O/1000/26

REGISTERED DESIGNS ACT 1949

IN THE MATTER OF REGISTERED DESIGN NOS.
6305006, 6233132, 6305003 & 6233130
IN THE NAME OF GLOBE ESSENTIALS LTD

AND

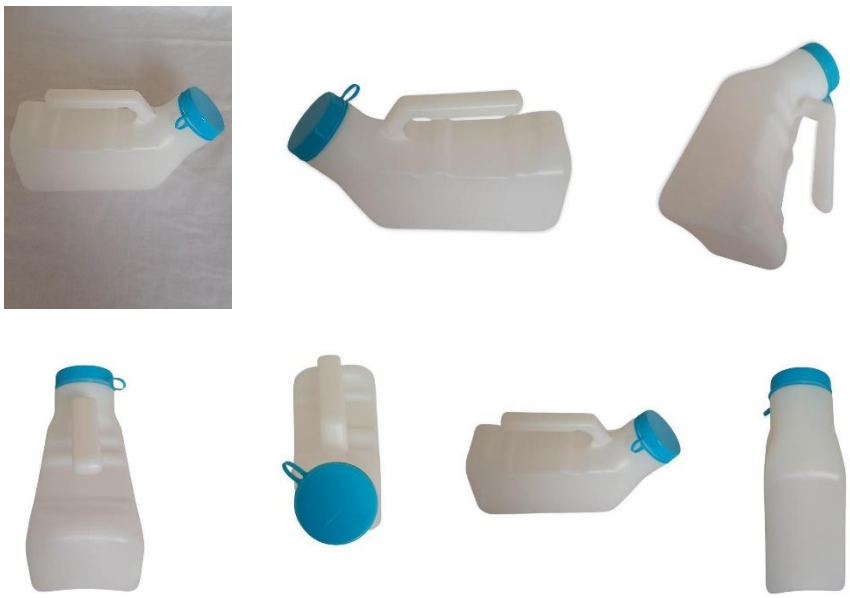
APPLICATIONS FOR INVALIDATION THEREOF
UNDER NOS. 07/25, 08/25, 09/25 & 29/25
BY FASAJ GROUP LTD

BACKGROUND AND PLEADINGS

1. On 22 September 2022, Globe Essentials Ltd ("the proprietor") filed application numbers 6233130 and 6233132 for *"Plastic Urinal bottle – indoor/outdoor, Home, Hospital , Clinic use"* in class 23, sub class 7 of the Locarno Classification (equipment for urination and defecation). The designs were granted with effect from 18 October 2022 and 7 December 2022, and published on 19 October 2022 and 8 December 2022, respectively.

2. On 23 August 2023, the proprietor filed application numbers 6305006 and 6305003 for *"Urinal"* in class 24, sub class 4 of the Locarno Classification (materials for dressing wounds, nursing and medical care). The designs were granted with effect from 4 September 2023 and 18 September 2023, and published on 5 September 2023 and 19 September 2023, respectively.

3. The registered designs are depicted in the following representations:

Registered design no. 6233130 ("the '130 design")

Registered design no. 6233132 ("the '132 design")

