

O/0567/25

REGISTERED DESIGNS ACT 1949

IN THE MATTER OF:

**REGISTERED DESIGN UNDER NO 6135099
IN THE NAME OF CAESAR COMMERCE LTD
IN RESPECT OF THE FOLLOWING DESIGN:**



AND

**AN APPLICATION FOR INVALIDATION (NO 0116/22) BY
HUIZHOU NEW ROAD COSMETICS COMPANY LIMITED**

BACKGROUND AND PLEADINGS

1. Registered Design under number 6135099 (“the contested design”) stands registered in the name of Caesar Commerce Ltd (“the registered proprietor”). It has an application date of 4 May 2021 (“the relevant date”), has a grant date of 12 July 2021 and was published on 13 July 2021.
2. The design is registered as applying to a ‘crystal bath bomb set’ and is depicted by the following representations:



3. On 13 May 2022, Huizhou New Road Cosmetics Company Limited (“the applicant”) applied for the contested design to be invalidated under section 1B of the Registered Designs Act 1949 (“the Act”), on the grounds that it lacked novelty and did not have individual character. Section 1B has effect in invalidation proceedings through section 11ZA(1)(b) of the Act. In particular, the applicant claims that the contested design is a product that has been sold globally long before the proprietor applied for it and was already a common product. Further, the applicant claims that the proprietor did not design the product but obtained it from the applicant’s company. Lastly, the applicant claims that the proprietor’s behaviour has damaged the interests of all sales of this product and similar products, causing many enterprises to be unable to continue selling. Attached to the application is evidence that shows the applicant’s alleged earlier design and its availability to the public. I will discuss this where appropriate.
4. The registered proprietor filed a counterstatement to the application for invalidation on 4 September 2023. The registered proprietor argues that the contested design was new and did possess individual character at the time of filing. Further, the proprietor denies the claims that it did not design the contested design, that it was obtained from the applicant and that the contested design was disclosed prior to the filing date. As such, the proprietor maintains that the contested design is valid and requests that the application be dismissed in its entirety.
5. The applicant filed evidence with its application and I note that the proprietor also filed evidence in chief. Neither side requested a hearing and only the proprietor filed written submissions in lieu of the same. I have taken this decision after a careful consideration of the papers before me. In these proceedings, the applicant is unrepresented and the registered proprietor is represented by Sonder & Clay.
6. 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

7. Firstly, the applicant filed evidence with the application for invalidation. This statement was signed with a statement of truth meaning that its contents and attachments may be treated as evidence, in accordance with Rule 21(1)(a) of the Registered Designs Rules 2006. I note that the statement of truth was given by Chen Jun Ping.
8. The proprietor's evidence came in the form of three separate witness statements. The first being that of Vina Wen dated 3 April 2024. Vina Wen is the Sales Manager of a company named Poleview Commodity Ltd ("Poleview"), a position they have held since 2015. Poleview is a company that works alongside the proprietor in relation to the design, development and manufacture of bath and beauty products. Vina Wen's first statement was adduced to discuss the origin and design process behind the contested design.
9. The second witness statement from the proprietor was that of Josh Moses dated 11 June 2023. Mr Moses is the Managing Director of the proprietor, a position he has held since February 2020. His statement is accompanied by two exhibits, being JM1 and JM3, and was adduced to respond to the applicant's evidence and to discuss the history of the contested design and how it came to be. The exhibits accompanying this statement are in Mandarin. It is for the translation of these exhibits that formed the purpose of the proprietor's third statement, being the second statement of Vina Wen dated 24 June 2024. In the body of their second statement, Vina Wen confirms that they are a native Mandarin speaker who has also studied English and is, therefore, familiar with both languages. Their second statement is accompanied by two exhibits, being TL1 and TL2, which are translations of Exhibits JM1 and JM3.

PRELIMINARY ISSUES

10. A number of points have been raised by the proprietor in these proceedings that I consider warrant discussion as preliminary issues in these proceedings.

