BL O/0950/25

IN THE MATTER OF THE TRADE MARKS ACT 1994

IN THE MATTER OF UK APPLICATIONS NOS. 3828657, 3829141 AND 3829134 IN THE NAME OF MARADONA GLOBAL LIMITED TO REGISTER THE FOLLOWING TRADE MARKS

DIEGO ARMANDO MARADONA

DIEGO MARADONA

IN CLASSES 3, 9, 14, 16, 18, 21, 25, 28, 29, 30, 31, 32, 33, 35, 36, 38, 41, 42 AND 45

AND IN THE MATTER OF CONSOLIDATED OPPOSITIONS THERETO UNDER NOS. 439518, 440908 AND 440909

BY DIEGO ARMANDO MARADONA SINAGRA, DALMA NEREA MARADONA VILLAFAÑE, DINORAH GIANINNA MARADONA VILLAFAÑE, DIEGO FERNANDO MARADONA OJEDA AND JANA MARADONA

AND IN THE MATTER OF AN APPEAL FROM THE DECISION OF T PERKS (O/0434/25) DATED 15 MAY 2025.

DECISION

Introduction

1. This is an appeal by Podium Icons Limited (formerly Maradona Global Limited) ("**Appellant**") of decision O/0434/25 of Teresa Perks dated 15 May 2025 ("**Decision**") concerning the Oppositions brought by Diego Armando Maradona Sinagra, Dalma Nerea Maradona Villafañe, Dinorah Gianinna Maradona Villafañe, Diego Fernando Maradona Ojeda, and Jana Maradona ("**Respondents**") to the Appellant's applications for the following marks ("**Applications**"):

Application No.	**Mark**	**Filing & Publication dates**	**Goods and services relied upon**[1]
3828657 ("the Appellant's first mark")		12/09/2022, 02/12/2022	Classes 3, 9, 14, 16, 18, 21, 25, 28, 29, 30, 31, 32, 33, 35, 36, 38, 41, 42 and 45

[1] The specifications are very lengthy, and it is not necessary to reproduce them in this decision.

3829141 ("the Appellant's second mark")	DIEGO ARMANDO MARADONA	13/09/2022, 17/02/2023	Classes 3, 9, 14, 16, 18, 21, 25, 28, 29, 30, 31, 32, 33, 35, 36, 38, 41, 42 and 45
3829134 ("the Appellant's third mark")	DIEGO MARADONA	13/09/2022, 17/02/2023	Classes 3, 9, 14, 16, 18, 21, 25, 28, 29, 30, 31, 32, 33, 35, 36, 38, 41, 42 and 45

2. The opposition against the Appellant's first mark was in respect of all the goods and services sought, and was based on ss. 5(1), 5(2)(a), 5(3) and 3(6) of the Trade Marks Act 1994 ("**the Act**"). The Respondents relied upon the mark shown below ("**First Earlier Mark**"):

Registration No.	**Mark**	**Filing & Registration dates**	**Goods and services relied upon**
3709150		12/10/2021, 11/03/2022	Classes 9, 14, 25, 28, 32 and 41

3. The opposition against the appellant's second mark was in respect of all the goods and services sought, and was based on ss. 5(2)(b), 5(3), 5(4)(a) and 3(6) of the Act. The Respondents relied upon the above mark, plus the mark shown below ("**Second Earlier Mark**"):

Registration No.	**Mark**	**Filing & Registration dates**	**Goods and services relied upon**
902243947	DIEGO MARADONA	09/07/2001, 08/01/2003	Classes 3, 25 and 42

4. The opposition against the appellant's third mark was in respect of all the goods and services sought, and was based on the same grounds as for the appellant's second mark, save that the opposition was founded on the marks being identical rather than similar, so ss. 5(1) and 5(2)(a) were relied upon in place of s. 5(2)(b).

5. The Appellant filed a defence and counterstatement in each proceeding denying the claims made and putting the Respondents to proof of use of the Second Earlier Mark in the second and third oppositions. Only the Respondents filed evidence. No hearing was requested and neither side filed written submissions in lieu. T. Perks for the Registrar upheld the oppositions in their entirety under s. 3(6) and partially under ss. 5(1) and 5(2).

6. On 20 June 2025 the Appellant filed a Notice to Appeal to the Appointed Person against the Decision under Section 76 of the Trade Marks Act 1994.