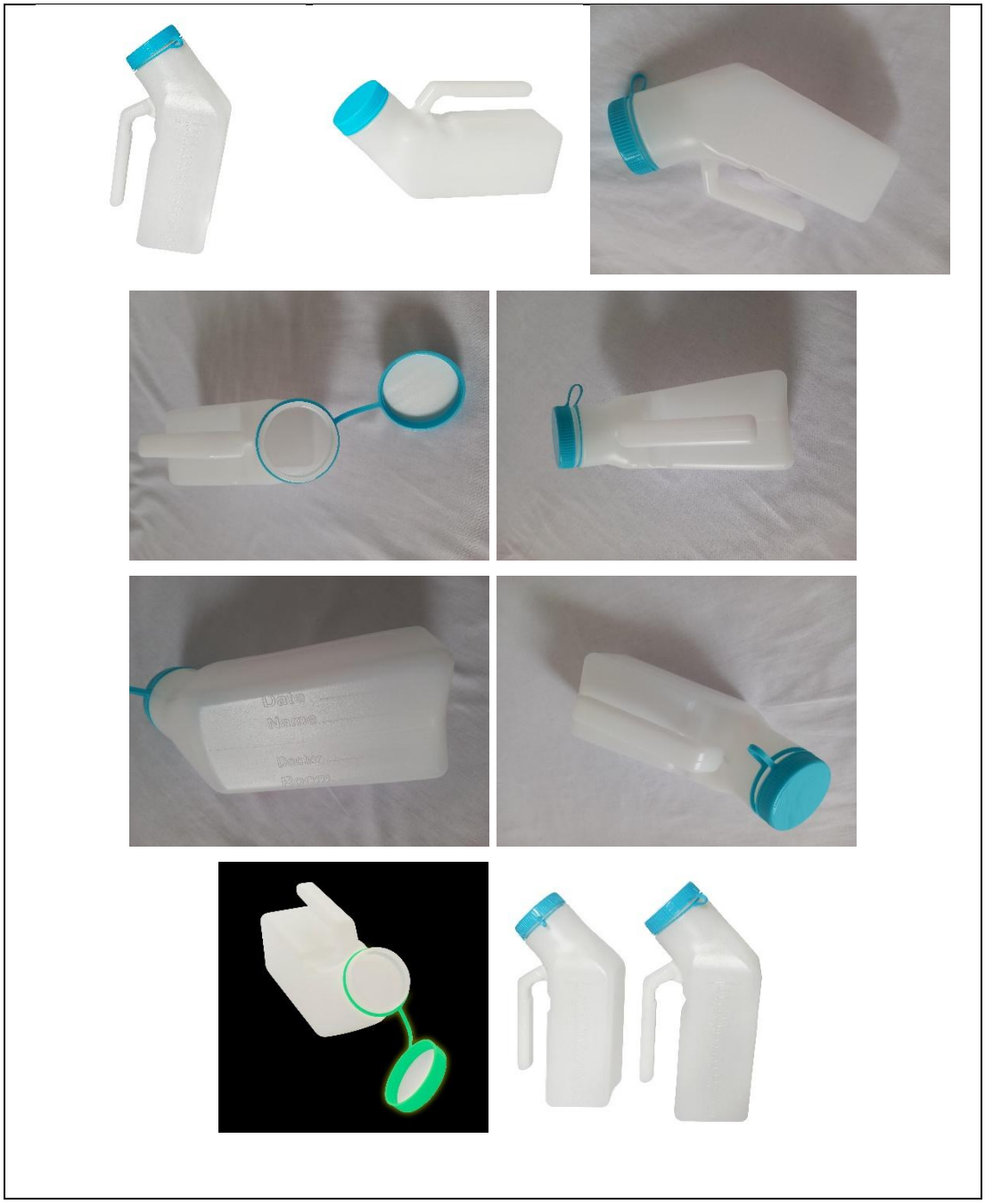


Registered design no. 6305006 (“the ‘006 design”)





Registered design no. 6305003 (“the ‘003 design”)



4. On 9 January 2025, Fasaj Group Ltd ("the applicant") requested that the registered designs be declared invalid under section 11ZA(1)(b) of the Registered Designs Act 1949 (as amended) ("the Act"), which states as follows:

> "(1) 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 […]"

5. The applications to invalidate the registered designs are all based upon section 1B of the Act. The applicant claims that the registered designs are not novel and lack individual character when compared to a number of designs that were made available to the public well before the relevant dates.[1] The applicant contends that this includes disclosures made by the proprietor via its own Amazon store, as well as third-party designs.

6. The application against the '130 design is also based upon section 11ZA(1)(a) of the Act, which states as follows:

"(1) The registration of a design may be declared invalid–

(a) on the ground that it does not fulfil the requirements of section 1(2) of this Act […]"

7. The applicant claims that the '130 design does not fulfil the criteria set out in section 1(2) of the Act because the representations are of two different products. In this connection, it contends that representations one to four show *"a portable urine bottle that has a trapezoid prism shape below the neck"*, whereas representations five to seven show *"a portable urine bottle that has a cuboid shape below the neck"*.

8. On 2 March 2025, the proprietor filed notices of defence and counterstatements. The proprietor denies the grounds of invalidation and submits that each of the registered designs is novel and has individual character. The proprietor did not specifically comment upon the applicant's claim under section 11ZA(1)(a) of the Act against the '130 design.

[1] For the '130 and '132 designs, the relevant date is 22 September 2022. For the '006 and '003 designs, the relevant date is 23 August 2023.

9. The applicant is represented by Forbes Solicitors LLP. The proprietor represents itself. Both parties filed evidence. No hearing was requested and only the applicant filed written submissions in lieu of an oral hearing. This decision is taken after a careful consideration of all the papers before me.

RELEVANCE OF EU LAW

10. 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 AND SUBMISSIONS

11. The applicant's evidence comprises the witness statement of Daniel Fletcher, dated 9 April 2025, and four exhibits (DF1-DF4). Mr Fletcher is a Senior Associate at the applicant's representatives. He provides the applicant's evidence of claimed prior art.[2]

12. The proprietor's evidence is given in the witness statement of Daleep Singh, dated 23 June 2025, and four exhibits (GE1-GE4). Mr Singh is Director of the proprietor. Apart from one point which I shall discuss later, his filing does not contain any evidence of fact. Rather, it consists of the proprietor's arguments as to how its registered designs differ from the applicant's claimed prior art. These will not be afforded any evidential weight; they will be treated as submissions.