The validity of evidence of the applicant

11. In its submissions, the proprietor sets out that the applicant only filed evidence via the Form DF19A and as no information regarding the person who made the statement of truth is provided, the evidence should be given little, if any, probative value. While the argument is noted, I disagree. I say this because the Form DF19A is accompanied by a sworn statement of truth which was signed by Chen Jun Ping and, as I have confirmed above, this constitutes validly filed evidence in accordance with the Act. In addition, I appreciate that while no further information is given regarding Chen Jun Ping's role within the applicant's company, I do not consider that this alone impacts upon the validity of their evidence. In respect of the validity of Chen Jun Ping's evidence, I note that the proprietor has raised additional issues but these have nothing to do with Chen Jun Ping's role within the applicant company so I will address them where necessary below.

Alleged correspondence between the parties

12. I note that the applicant's evidence includes screenshots of correspondence passing between the parties.¹ As I have alluded to above, the proprietor has taken issue with the applicant's evidence regarding the conversations between the parties. In short, Mr Moses argues that he has never corresponded with the applicant on either WeChat or Alibaba's website (being the platforms wherein these alleged discussions took place). As such, he claims that the evidence has been fabricated via photoshop or other corrupt digital means. This is a serious allegation to make and whilst I appreciate that there is no evidence in support of such a claim, I note that the applicant has not responded to it. In light of the allegation, the lack

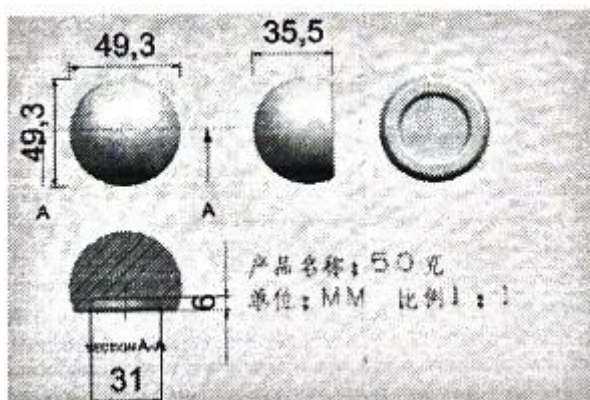
¹ See pages 26 to 42 of the applicant's DF19A

of response and the fact that, in my view, such evidence is immaterial to the present case in any event,² I will give it no further consideration throughout the course of these proceedings.

Earlier designs of the proprietor

13. The proprietor has filed evidence that it claims points to the fact that it was in the process of designing its product in January 2019 and, as such, it did not copy the applicant. It claims it then launched its product in December 2020 as part of a set wherein it was sold alongside bath pillows. It is claimed that the product was successful and, as a result, it began selling the bath bombs as a standalone product, which prompted the application to register its design.

14. I note that the proprietor has also filed evidence from Vina Wen which confirms that their company was approached by the proprietor on 5 January 2019 to design, develop and manufacture the mould of the bath bombs discussed in the preceding paragraph. The original drawing of the proprietor's mould is provided and this is as follows:



15. While noted, I do not consider that the above drawing shows a mould that, when used, would result in a bath bomb of the same design as the one in the contested

² I say this on the basis that the issue relevant here is whether there exists a prior art that was disclosed to those carrying out business in the UK or European Economic Area and, if so, whether the contested design, when compared with the prior art, has its own individual character or is novel. As such, the alleged conduct of the parties is not at issue.

design. I say this because the drawing on the right of the above image appears to show a smooth indented area in the middle section that is not present in the actual designs before me. Further, the indented area shows no textural elements that can be said to make the moulded product look like it has any crystals within it.

16. In addition to the above, I have additional images from the proprietor of goods that could be said to be similar to the design ultimately applied for show the following goods:³



17. While similar to the contested design, the shape is entirely different with the above images appearing considerably 'flatter' than those in the contested design which appear to be spherical (save for the opening where the crystals are). As a result, I do not consider that the above products are the same as those covered by the contested design. Further, it appears to me that the above images reflect a product

³ See JM1 and JM3, respectively.

referred to in Mr Moses' statement as "crystal shower steamers" and not bath bombs.⁴ I have no evidence or submissions as to what a crystal shower steamer is and, as far as I understand it, it is not the same as a bath bomb.

18. Taking all of the above into account, even if it were the case that the proprietor's evidence showed prior identical designs to the contested design, my assessment here is whether the contested design has novelty and individual character when compared to any other design that had been made available before the relevant date. As a result, I do not consider that the proprietor's evidence is of any assistance to these proceedings.