The Hearing Officer's decision

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

a. The evidence established that the Respondents are the successors of the football player Diego Armando Maradona. The circumstances in which the applications were filed and pursued indicated a dishonest intention at the relevant dates on the part of the Appellant.

b. The only defence raised by the Appellant was that it is the is the legitimate owner of trade mark rights in the Applications. However, that assertion was wholly unsupported by evidence. Accordingly, the oppositions based upon s. 3(6) succeeded in their entirety.

c. There is no evidence of any use of the earlier marks in the UK or anywhere else by the Respondents in relation to the registered goods and services. As such, the Respondents cannot prove genuine use of the Second Earlier Mark, reputation for the purpose of s. 5(3) or goodwill for the purpose of s. 5(4)(a). Accordingly, the only grounds which needed to be considered were the ss. 5(1) and 5(2) grounds based on the First Earlier Mark, which was not subject to proof of use.

d. The average consumer will include both members of the general public and professional users. A medium level of attention will be paid during the purchasing process, which will be predominantly visual, although an aural component cannot be discounted.

e. Certain of the Appellant's goods and services are identical or similar to the Respondents' goods and services.

f. The Appellant's first mark is identical to the First Earlier Mark. The Appellant's second and third marks are visually and aurally similar, and conceptually identical (or highly similar) to the First Earlier Mark.

g. The First Earlier Mark is distinctive to a very high degree.

h. There is a likelihood of confusion in relation to goods and services held to be identical or similar.

Grounds of Appeal

8. The Appellant's Grounds of Appeal are as follows (I have reordered the grounds to facilitate consideration in a logical manner):

a. **Ground 1**: The Appellant was the victim of professional negligence by its former legal counsel, which resulted in no documents being filed on its behalf before the hearing officer.

b. **Ground 2**: The Hearing Officer failed to consider the Appellant's contractual authority defence.

c. **Ground 3**: The Hearing Officer misapplied the legal test for bad faith.

d. **Ground 4**: The Hearing Officer failed to consider rebuttal of the prima facie case of bad faith.

e. **Ground 5**: The Appellant's evidence of good faith was not considered.

f. **Ground 5**: The bad faith finding was procedurally unfair insofar as it was reached whilst the Appellant was unrepresented.

g. **Ground 6**: There were a number of procedural failures in the IPO's conduct of the matter.

h. **Ground 7**: The Decision reflects a fundamental misunderstanding of trade mark purpose and commercial reality.

i. **Ground 8**: The costs order was inappropriate.

9. The Appellant's director, Sanjay Wadhwani, expanded upon the above at the hearing, and I set out below further details as are necessary to understand my overall conclusions. The Respondents did not file written submissions and played no part in the hearing.

Standard of review

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

> "94. It is perhaps obvious, and certainly an inevitable conclusion drawn from experience, that reasonable minds, and in particular reasonable judicially trained minds, each faithfully applying the relevant law and principles, will come to different conclusions about the answer to these multifactorial questions. While of course the decision of an appellate court trumps that of the court below, the law has imposed structured constraints designed to prevent a free for all in a higher court whenever a party (with the necessary resources) wishes to challenge the first instance decision of the trial judge. The reasons for these constraints are set out in a string of well-known authorities including, in the intellectual property context, *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5; [2014] FSR 29, per Lewison LJ at para 114. The reasons there set out relevantly include the following:
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> > (i) The trial is not a dress rehearsal. It is the first and last night of the show.
> >
> > (ii) Duplication of the trial judge's role on appeal is a disproportionate use of the limited resources of an appellate court.
> >
> > (iii) In making his decisions the trial judge will have regard to the whole of the sea of evidence presented to him, whereas an appellate court will only be island hopping.
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> 95. In *Lifestyle Equities CV v Amazon UK Services Ltd* [2024] UKSC 8; [2024] Bus LR 532 this court reviewed those constraints in a trade mark context. After citing from the *Fage* case this court in a joint judgment said, at paras 49- 50:
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> > "49. That does not, however, mean the appeal court is powerless to intervene where the judge has fallen into error in arriving at an evaluative decision such as whether an activity was or was not targeted at a particular territory. It may be possible to establish that the judge was plainly wrong or that there has been a significant error of principle; but the circumstances in which an effective challenge may be mounted to an evaluative decision are not limited to such cases. Many of the important authorities in this area were reviewed by the Court of Appeal in *In re Sprintroom Ltd* [2019] 2 BCLC 617, paras 72–76. There, in a judgment to which all members of the court (McCombe, Leggatt and Rose LJJ) contributed, the court concluded, at para 76, in terms with which we agree, that on a challenge to an evaluative decision of a first instance judge, the appeal court does not carry out the balancing exercise afresh but must ask whether the decision of the judge was

wrong by reason of an identifiable flaw in the judge's treatment of the question to be decided, such as a gap in logic, a lack of consistency, or a failure to take into account some material factor, which undermines the cogency of the conclusion.