13. The applicant filed written submissions in reply to the proprietor's evidence on 27 June 2025.

[2] This was originally attached to the applications for invalidation. However, as the Form DF19As were not signed by an individual, it did not constitute evidence in accordance with rule 21(1)(a) of the Registered Designs Rules 2006. This was communicated to the applicant by official letter dated 12 March 2025, prompting Mr Fletcher to resubmit the evidence during the evidence rounds.

14. The applicant also filed written submissions in lieu of a hearing on 27 August 2025.

DECISION

Section 1B

15. Section 1B of the Act reads 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.
>
> (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 consideration.
>
> (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.

[…]"

Prior art

16. The designs claimed by the applicant to predate the registered designs are as follows:[3]

[3] These are set out in Exhibits DF1-DF4. All are relied upon in the applications against the '006 and '003 designs. Only those at (iii)-(ix) are relied upon in the applications against the '130 and '132 designs.

(i) *"Urine Bottle Male Urinal"*

Sold on Amazon (UK)

Brand: Six-Sisters

Date first available: 8 June 2022



(ii) *"Men Urinals"*

Sold on Amazon (UK)

Brand: Six-Sisters

Date first available: 22 August 2022





(iii) *"Male Urinal"*

Sold on Amazon (UK)

Brand: Homecraft

Date first available: 12 May 2011

(iv) *"Male Urinal Bottle"*

Sold on Amazon (UK)

Brand: NRS Healthcare

Date first available: 15 November 2012



(v) *"Urinals for Men"*

Sold on Amazon (UK)

Brand: Tilcare

Date first available: 15 July 2019









(vi) *"Adult Male Urinal Bottle"*

Sold on Amazon (UK)

Brand: Viva Medi

Date first available: 4 February 2020



(vii) *"Urinals for Men"*

Sold on Amazon (UK)

Brand: Tovee

Date first available: 24 November 2020





(viii) *"Male Urinal Bottle"*

UK registration no. 6204896

Application date: 27 April 2022

Grant date: 23 May 2022

Publication date: 24 May 2022



(ix) *"Urine Bottle/Container"*
UK registration no. 6203181
Application date 15 April 2022
Grant date: 10 May 2022
Publication date: 11 May 2022



17. The product shown at paragraph 16(vii) above is shown in the evidence as being first made available on 24 November 2020. In his evidence, Mr Singh admits that the listing was available to the public before the relevant date, but asserts that it showed a different product in September 2022.[4] According to Mr Singh, the listing was later changed to display the product that is shown in the applicant's evidence. From the images and comments included in his evidence, he appears to contest the reliability of the applicant's evidence that this particular design was disclosed before the relevant

[4] Exhibit GE4 (labelled page 23)

date, at least in respect of the '130 design.[5] I am not persuaded by the materials and arguments advanced by Mr Singh. Whilst I am prepared to accept that the proprietor's screenshot was obtained on 13 September 2022, it is of poor quality. It is clear that the screenshot displays an image of a urinal product in what appears to be an Amazon listing. However, no further details are legible, even when the printout is viewed electronically and enlarged. In particular, it is not possible to ascertain whether it is the same listing with the same 'ASIN' number as that relied upon by the applicant. Furthermore, even if the listing did show a different product on 13 September 2022, that does not establish which product was displayed on the listing before that date. Nor does it establish when the product shown in the applicant's evidence first appeared on the listing, or that this occurred after the stated date on which the product was first available on Amazon. I bear in mind that it is for the applicant to establish that the prior art was disclosed before the relevant date. Having considered its evidence as a whole, together with Mr Singh's challenge to it, I am satisfied that the design shown at paragraph 16(vii) above was disclosed prior to the relevant date.

18. In its statements of grounds, the applicant highlights that the designs shown at paragraph 16(i) and (ii) above were on the proprietor's own Amazon store. Indeed, in the printouts provided, the seller is given as *"GLOBE ESSENTIALS"*. The proprietor has not sought to argue that the prior art in question ought to be excluded on the basis of section 1B(6)(c) of the Act, and it would have been for the proprietor to raise it if such an exclusion was to be considered.[6] In any event, the products were first available on 8 June 2022 and 22 August 2022, respectively. Given that both dates are over a year before the relevant date for the '003 and '006 designs (against which the prior art in question is relied upon), such an exclusion would not apply.