DECISION

19. Section 11ZA(1)(b) of the Act states that:

"The registration of a design may be declared invalid—

[...]

(b) On the ground that it does not fulfil the requirements of sections 1B to 1D of this Act".

20. Section 1B of the Act is as follows:

"(1) A design shall be protected by a right in a registered design to the extent that the design is new and has individual character.

(2) For the purposes of subsection (1) above, a design is new if no identical design or no design whose features differ only in immaterial details has been made available to the public before the relevant date.

⁴ See the table at paragraph two of Mr Moses' witness statement which, when cross referenced with JM1 seems to demonstrate that the goods shown are as described here.

(3) For the purposes of subsection (1) above, a design has individual character if the overall impression it produces on the informed user differs from the overall impression produced on such a user by any design which has been made available to the public before the relevant date.

(4) In determining the extent to which a design has individual character, the degree of freedom of the author in creating the design shall be taken into account.

(5) For the purposes of this section, a design has been made available to the public before the relevant date if—

- (a) it has been published (whether following registration or otherwise), exhibited, used in trade or otherwise disclosed before that date; and
- (b) the disclosure does not fall within subsection (6) below.

(6) A disclosure falls within this subsection if—

- (a) it could not reasonably have become known before the relevant date in the normal course of business to persons carrying on business in the geographical area comprising the United Kingdom and the European Economic Area and specialising in the sector concerned;
- (b) it was made to a person other than the designer, or any successor in title of his, under conditions of confidentiality (whether express or implied);
- (c) it was made by the designer, or any successor in title of his, during the period of 12 months immediately preceding the relevant date;

(d) it was made by a person other than the designer, or any successor in title of his, during the period of 12 months immediately preceding the relevant date in consequence of information provided or other action taken by the designer or any successor in title of his; or

(e) it was made during the period of 12 months immediately preceding the relevant date as a consequence of an abuse in relation to the designer or any successor in title of his.

(7) In subsections (2), (3), (5) and (6) above ‘the relevant date’ means the date on which the application for the registration of the design was made or is treated by virtue of section 3B(2), (3) or (5) or 14(2) of this Act as having been made.

[...]”

The Contested Design

21. While I will discuss the details of the contested design below, I consider it necessary to discuss here that the contested design shows photographs of four bath bombs in differing colours. The last photograph, being the fifth one, shows an image of the bath bombs together. Although the legislation allows for “sets” of products to be registered (see *GBL UK Trading Ltd v H&S Alliance Ltd*, BL O/374/21), there is no obvious reason why bath bombs would be sold as a set. I therefore have reservations that the contested design is a single design rather than four designs. Nevertheless, the applicant has not pleaded that the design is invalid on that basis and it is therefore a matter beyond the scope of this decision. I will, therefore, say no more about this point.

Prior Art

22. The applicant claims that it first designed the products relied upon here in 2019. In support of this, the applicant has provided a range of photographs of the following bath bombs:

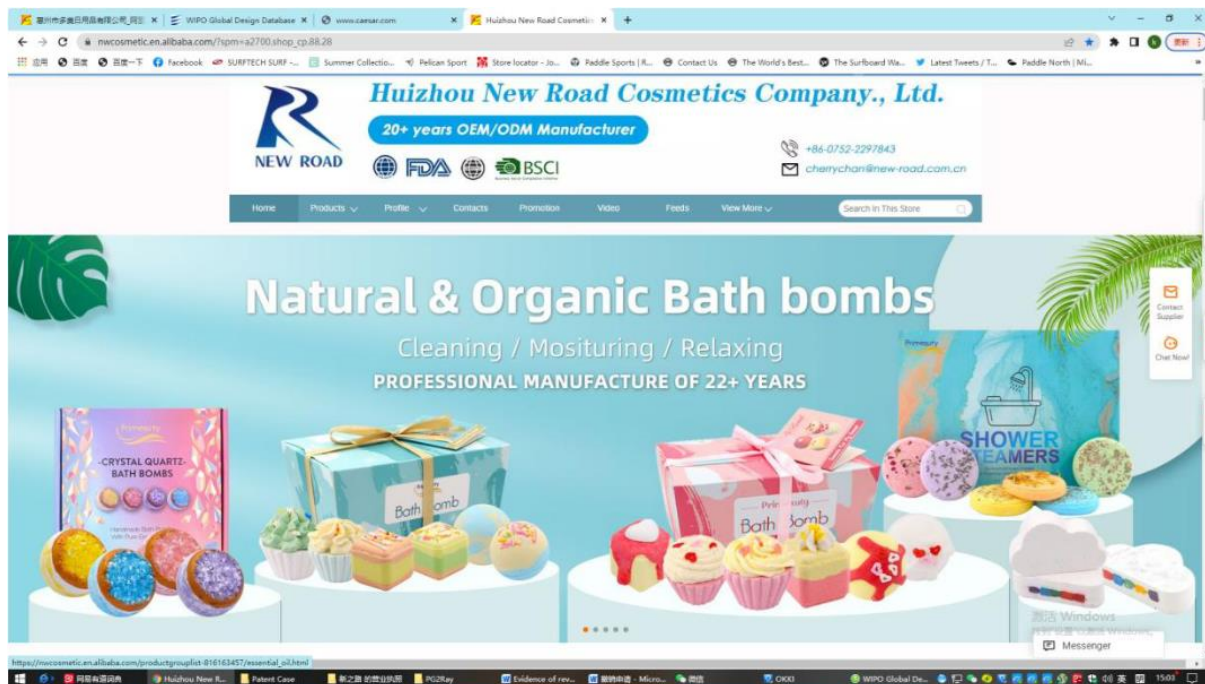


23. Alongside each image of the different coloured bath bombs are separate screenshots of a 'properties' box taken from a Windows computer. These show the alleged creation dates of the images provided. The dates for the individual images are shown as being 25 December 2019. While noted, I am not convinced that the designs simply being created on those dates constitutes the publication of the product to the point that it could be said to be an event that is capable of constituting a disclosure that could reasonably have become known to persons carrying on business in the UK and the European Economic Area ("EEA") and specialising in the sector concerned. This evidence is, therefore, of no assistance here.

24. The above being said, the applicant claims that it began selling these goods via Alibaba in July 2020. A screenshot is provided but this is undated. The proprietor submits that this is of no probative value on the basis that it is an undated website page. While I consider it reasonable to suggest that the applicant could have

obtained a screenshot from an internet archiving facility such as The Wayback Machine, I have no reason to doubt the claim as to the goods (as they appear in the evidence) first appearing on the website in July 2020.


25. The screenshot appears as follows:⁵



26. In respect of the above image, I note that the applicant has also provided a number of printouts showing order confirmations via the Alibaba website. The printouts are heavily redacted so no order details can be determined. That being said, the first printout shows an order dated 17 July 2020 which shows an image of the product purchased. This is as follows:⁶

⁵ See page 10 of the evidence accompanying the applicant's DF19A

⁶ See page 11 of the evidence accompanying the applicant's DF19A

No.	Product name
1	 Personal la

27. In addition, there are other order confirmations that show images in line with the following product:⁷

2	 wholes
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28. In considering the Alibaba printout and the subsequent order confirmations, I am of the view that the clarity of the images is such that they render it somewhat difficult for me to undertake an accurate assessment of the designs within them. That being said, I note that the applicant has provided a screenshot taken from an Amazon Japan listing which shows a design that is considerably closer to the contested design than the ones I can make out in the above images. It is for this reason that I consider the Amazon Japan printout to represent the applicant's best case.

29. The Amazon Japan printout shows the following products:⁸

⁷ See pages 12 to 15 of the evidence accompanying the applicant's DF19A

⁸ See page 18 of the evidence accompanying the applicant's DF19A



30. As can be seen at the bottom of the above image, the listing also shows images of the individual bath bombs. These are not provided in full within the evidence itself but I note that they are simply representations of the individual bath bombs as they appear in the main image.

31. I appreciate that the printout is undated, however, it does confirm that the goods have been available on Amazon Japan since 11 December 2020. In addition, I note that despite being a Japanese listing, it is presented in English. In its submissions, the proprietor argued that there is no evidence that the above image was published on this date and whether it became known before the relevant date in the normal course of business to persons carrying on business in the UK or the EEA and specialising in the sector concerned. In considering this argument, I note that it covers two claims, the first being that the evidence does not prove that in December 2020, the goods listed on Amazon Japan were the actual goods shown above with the second being that there is no evidence that the Amazon Japan listing became known to persons carrying on business in the UK or the EEA. I will deal with these points in turn below.

