and cessation of work of his colleague at the end of May 2025.

32. During the hearing it was highlighted by Tom Claydon that Mark Smith had returned to the United Kingdom over a month prior to the deadline for filing a Form TM8(N), and that Mark Smith's colleague would have given a period of notice prior to her resignation that should have been accounted for in the managing of the firm's case load. Whilst I acknowledge these submissions, an important distinction must be made in this instance between the total missing of a deadline for the filing of a notice of defence and counterstatement and what has occurred in this instance, which is the filing of a Form TM8 in the place of a Form TM8(N). I must acknowledge this distinction, and that an attempt was made by the registered proprietor to file a notice of defence and counterstatement prior to the specified deadline. While the filing of the Form TM8 in the place of a Form TM8(N) was an error, it was a technical one whereby the necessary information for a valid notice of defence and counterstatement in such proceedings was communicated to the Tribunal.

33. I also note that the Form TM8(N) was filed by the registered proprietor on 4 July 2025, just one day after the registered proprietor was notified that a Form TM8(N)

should have been filed, and just 4 working days after the original deadline stipulated for filing the Form TM8(N) (i.e., the 30 June 2025).

(ii) The nature of the cancellation applicant's allegations in its statement of grounds

34. The revocation action at hand (proceedings number CA000508751) has been brought under section 46(1)(a) and 46(1)(b) of the Act in respect of the registered proprietor's trade mark number UK00915250707 on the basis of non-use. Whilst it is not for me to determine the merits of the case at present, there is nothing to suggest that the revocation action is without merit.

(iii) The consequences of treating the registered proprietor as defending or not defending the opposition

35. If the registered proprietor is permitted to oppose the revocation application, the proceedings will continue with the registered proprietor being given the opportunity to file evidence to show use and matters will be determined on their merits.

36. If, however, the defence is not admitted into the proceedings, there would be serious consequences for the registered proprietor as its registration will be revoked in full; though, of course, there are always consequences when the Tribunal makes an adverse decision because of a failure to file a defence in time.

(iv) Any prejudice caused to the cancellation applicant by the delay

37. The cancellation applicant has not identified any prejudice caused by the delay in receiving the registered proprietor's defence, and, as the late Form TM8(N) was filed just 4 working days after the deadline, I am unable to identify any prejudice caused to the cancellation applicant beyond the delay of four days which has already occurred.

(v) Any other relevant considerations such as the existence of related proceedings between the parties

38. It was confirmed during the hearing and in the relevant parties' skeleton arguments that the same parties have been engaged in litigation relating to their trade marks over a number of years. I have not been provided with detailed submissions on any prior proceedings involving these parties, and neither party identified any related proceedings in the Form TM26(N) filed on 16 April 2025, or the Form TM8 or Form TM8(N) filed on 27 June 2025 and 4 July 2025. I am not therefore aware of what impact the outcome of these proceedings may have on any other proceedings between the parties, if at all. However, it appears that the registered proprietor would have an interest in defending the mark that it had successfully registered. Therefore, it should have come as no surprise to the cancellation applicant that the registered proprietor intended to defend the application to revoke its mark.

### **CONSIDERATIONS**

39. Having addressed each of the relevant factors as proposed in *Music Choice*, I need to decide whether the registered proprietor's skeleton argument and subsequent comments at the hearing revealed extenuating circumstances or compelling reasons that would enable me to exercise my discretion to allow the proceedings to continue.

40. In reaching my decision, I consider that if discretion is not exercised in the registered proprietor's favour, the cancellation applicant will automatically succeed, and the registered proprietor's mark will be revoked, removing it from the register. As discussed above, whilst I acknowledge that there are always consequences as a result of a failure to comply with a non-extensible deadline, it is clear to me that the prejudice to the registered proprietor of refusing this extension of time would be vastly disproportionate to any prejudice caused to the cancellation applicant by the late filing of the Form TM8(N), particularly as I see

no real basis for asserting any significant prejudice being caused to the cancellation applicant by such a decision.

41. I appreciate that the registered proprietor was in receipt of legal representation and that the need for a Form TM8(N) to be filed was made clear in correspondence sent from the Tribunal to the registered proprietor. I also acknowledge the cancellation applicant's submissions in response to the registered proprietor's stated reasons for a Form TM8 being filed instead of a Form TM8(N). However, a genuine and timely attempt to defend proceedings was made by the registered proprietor, and that they acted swiftly in filing a Form TM8(N) when invited to do so by the Tribunal.
42. Further, for the reasons outlined in paragraphs 20 and 21 above, I consider that the Form TM8 filed on 27 June 2025 contained all of the information necessary to allow the cancellation applicant and the Tribunal to understand that the registered proprietor sought to defend the claim, and the basis of that defence. Nothing in the cancellation applicant's submissions has changed my view on that point, and it therefore appears to me that the failure to file the Form TM8(N) within the specified timeframe was nothing more than a technical failure on the part of the registered proprietor.
43. Having taken all of the relevant factors into account, if I am wrong in my determinations that the Tribunal could have accepted the Form TM8 filed on 27 June 2025 as a sufficient defence of the revocation proceedings, and that the Tribunal acted correctly in issuing its Preliminary View under Rule 62(1)(a), I am satisfied that the Tribunal should exercise its discretion under rule 38 to extend the period of time for the registered proprietor to file its defence. Consequently, I am of the view that, in such circumstances, the Form TM8(N) filed on 4 July 2025 should be admitted into the proceedings.

## **CONCLUSION**

44. For the reasons outlined above, I find that the Form TM8 filed on 27 June 2025 could have been treated as a sufficient defence of the revocation proceedings in line with Rule 3(2) of the Rules on the basis that the form and counterstatement submitted provided all of the information necessary for the Form TM8(N). Further, the Tribunal acted correctly in issuing its Preliminary View under Rule 62(1)(a) of the Rules to allow the registered proprietor to re-file its notice of defence and counterstatement by way of a Form TM8(N), and exercised its discretion appropriately.
45. However, if I am wrong in the above determinations, I choose to exercise the discretion available to me by the use of the words “unless the registrar otherwise directs” in rule 38(2) in the registered proprietor’s favour and admit the late filed Form TM8(N).
46. Subject to an appeal, the registered proprietor’s Form TM8(N) will be admitted into the proceedings and assessed accordingly. Providing no anomalies are identified, it will then be formally served upon the cancellation applicant and a timetable will be set for the filing of evidence.

## **COSTS**

47. As I have admitted the registered proprietor’s defence and the proceedings can now continue, costs will be considered at the final determination of the case.

**Dated this 26<sup>th</sup> day of September 2025**

**Mrs B Hartland**  
**For the Registrar**