50. On the other hand, it is equally clear that, for the decision to be 'wrong' under CPR r 52.21(3), it is not enough to show, without more, that the appellate court might have arrived at a different evaluation.""

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

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

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

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

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

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

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

vi) An error of principle is not confined to an error as to the law but extends to certain types of error in the application of a legal standard to the facts in an evaluation of those facts. The evaluative process is often a matter of degree upon which

different judges can legitimately differ and an appellate court ought not to interfere unless it is satisfied that the judge's conclusion is outside the bounds within which reasonable disagreement is possible (*Actavis Group* at [80]).

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

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

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

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

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

Discussion

(1) The Appellant was the victim of professional negligence by its former legal counsel, which resulted in no documents being filed on its behalf before the hearing officer

14. The Appellant's Appeal Statement, annexed to its Form TM55, states as follows:

> "The Appellant's 11 June 2025 letter to the IPO (Exhibit SW-4) details how the former GC (former General Counsel who has since left the company and against whom professional negligence claims are being considered) categorically assured the Appellant that he had resolved the opposition proceedings through direct agreement with the opposing parties' lawyers. This occurred during the Appellant's hospitalization for serious illness. The Appellant's serious medical condition required four major surgeries and extended hospitalization, during which period he was entirely dependent on the Former GC's professional management of all legal matters. The Former GC specifically represented that:
>
> - He had engaged directly with Stevens Hewlett & Perkins

- A settlement agreement had been reached with the Maradona heirs
- The opposition proceedings had been resolved amicably
- No further action was required

The Appellant has since discovered that the Former GC made no contact with the opposing lawyers, filed no documents, and took no steps to defend the proceedings while allowing them to continue to default judgment. This professional negligence directly caused the Appellant's absence from proceedings."

15. No such Exhibit SW-4 was annexed to the Appeal Statement. At the hearing, I questioned the Appellant's director, Mr Wadhwani, who informed me that he would send me a copy of the letter in question after the hearing. Mr Wadhwani did so – the letter sets out some further details of the allegations concerned the Appellant's former General Counsel, and states (I have redacted the name of the person in question, given that no findings have been made against him):

"I will provide a sworn statement detailing:

- Mr. XXX's specific representations to me about settlement
- My reliance on his professional advice during my serious illness and hospitalisation
- The company's legitimate intentions regarding the trade mark applications
- Our willingness to engage constructively with all parties
- Medical evidence confirming my hospitalisation during the critical period."

16. No statement detailing the above was received by the Secretariat to the Appointed Person or otherwise made available to me prior to the hearing. After the hearing, Mr Wadhwani confirmed that no such statement was filed by the Appellant prior to the appeal hearing.

17. The issue of whether incompetence on the part of a party's representative can give rise to a ground of appeal was considered by the High Court in *R (Aston) v Nursing & Midwifery Council* [2004] EWHC 2368 (Admin). At §§6-12, Moses J said:

"6. Before me it was not contended that the mere fact of the incompetence of the advocate would be sufficient to entitle this court to allow the appeal and order the rehearing which was requested by this appellant.

7. Both the appellant and the respondent agree that in the instant case the approach of this court should be that which is applied by the Court of Appeal Criminal Division when complaints are made as to the incompetence of the representation.

8. The approach of that court is exemplified in two decisions. *R v Bolivar* [2003] EWCA Crim 1167 and *R v Day* [2003] EWCA Crim 1060. In *R v Bolivar* the Vice President at paragraph 52 stated the test as Wednesbury unreasonableness and such as to affect the fairness of the trial.