19. Designs (i) to (vii) were made public on Amazon (UK) prior to the relevant dates, whilst designs (viii) and (ix) were published in the Designs Journal before the relevant dates. None of the exceptions set out in section 1B(6) of the Act applies. I am satisfied that both methods constitute disclosure in accordance with the Act.

[5] Exhibit GE4 (labelled page 23)
[6] *Munchun Lin v Lu Zhang*, BL O/0983/25

Novelty

20. 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 earlier design in some material respect, even if some or all of the design features, if considered individually, would not be."

The '130 design

21. I will compare the '130 design to the design shown at paragraph 16(vii) above (hereafter, "Prior Art 1"). This seems to be the most similar overall to the '130 design. Therefore, the designs to be compared are as follows:

The '130 design	**Prior Art 1**
	

22. Within his evidence, Mr Singh accepted that *"Design A and Design B are both the same design"* when comparing these designs. This was subject to his argument that Prior Art 1 should not be accepted as qualifying prior art. As I have dismissed that

argument, Mr Singh's comments stand as a concession on the proprietor's part that the '130 design and Prior Art 1 are identical.

23. However, even if such a concession had not been offered, it is my view that the '130 design is identical to Prior Art 1 or that their features differ only in immaterial details. The '130 design and Prior Art 1 share the following design features:

(i) The overall shape of the main body of the urinal is an oblong with curved edges.

(ii) The urinal appears to have the same proportions.

(iii) At one end, the urinal has a 'neck' rising at roughly a 45° angle from the main body:



(iv) At the end of the neck is a circular opening with an attached cover:

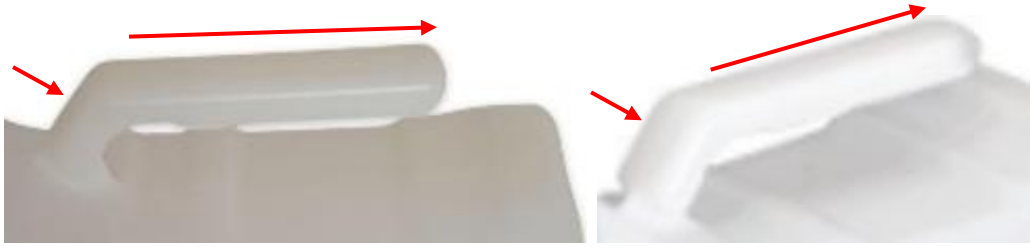


(v) The opening appears to be of the same size.

(vi) The end of the urinal is taller than most of the main body:



(vii) The urinal has a handle protruding from its neck at roughly 45° before flattening and extending for most of its body towards its end:

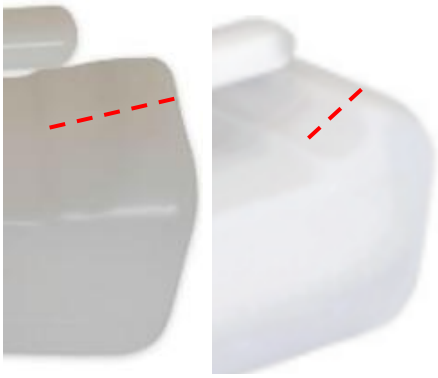


(viii) The body of the urinal beneath the handle is not flat but features an indentation and a bump:



(ix) The main body of the urinal appears to be white and the cover is blue. The colours in the ‘130 design have not been disclaimed and, therefore, form part of the registered design.

24. I acknowledge that the end of the urinal may be slightly different in that the gradient of the incline in the ‘130 design may be shallower than that in Prior Art 1:



25. However, this could equally be caused by the difference in angle at which the respective designs are presented. There is no side view of Prior Art 1 and no view of the ‘130 design from the same perspective as Prior Art 1. Even if this constitutes a difference between the ‘130 design and Prior Art 1, it is an immaterial one. On the basis of all the above, I find that the ‘130 design is identical to Prior Art 1 or differs from it only in immaterial details. It lacks novelty and, as such, fails to satisfy the requirements of section 1B(1) of the Act.

The ‘132 design

26. I will also compare the ‘132 design to Prior Art 1, since it seems to be the most similar overall to the ‘132 design. As such, the designs to be compared are as follows:

The ‘132 design	**Prior Art 1**
	

27. It is my view that the ‘132 design and Prior Art 1 share the following design features:

(i) The overall shape of the main body of the urinal is an oblong with curved edges.

(ii) The urinal appears to have the same proportions.

(iii) The main body of the urinal appears to be white, and colour has not been disclaimed from the ‘132 design.