32. Aside from submissions in lieu in respect of the first point, the proprietor has not filed any direct challenge to the evidence filed (by way of its own evidence) in respect of the Amazon Japan listing. In addition, the proprietor has provided no explanation as to the process of listing goods or amending listings on the Amazon platform in order to support such an allegation. On this point, I note that a similar

argument to that of the proprietor was put forward in the case of *GBL UK Trading Limited v H&S Alliance Ltd*, BL O/374/21, wherein an Appellant alleged that a Respondent, despite filing pre-dated listings, was able to change the designs of the products after the fact and have those changes reflected in the pre-dated listings. In that case, Mr Martin Howe Q.C., sitting as the Appointed Person, set out that even though a Respondent's evidence of product listings was rather thin and could have been better supported, it was not duly contradicted by the Appellant. It was, therefore, established that, on the balance of probabilities, the Respondent's listings were acceptable. In the present case, I note that the proprietor has failed to appropriately contradict the applicant's evidence and, as such, I adopt the same approach here, namely that the Amazon Japan listing is to be taken as though the goods listed from December 2020 were in line with those reproduced above.

33. Turning to the second issue, this appears to me to be an argument that the applicant's Amazon Japan listing represents an obscure disclosure. If proven, this would mean that the disclosure would fall within the exception under section 1B(6)(a) of the Act. If so, the applicant would be unable to rely on the same. However, in considering this point, I refer to the case of *Crocs, Inc. v European Union Intellectual Property Office (EUIPO)*, Case T-651/16, wherein the General Court ("GC") considered the law on the assessment of whether a disclosure could not reasonably have become known in the normal course of business to circles specialised in the sector concerned, operating within the European Union. In this case, the GC endorsed the following two-step analysis:

"48. In the present case, a two-step analysis is thus appropriate, as rightly carried out by the Board of Appeal in paragraph 52 of the contested decision and, accordingly, the Court should examine, in the first place, whether the evidence produced by the intervener showed that the contested design had been disclosed before the relevant period started and, in the second place, **whether the applicant was able to demonstrate that the disclosure events thus claimed by the intervener could not reasonably have become known in the normal course of business to the circles specialised in the sector concerned**, operating within the European Union." (my emphasis added)

34. The first step is satisfied in that the applicant was able to prove that the prior art (being the Amazon Japan product listing) was disclosed before the relevant date. My reasons for this are in line with that explained above. As for the second step, the outcome here is also similar to that I have discussed above in that aside from vague submissions on the point, the proprietor has failed to prove that the prior art could not reasonably have become known in the normal course of business to the circles specialised in the sector concerned. In addition, I remind myself of the case of *H. Gautzsch Großhandel GmbH & Co KG v Münchener Boulevard Möbel Joseph Duna GmbH*, Case C-479/12 wherein the Court of Justice of the European Union set out that even if disclosure had not taken place within the European Union, it may still be deemed to have been made available to the public in the EEA. On this point, I do not consider that disclosure via a national Amazon listing is in any way an obscure disclosure. I say this because, as far as I understand it, users are able to navigate foreign countries' Amazon listings, especially given that Amazon is a popular global e-commerce website that is available and accessible worldwide. As such, it is available to persons carrying on business in the UK and the EEA. Therefore, I am of the view that, without anything to prove otherwise, the offering for sale of the product on Amazon Japan in December 2020 constitutes a disclosure of the prior art in accordance with section 1B(5) of the Act.

35. Taking all of the above into account, I am satisfied that the applicant offered its goods for sale to customers in the EEA in December 2020. While these dates are within 12 months before the relevant date, they do not fall within the exceptions set out in section 1B(6) of the Act. On this point, I note that the registered proprietor has not claimed that any of the exceptions in section 1B(6) apply and neither do I consider that any of them are relevant here. As such, I am satisfied that the prior art shown above is capable of being relied upon as the basis for the present invalidation application.