9. In *R v Day*, the test was posed in the following way:

"(Incompetent representation) cannot in itself form a ground of appeal or a reason why a conviction should be found to be unsafe. We accept that, following the

> decision of this court in *Thakrar* [2001] EWCA Crim 1906, the test is indeed the single test of safety, and that the court no longer has to concern itself with intermediate questions such as whether the advocacy had been flagrantly incompetent. But in order to establish lack of safety in an incompetence case, the appellant has to go beyond the incompetence and show that the incompetence led to identifiable errors or irregularities in the trial, which themselves rendered process unfair or unsafe."
>
> 10. In the context of part 52, rule 11, the test is not safety. The appellant need not show that the decision was wrong, but he must show that the decision was unjust. The decision will only be unjust if the incompetence led to irregularities which rendered the process of the trial unfair or the conclusion unsafe.
>
> 11. However, in the case before me both sides agree that the court should not allow the appeal unless the incompetence was of such a degree as to be described as Wednesbury unreasonable. That concept is not easily applied to the question of the incompetence of an advocate, but I take the Vice President's reference to Wednesbury unreasonable to mean that the conduct of the advocate must be such that he or she took such decisions and acted a way in which no reasonable advocate might reasonably have been expected to act.
>
> 12. But that by itself, as I have said, is not enough. It must further be shown that that wholly inadequate conduct did affect the fairness of the process. Only then could the conclusion of the committee be shown to be unjust".

18. In *Aston*, and in subsequent case law citing *Aston*, the representatives were external lawyers. Whereas I am not aware of any case in which the rule was extended to an employed lawyer, I can see no principled reason why it should not do in appropriate circumstances. I am also prepared to assume, without deciding the point, that the conduct of the General Counsel in question, if proven, was both Wednesbury unreasonable and affected the fairness of the process.

19. However, in order to succeed under this ground of appeal, I would have expected to see a witness statement, with a statement of truth, setting out a reasonable level of detail as to at least the following matters:

- The details of the employment of the former General Counsel;
- The specific instructions given to the former General Counsel in relation to the oppositions;
- The representations given by the former General Counsel in relation to the oppositions;
- Mr Wadhwani's medical condition.

20. I am mindful that a ground of appeal relying on the incompetence of counsel can only succeed in exceptional circumstances, given the warning sounded by the court in *R (B) v Hampshire County Council [2004]* EWHC 3193 (Admin) at [69]-[70] that without appropriate safeguards it involves "an undesirable form of satellite litigation which was to be discouraged". The onus was on the Appellant to submit sufficient evidence to satisfy me that the above-stated requirements are met. The very limited information which has been made available to me (and to the Respondents) comes nowhere close to the level of detail which would be required.

21. I accordingly dismiss this first ground of appeal.

(2) The Hearing Officer failed to consider the Appellant's contractual authority defence

(3) The Hearing Officer misapplied the legal test for bad faith

(4) The Hearing Officer failed to consider rebuttal of the prima facie case of bad faith

(5) The Appellant's evidence of good faith was not considered

22. I shall deal with these grounds together, as they raise the same issue.

23. For ground 2, the Appellant contends that the Hearing Officer failed to take into account the Master Licence and Representation Agreement dated 31 March 2023 between the Appellant and a company, Sattvica S.A. ("**Master Licence**"). For ground 3, the Appellant contends that the Hearing Officer should have recognised that, pursuant to the Master Licence, the Appellant's objectives in filing the Applications were legitimate. For ground 4, the Appellant contends that the Hearing Officer should have taken into account:

- The transparent nature of the Applications (filed openly, not surreptitiously);
- The Appellant's substantial financial investment in the Maradona brand development;
- Its ongoing commercial activities under the Master Licence;
- The good faith nature of the original licensing negotiations;
- Correspondence with the heirs' representatives demonstrating the Appellant's willingness to cooperate and transfer trade marks; and
- Evidence that the Appellant believed that the trade marks had been transferred prior to the opposition proceedings.

24. For ground 5, the Appellant contends that the Hearing Officer failed to consider critical evidence of the Appellant's good faith, including:

- Correspondence with the heirs' representatives;
- Specific acknowledgment of the heirs' demands;
- The Appellant's mistaken belief in its compliance;
- The Appellant's substantial financial investment; and
- The Appellant's surprise at the Decision.

25. The difficulty for the Appellant, however, is that none of the above materials were before the Hearing Officer. The Hearing Officer clearly cannot be criticised for failing to take into account evidence and documents which were not filed by the Appellant.

26. Nor could any application by the Appellant for permission to rely now on this new evidence be successful in the circumstances. The test for admissibility of new evidence in an appeal was laid down in *Ladd v Marshall* [1954] EWCA Civ 1:

1. The evidence could not have been obtained with reasonable diligence for use at trial;

2. The evidence must be such, if given, it would probably have an important influence on the result of the case, though it need not be decisive; and

3. The evidence must be such as is presumably to be believed, it must be apparently credible, though it need not be incontrovertible.