(iv) At one end, the urinal has a ‘neck’ rising at roughly a 45° angle from the main body:



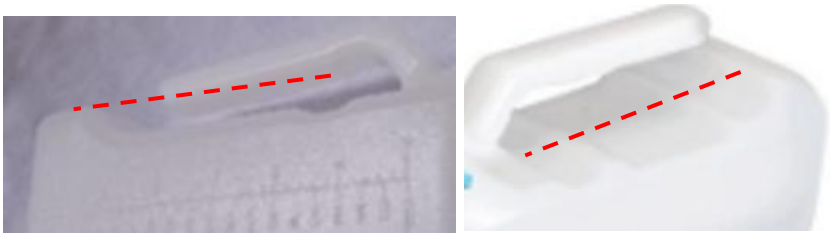

(v) At the end of the neck is a circular opening with an attached cover:



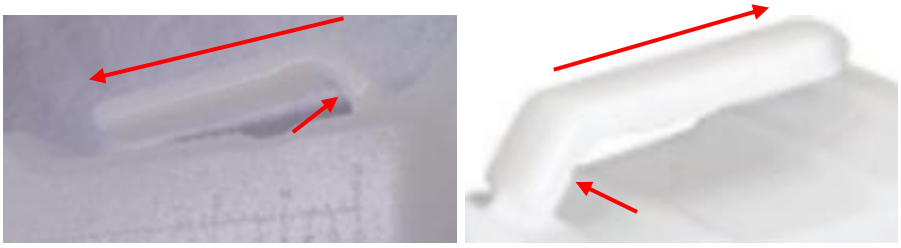


(vi) The opening appears to be of the same size.

(vii) The end of the urinal is taller than most of the main body:



(viii) The urinal has a handle protruding from its neck at roughly 45° before flattening and extending for most of its body towards its end:



28. To my mind, the following differences can be seen between the '132 design and Prior Art 1:

(i) The body of the urinal beneath the handle of the '132 design only features an indentation, whilst that of Prior Art 1 features an indentation and a bump:



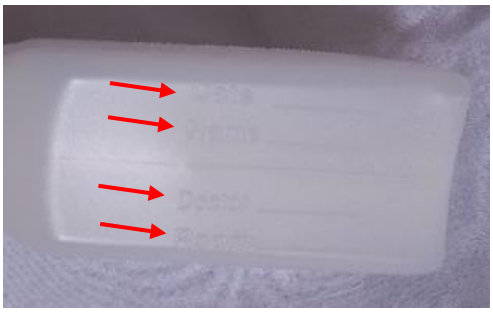
(ii) The cover in the '132 design appears to be green in colour, whilst that in Prior Art 1 is blue. The colours in the '132 design have not been disclaimed.

(iii) The side of the '132 design features a liquid measurement scale, whilst Prior Art 1 does not:[7]





(iv) The bottom of the '132 design features the words *"Date"*, *"Name"*, *"Doctor"* and *"Room"* with lines alongside (this cannot be seen in any of the representations of Prior Art 1, though I do not have a bottom view thereof):



29. Taking these differences into account, it is my view that the '132 design differs in more than immaterial details from Prior Art 1. Therefore, I find that the design is new.

The '003 design

30. I will compare the '003 design to the design shown at paragraph 16(i) above (hereafter, "Prior Art 2"). This seems to be the most similar overall to the '003 design. The designs to be compared are as follows:

[7] Whilst other examples of prior art do feature liquid measurement scales, I remain of the view that Prior Art 1 is most similar to the '132 design in appearance, overall.

The ‘003 design	Prior Art 2
	

31. In my view, the ‘003 design and Prior Art 2 share the following design features:

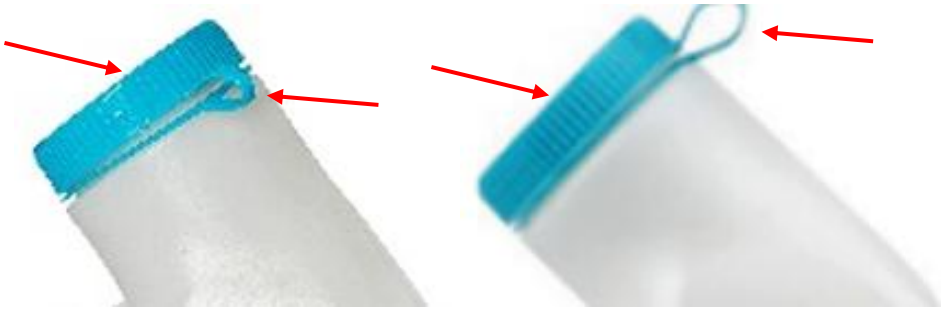
(i) The overall shape of the main body of the urinal is oblong with curved edges.

(ii) The urinal appears to have the same proportions.