Individual Character

36. I will begin with the question of whether the contested design has individual character. Section 1B(3) states that a design has individual character when it produces a different overall impression on the informed user than that produced by any design made available to the public before the relevant date. A design may create the same overall impression on the informed user as another design, while being different from it in some respects. I need to assess the similarities and differences and decide upon their impact on the overall impression of the design.

37. The approach to carrying out an assessment of individual character was helpfully summarised by HHJ Hacon, sitting as a Judge of the Patents Court, in *Cantel Medical (UK) Limited v ARC Medical Design Limited* [2018] EWHC 345 (Pat). He said:

“181. I here adapt the four stages prescribed by the General Court in H&M Hennes for assessing the individual character of a Community design to the comparison of an RCD with an accused design, adding other matters relevant to the present case. The court must:

(1) Decide the sector to which the products in which the designs are intended to be incorporated or to which they are intended to be applied belong;

(2) Identify the informed user and having done so decide

(a) the degree of the informed user's awareness of the prior art and

(b) the level of attention paid by the informed user in the comparison, direct if possible, of the designs;

(3) Decide the designer's degree of freedom in developing his design;

(4) Assess the outcome of the comparison between the RCD and the contested design, taking into account

(a) the section in question,

(b) the designer's degree of freedom, and

(c) the overall impressions produced by the designs on the informed user, who will have in mind any earlier design which has been made available to the public.

182. To this I would add:

(5) Features of the designs which are solely dictated by technical function are to be ignored in the comparison.

(6) The informed user may in some cases discriminate between elements of the respective designs, attaching different degrees of importance to similarities or differences. This can depend on the practical significance of the relevant part of the product, the extent to which it would be seen in use, or on other matters.”

38. I also bear in mind the comments of HHJ Birss (as he then was), sitting as a Deputy Judge of the Patents Court, in *Samsung Electronics (UK) Ltd v Apple Inc* [2012] EWHC 1882 (Pat):

“How similar does the alleged infringement have to be to infringe? Community design rights are not simply concerned with anti-counterfeiting. One could imagine a design registration system which was intended only to allow for protection against counterfeits. In that system only identical or nearly identical products would infringe. The test of ‘different overall impression’ is clearly wider than that. The scope of protection of a Community registered design clearly can include products which can be distinguished to some degree from the

registration. On the other hand the fact that the informed user is particularly observant and the fact that designs will often be considered side by side are both clearly intended to narrow the scope of design protection. Although no doubt minute scrutiny by the informed user is not the right approach, attention to detail matters.”⁹

The sector concerned

39. The sector concerned is that of bath bombs.

The informed user

40. In *Samsung*, HHJ Birss (as he then was) gave the following description of the informed user:

“33. ... The identity and attributes of the informed user have been discussed by the Court of Justice of the European Union in *PepsiCo v Grupo Promer* (C-281/10 P) [2012] FSR 5 at paragraphs 53 to 59 and also in *Grupo Promer v OHIM* [2010] EDCR 7, (in the General Court from which *PepsiCo* was an appeal) and in *Shenzhen Taiden v OHIM*, case T-153/08, 22 June 2010.

34. Samsung submitted that the following summary characterises the informed user. I accept it and have added cross-references to the cases mentioned:

- i) he (or she) is a user of the product in which the design is intended to be incorporated, not a designer, technical expert, manufacturer or seller (*PepsiCo* paragraph 54 referring to *Grupo Promer* paragraph 62, *Shenzhen* paragraph 46);

⁹ Paragraph 58

- ii) however, unlike the average consumer of trade mark law, he is particularly observant (*PepsiCo* paragraph 53);
- iii) he has knowledge of the design corpus and of the design features normally included in the designs existing in the sector concerned (*PepsiCo* paragraph 59 and also paragraph 54 referring to *Grupo Promer* paragraph 62);
- iv) he is interested in the products concerned and shows a relatively high degree of attention when he uses them (*PepsiCo* paragraph 59);
- v) he conducts a direct comparison of the designs in issue unless there are specific circumstances or the devices have certain characteristics which make it impractical or uncommon to do so (*PepsiCo* paragraph 55).

35. I would add that the informed user neither (a) merely perceives the designs as a whole and does not analyse details, nor (b) observes in detail minimal differences which may exist (*PepsiCo* paragraph 59)."