27. Whereas I believe it is likely that requirements 2 and 3 would be satisfied, clearly all the evidence in question could have been obtained for use before the Hearing Officer, given the circumstances discussed in relation to the first ground of appeal.

28. Accordingly, the Hearing Officer did not take the Appellant's evidence into account because she was not aware of it, and it is not admissible in this appeal. I dismiss the second to fifth grounds of appeal.

(6) There were a number of procedural failures in the IPO's conduct of the matter

29. The Appellant contends that the IPO's correspondence dated 17 June 2025 acknowledges several procedural irregularities that should have alerted the Registry that the Appellant was unaware of proceedings:

- "The Registry has not been advised of the assignment and our records still show Maradona Global Limited of 180 The Strand as the Applicant, with no email contact details".
- "Official letters will continue to be issued to this address, until the Registry has received confirmation of the changes".
- The fact that the Appellant had to approach the Respondents' representatives for copies of documents they had submitted.

30. The Appellant contends that the above should have constituted red flags that the Appellant was not receiving correspondence and was unaware of the proceedings. I am unable to agree. It is the responsibility of parties to IPO proceedings to ensure that their contact details are kept up-to-date. There is no duty on the IPO to do anything other than send correspondence to the address notified to it by a party.

31. I dismiss this sixth ground of appeal.

(7) The Decision reflects a fundamental misunderstanding of trade mark purpose and commercial reality

32. The Appellant contends that the Decision reflects a fundamental misunderstanding of the commercial purpose of trade mark and the reality of brand development. The Appellant's contentions and my responses are set out below:

(a) Trade marks are "marks of a trade" - they require active commercial use and development to have meaningful value. There is currently no established UK Maradona trade or commercial operation.

Whereas this is correct, a trade mark owner has a five year "grace period" to commence use before a revocation action for non-use can be brought. Additionally, whether or not the Respondents have used their marks is not relevant to the issue of whether the Appellant's applications were made in bad faith.

(b) Building a meaningful brand presence requires substantial investment, commercial expertise and strategic development – precisely what Podium Icons was established to provide under the Master Licence.

None of this evidence was before the Hearing Officer.

(c) The Appellant, through its CEO Sanjay Wadhwani had developed a comprehensive strategy to build a "Maradona house of brands" with proper commercial foundation, establish a foundation supporting charities in Diego Maradona's honour, generate sustainable income for the rightful heirs and create a lasting commercial legacy rather than mere trade mark ownership.

None of this evidence was before the Hearing Officer.

(d) Both Sattvica and the Respondents appear to have become focused on ownership of trade mark registrations rather than the actual commercial development that gives such marks value.

Even if true, this is irrelevant to the issue of whether the Appellant's applications were made in bad faith.

(e) The Appellant's active engagement in trade mark proceedings when properly informed is demonstrated by the ongoing UK IPO proceedings against Sattvica.

None of this evidence was before the Hearing Officer.

33. Accordingly, none of the Appellant's contentions under this ground cast any doubt on the correctness of the Decision. I dismiss this seventh ground of appeal.

(8) The costs order was inappropriate

34. The Appellant complains that the costs order does not reflect its willingness to cooperate with the Respondents, its genuine belief that transfer had already been completed before opposition proceedings commenced, its substantial commercial investment in the Maradona brand, the Appellant's medical circumstances and the Respondents' failure to engage in several approaches from the Appellant.

35. However, the usual rule is that the unsuccessful party must pay the successful party's costs, and the Hearing Officer was entitled to make such an order, notwithstanding the points raised now by the Appellant (many of which were not even before the Hearing Officer).

36. The Appellant further contends that the amount of the costs award is disproportionate. However, the costs award was made in accordance with TPN 1/2023, and in all likelihood, the Respondents' actual costs will have been in excess of the £2,800 ordered.

37. I dismiss this final ground of appeal.

Conclusion

38. The Appellant's appeal is dismissed, and the Hearing Officer's Decision accordingly stands.

Costs

39. Although the Respondents have been successful, they played no part in this appeal, and accordingly I make no order as to costs in the appeal. The Hearing Officer's costs order still stands, and the Appellant must pay the Respondents the sum of £2,800 by 29 October 2025.

Dr. Brian Whitehead

8 October 2025

Representation

Sanjay Wadhwani, Director of the Appellant, in person

Stevens Hewlett & Perkins for the Respondents