(iii) At one end, the urinal has a ‘neck’ rising at roughly a 45° angle from the main body:

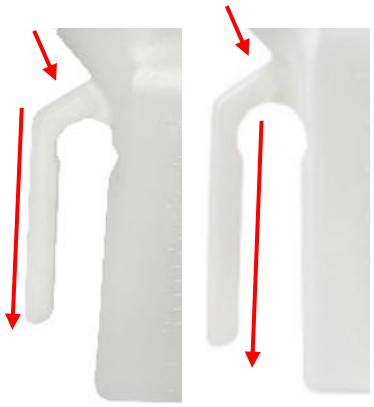


(iv) At the end of the neck is a circular opening with an attached cover:



(v) The opening appears to be of the same size.

(vi) The urinal has a handle protruding from its neck at a roughly 45° angle before flattening and extending for most of its body towards its end:



(vii) The body of the urinal beneath the handle is not flat but features an indentation:

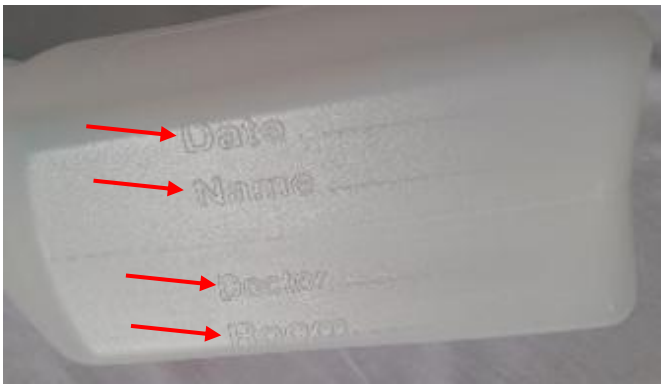


(viii) The main body of the urinal appears to be white and the cover is blue.[8] The colours in the '003 design have not been disclaimed and, therefore, form part of the registered design.

(ix) The side of the urinal features a liquid measurement scale:



32. However, the bottom of the '003 design features the words *"Date"*, *"Name"*, *"Doctor"* and *"Room"* with lines alongside (this cannot be seen in any of the representations of Prior Art 2, though I do not have a bottom view thereof):



33. Taking this into account, I find that the '003 design differs in more than immaterial details from Prior Art 2; the design is new.

[8] Although in one of the representations the lid appears green, the proprietor does not highlight this as constituting a difference between the respective designs. The description of Prior Art 2 in the Amazon listing is *"Urine Bottle Male Urinal, Leakproof Glow in The Dark Lid […]"*. In the circumstances, I do not consider the apparent difference in colour to constitute a material difference between the respective designs.

The '006 design

34. I will compare the '006 design to the design shown at paragraph 16(ii) above (hereafter, "Prior Art 3"). This seems to be the most similar overall to the '006 design. The designs to be compared are as follows:

The '006 design	**Prior Art 3**
	

35. To my mind, the '006 design and Prior Art 3 share the following design features:

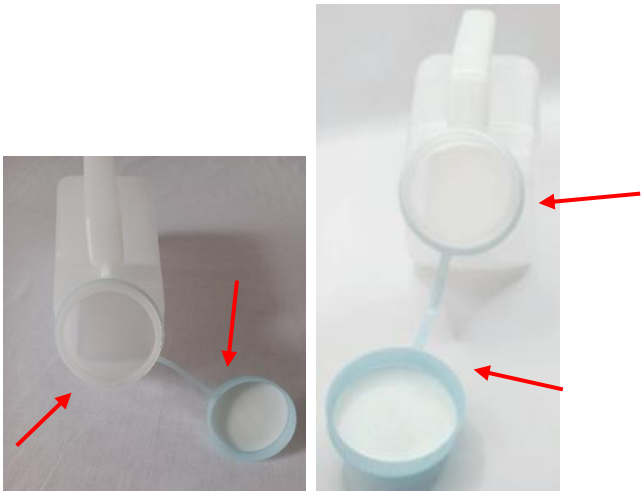
(i) The overall shape of the main body of the urinal is an oblong with curved edges.

(ii) The urinal appears to have the same proportions.