41. The informed user is a member of the public who buys and uses bath bombs. The informed user exhibits all the traits set out in the case law cited above. I see no circumstances or particular characteristics of the products that would make it impractical or unusual for the informed user to conduct a direct comparison of the designs in issue.

Design freedom

42. In *Dyson Ltd v Vax Ltd*, [2010] FSR 39, Arnold J (as he was then) stated that:

“... design freedom may be constrained by (i) the technical function of the product or an element thereof; (ii) the need to incorporate features common to such products; and/or (iii) economic considerations (e.g. the need for the item to be inexpensive).”¹⁰

43. Neither party has made any argument as to the design freedom in respect of the products at issue. To fulfil the product’s function, it must be able to dissolve in water. This is not something that is evident in a registered design or a prior art. I do not consider that the products are constrained by any specific shape or size, though I appreciate in respect of the latter point, the products do need to be of a suitable size for placing in a bath. As such, while there may be some limits on account of manufacturing capability or costs, there remains a significant scope for design freedom for these goods. Most significantly, the designer may choose any of the following:

- a. the colour of the bath bomb;
- b. the shape of the bath bomb;
- c. the size of the bath bomb; and
- d. the texture of the bath bomb, which will have an impact upon the appearance of the product.

Comparison of the designs

44. The representations of the contested design are images of the products. There are five images in total, the first four being a single image of a bath bomb in a different colour scheme. The fifth image is a photograph of all four coloured bath bombs alongside each other. All images of the bath bombs appear to come from the same angle. It is, therefore, not possible to see the underside or opposite side of the product.

¹⁰ Paragraph 34.

45. As for the prior art, the image that has been filed is a single photograph taken from a website. As was the case with the contested design, the bath bombs are all shown from the same angle and, as such, it is not possible to see the underside or the opposite side of the product.

46. In the table below, I show the images in the contested design alongside the prior art relied upon. In reproducing the prior art, I have dissected the image of all four bath bombs so as to provide them alongside their counterpart in the contested design.

The contested design	The prior art
	
	



47. The contested design has the following features:

- The bath bombs appear to be modelled so as to appear like an opened geode rock with an exposed crystal structure;
- The crystals appear to be made with a reflective material;
- The bath bombs are mostly spherical but appear to have had part of the overall sphere cut away or opened up so as to give attention to the geode/crystal effects;

- d. The geode/crystal elements (which are different colours across the images of the contested design) are surrounded by a gold-coloured effect to represent the opening of the sphere.

48. The prior art has exactly the same features as described above. The overall appearance of the designs is plainly identical and so I find that the contested design does not possess an individual character when compared with the earlier design.

Novelty

49. Section 1B(2) of the Act states that a design has novelty if no identical design or no design differing only in immaterial details has been made available to the public before the relevant date. In *Shnuggle Limited v Munchkin, Inc & Anor* [2019] EWHC 3149 (IPEC), HHJ Melissa Clarke, sitting as a Judge of the High Court, said:

“26. ‘Immaterial details’ means ‘only minor and trivial in nature, not affecting overall appearance’. This is an objective test. The design must be considered as a whole. It will be new if some part of it differs from any prior art in some material respect, even if some or all of the design features, if considered individually, would not be.”

50. As I found that the designs at issue are identical, it follows that the contested design will not be considered new when compared with the prior art relied upon by the applicant.

CONCLUSION

51. The application to invalidate the contested design is successful. Therefore, Registered Design (UK) under no 6135099 is hereby invalidated with effect from its application date, being 4 May 2021.

COSTS

52. The applicant has succeeded and is, in principle, entitled to a contribution towards its costs. However, as an unrepresented party, it was invited by the Tribunal by way of a letter dated 14 October 2024 to indicate whether it wished to make a request for an award of costs. If so, the applicant was directed to complete a pro-forma (which was enclosed with the Tribunal's letter) setting out a breakdown of the time taken to undertake the various tasks required during these proceedings. It was made clear to the applicant that if the pro-forma was not completed and returned then no costs outside of official fees would be awarded.

53. No response was received but in light of the fact that the applicant incurred an official fee of £48 in making its invalidity application, I hereby order Caesar Commerce Ltd to pay Huizhou New Road Cosmetics Company Limited the sum of £48. This sum should be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 24th day of June 2025

A COOPER

For the Registrar