(iii) At one end, the urinal has a 'neck' rising at roughly a 45° angle from the main body:

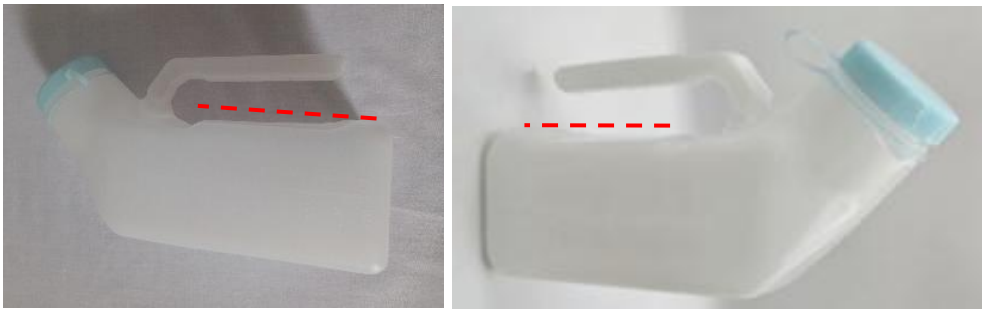


(iv) At the end of the neck is a circular opening with an attached cover:

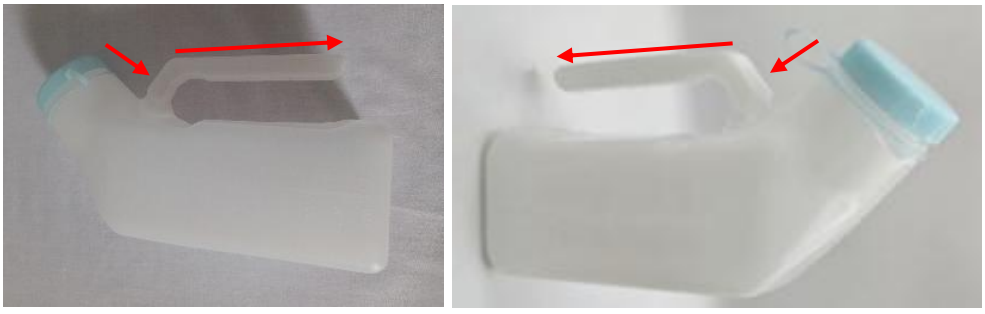


(v) The opening appears to be of the same size.

(vi) The end of the urinal is taller than most of the main body:



(vii) The urinal has a handle protruding from its neck at roughly 45° before flattening and extending for most of its body towards its end:



(viii) The body of the urinal beneath the handle is not flat but features an indentation:




(ix) The main body of the urinal appears to be white and the cover is light blue. The colours in the '006 design have not been disclaimed and, therefore, form part of the registered design.

36. In light of all the above, I find that the '006 design is identical to Prior Art 3 or that any differences between them are immaterial. The '006 design lacks novelty and, therefore, fails to satisfy the requirements of section 1B(1) of the Act.

Individual character

37. I have found that the '132 and '003 designs satisfy the requirement of novelty. However, a design may be new but still lack the necessary individual character compared to the prior art. As such, I shall now go on to consider whether the designs have individual character.

38. An assessment of whether a design has individual character depends on whether the overall impression it produces on the informed user differs from that of the prior art. The approach to carrying out this assessment was helpfully summarised by HHJ Hacon, sitting as a Judge of the High Court, in *Safestand Ltd v Weston Homes PLC & Ors* [2023] EWHC 3250 (Pat) at [237]:

"(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 sector in question,

(b) the designer's degree of freedom,

(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,

(d) that features of the design which are solely dictated by technical function are to be ignored in the comparison, and

(e) that 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."

39. 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 ("Samsung")* [2012] EWHC 1882 (Pat):

> "58. 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."

The sector concerned

40. The relevant sector is that of urinals. More specifically, the registered designs appear to be portable urinals which may be for medical use.

The informed user

41. Earlier in *Samsung*, the judge 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);

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)."

42. The applicant contends that the informed user would be a member of the public that wishes to purchase a portable urine bottle who, in most cases, would have a medical need for the product. I agree. However, given the nature of the products and their potential use in medical and care settings, the informed user may also include a medical or care professional who uses such products in the course of providing care.

The design corpus

43. Whilst the only evidence before me comprises the designs relied upon by the applicant as disclosures, there are a relatively large number of them. Taken together, these designs indicate that, at the relevant dates, urinals in the public domain were

roughly oblong in shape, with necks rising from the main bodies at roughly 45°, ending with circular openings with attached covers. They also appear to have had handles, attached in either one or two places to the main bodies. Some featured liquid measurement scales and/or indentations on their main bodies. Some, but not all, had blue or green lids.

Design freedom

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

> "34. […] 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)."

45. The designer will need to ensure that the urinal has an opening, and a way to close that opening. The urinal will also need to be portable. The designer has the freedom to choose the shape of the urinal, though a design incorporating at least one flat side may make the product easier to store and less prone to tipping. There is also some freedom as to the choice of material, albeit that this will be constrained by the product's function. There is freedom as to colour, the shape and size of the opening, the type of cover, whether the urinal has a handle and, if it has a handle, the type/shape.

Overall impression

46. I have already found that the '130 and '006 designs lack novelty and are, therefore, invalidly registered on that basis. Even if I am wrong about that, having regard to the similarities identified above, together with the design corpus and the designer's degree of freedom, I find that they would create the same overall impression in the eyes of the informed user as their respective prior art. Therefore, these designs also lack individual character.

The '132 design

47. I have already outlined the features of this design and identified the similarities and differences when compared with Prior Art 1. The differences were an indentation in the body, rather than an indentation and a bump; a green cover, rather than a blue one; an additional liquid measurement scale on the body; and the additional words *"Date"*, *"Name"*, *"Doctor"* and *"Room"* with lines alongside. Particularly considering that the urinal may be used in medical settings, it is my view that the latter two differences result from features which perform primarily practical functions, namely enabling the volume of liquid to be measured and information concerning the contents to be recorded. Therefore, whilst I do not disregard these features entirely, I consider that they would make only a limited contribution to the overall impression produced by the design and that the informed user would attach limited weight to them. I also bear in mind that, whilst the informed user does not merely perceive designs as a whole without any analysis of details, minute scrutiny by the informed user is not the right approach.[9] In this context, it is my view that the difference created by the lack of a bump in the body and the use of a slightly different colour for the lid are not sufficient to produce a different overall impression on the informed user. Although the designer enjoyed a relatively broad degree of freedom, the designs remain highly similar in their overall shape and proportions, as well as the configuration of the main body, angled neck, circular opening and handle. These features make a much greater contribution to their overall impressions than the differences I have identified. Taking all the elements into account, I find that the '132 design does not produce a different overall impression on the informed user when compared with Prior Art 1. It does not have individual character and, therefore, it does not satisfy the requirements of section 1B(1) of the Act.

The '003 design

48. I have already outlined the features of this design and identified the similarities with Prior Art 2. As will be recalled, the only difference apparent from the materials before me is that the bottom of the '003 design features the words *"Date"*, *"Name"*,

[9] *Samsung*, paragraph 58

"Doctor" and *"Room"* with lines alongside. As was the case above, particularly considering the potential for use in a medical setting, it is my view that this difference results from a feature that performs a primarily practical function, that being allowing information concerning the contents to be recorded. Whilst I do not disregard this feature entirely, it is my view that it would make only a limited contribution to the overall impression produced by the design and that the informed user is likely to attach limited weight to it. By contrast, the designs coincide in their overall shape and proportions, as well as the configuration of the body, neck, opening, handle, measurement scale and colour scheme. These features make a much greater contribution to their overall impressions. Taking all the elements into account, I find that the '003 design does not produce a different overall impression on the informed user when compared with Prior Art 2. It lacks individual character and, as such, it does not satisfy the requirements of section 1B(1) of the Act.

Conclusion

49. The '130 and '006 designs lack novelty and individual character. The '132 and '003 designs are new but lack individual character. The applicant's claims under section 1B of the Act are all successful.

Section 1(2)

50. In light of my findings under section 1B, it is not necessary to determine this additional ground. Therefore, I make no formal findings in respect of it. Nevertheless, I record for completeness that, had it been necessary to determine the ground and subject to resolving an issue with the proprietor's defence,[10] I would not have been persuaded by the applicant's contention that the representations of the '130 design show two different products. In my view, it is sufficiently clear that the representations of the design all show the same product, albeit from different angles.

[10] The proprietor did not specifically deny the applicant's claim under section 1(2) of the Act, which could be taken as a tacit acceptance of it (see, by analogy, the trade mark case of *Delta Air Lines, Inc v Ontro Limited*, BL O/044/21). The proprietor is an unrepresented party and the Tribunal did not identify the issue with the counterstatement at pleadings stage. The position could be regularised by seeking clarification from the proprietor or an amendment to its Form DF19B. In the circumstances, however, I do not consider it necessary to do so.

OVERALL OUTCOME

51. The applications for invalidation have been successful. Subject to appeal, registered design numbers 6305006, 6233132, 6305003 and 6233130 are declared invalid.

COSTS

52. The applicant has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances, I award the applicant the sum of **£2,192**, which is calculated as follows:

Preparing four applications for invalidation and considering the proprietor's counterstatements[11]	£800
Preparing evidence and considering and commenting upon the proprietor's evidence	£800
Preparing written submissions in lieu of a hearing	£400
Official fees connected with filing four Form DF19As	£192

[11] I have accounted for a degree of duplication of work, since the content of the statements and counterstatements in each case largely reflected one another.

53. I order Globe Essentials Ltd to pay Fasaj Group Ltd the sum of **£2,192**. This sum is to be paid within 21 days of the expiry of the appeal period or within 21 days of the final determination of the proceedings if any appeal against this decision is unsuccessful.

Dated this 11th day of November 2026

James Hopkins
For the Registrar