

DECISION
of the First Board of Appeal
of 21 September 2023

In case R 730/2023-1

LOTUS BAKERIES (naamloze vennootschap)

Gentstraat 1
9971 Lembeke
Belgium

Applicant / Appellant

represented by WIGGIN LLP, 72-74 rue de Namur, 1000 Brussels, Belgium and
NOVAGRAAF BELGIUM S.A./N.V., Chaussée de la Hulpe 187, 1170 Bruxelles / Brussel,
Belgium

APPEAL relating to European Union trade mark application No 18 659 684

THE FIRST BOARD OF APPEAL

composed of G. Humphreys (Chairperson and Rapporteur), A. González Fernández (Member)
and M. Bra (Member)

Registrar: H. Dijkema

gives the following

Decision

Summary of the facts

- 1 By an application filed on 22 February 2022, LOTUS BAKERIES (naamloze vennootschap) ('the applicant') sought to register the colour mark No 18 659 684



as a European Union trade mark ('EUTM') for the following goods:

Class 30: Biscuits; cakes; confectionery; fondants (confectionery); gingerbread; pastry (industrial); speculoos (caramelized biscuits); spreads on the basis of biscuits, speculoos (caramelized biscuits), coffee and/or chocolate; waffles; ice cream; edible ice; chocolate; chocolate products.

The applicant claimed the colours: CMYK:20,100,90,0; CMYK:0,0,0,0

The applicant described the mark as follows: 'The trademark consists out of two colors, namely red and white, these will be defined using the CMYK color code: • Red Color: C:20 M:100 Y:90 K:0 • White Color: C:0 M:0 Y:0 K: 0 The trademark consists out of 7 stripes of colors of equal length. The color distribution from the left to the right is the following: 14,3% white; 0,45 % red; 0,45 % white; 69,6% red, 0,45% white; 0,45% red; 14,3% white.'

- 2 By letter of 25 March 2022, the examiner objected to the EUTM application under Article 7(1)(b) EUTMR, considering that the sign was devoid of distinctive character in relation to all the goods. The grounds of the objection may be summarised as follows:
 - The sign applied for is ineligible for registration under Article 7(1)(b) EUTMR because it is devoid of any distinctive character for the goods for which protection is sought.
 - The colours white and red are not unique or exceptional but are merely ordinary colours. Colours such as these are commonly used in publicity and packaging for a wide range of consumer goods and services, related to biscuits, chocolates and pastry as shown by the results of an online search conducted on 25 March 2022. These colours are not likely to be noticed and recalled by the relevant consumer as an indication of commercial origin. In addition, the shade used is not perceptibly different from the shades of red commonly used in the sector to which the goods belong.

- 3 The applicant maintained its request for registration notwithstanding the objections raised by the examiner and filed on 24 May 2022 its observations, which are in essence:
 - It is generally accepted that no other or stricter criteria apply to colour marks and these will be considered to meet these criteria if the application is accompanied by a ‘systematic arrangement associating the colours concerned in a predetermined and uniform way’.
 - The examiner disregarded the description and erred in the analysis dissecting the sign in its various elements.
 - When assessed in combination with the accompanying description, it is clear that the graphic representation of the sign does not consist of a mere juxtaposition of two colours but is a systematic arrangement, associating in a predetermined and uniform way the two colours red and white, which are defined, respectively by their colour codes and by the colour distribution in different percentages between the seven stripes. Examples of use of the mark on the market are submitted.
 - There is no requirement for inventiveness or exceptional creativity for a colour mark.
 - The EUIPO has registered similar trade marks in the past.
 - The sign is capable of functioning as an indicator of the commercial origin of the goods. The availability of colours for the other traders who offer for sale goods or services of the same type, is not unduly restricted by the applicant. Every product can be sold in a particular colour. The applicant submits examples of numerous other designs dominated by various different colours.
 - The sign at issue is a combination of colours presented in a specific disposition of seven stripes, some thinner and some thicker than other, and which is not an expected and commonly used symbol in the food industry. None of the examples provided by the Examiner reproduce any design that is similar to the sign.
- 4 On 25 October 2022 and following the request by the examiner, the applicant informed the examiner that no claim under Article 7(3) EUTMR is made.
- 5 On 24 February 2022, the examiner took a decision (‘the contested decision’) entirely refusing the trade mark applied for, under Article 7(1)(b), in conjunction with Article 7(2), EUTMR, with regard to the all the goods claimed. The decision was based on the following main findings:
 - As a rule, a colour per se is not used as a means of identification in current commercial practice. A colour is not normally inherently capable of distinguishing the goods of a particular undertaking (06/05/2003, C-104/01, Libertel, EU:C:2003:244, § 65).
 - Therefore, single colours are not distinctive for any goods and services except under exceptional circumstances. Such exceptional circumstances require the applicant to demonstrate that the trade mark is unusual or striking for the specific goods or services. In the present case, the applicant has failed to explain why the colour applied for would be perceived as unusual or striking for the specific goods or services.
 - The combination of alternating red and white stripes in specific percentages is a commonplace in the market, and thus consumers are accustomed to such combinations. Therefore, it stands to reason that they will not attach much trade mark value to the colour presentations and the alternating colours red and white.

- Red and white do not have any particular attribute that would lead a consumer to think it was anything other than the natural colour of the material of the goods, a coloration used on that material, or a finish of the goods' surface or packaging.
 - The sign will not enable the relevant consumers to recognise it as distinctive when they come to decide on a subsequent purchase of the goods for which the objection has been raised.
 - The examples of how the mark applied for is used by the applicant on actual products is rather irrelevant when deciding on the inherent distinctiveness of the mark.
 - Established case-law states that 'decisions concerning registration of a sign as a European Union trade mark ... are adopted in the exercise of circumscribed powers and are not a matter of discretion'. Accordingly, the registrability of a sign as an EUTM must be assessed solely on the basis of the EUTMR, as interpreted by the EU judicature, and not on the basis of previous Office practice.
 - It does not follow from the fact that signs of a particular category may in principle constitute a trade mark that all signs in that category necessarily possess distinctive character for the purposes of Article 7(1)(b) EUTMR for a particular product or service.
 - The fact that similar goods can be packaged and presented in different combination of colours which have been applied for in this case does not add any distinctiveness to the sign. The distinctiveness has to be assessed in relation to the mark which has been applied for.
- 6 On 4 April 2023, the applicant filed an appeal against the contested decision, requesting that the decision be entirely set aside. The statement of grounds of the appeal was received on 22 June 2023.

Grounds of appeal

- 7 The arguments raised in the statement of grounds may be summarised as follows:
- The applicant respectfully requests that the Board of Appeal re-examines the contested application, does not restrict itself to a review of the contested decision and overturns the contested decision.
 - The Examination Division heavily relied on the principles and case law regarding the distinctiveness of signs consisting of a single colour without contours. The decision should be dismissed in its entirety, as it reflects the Examination Division's assessment of a different sign than the one applied for. The Examination Division commenced its analysis by quoting case law dealing specifically with the protection of single colour marks. In doing so, the Examination Division totally disregarded the actual composition of the sign, which is a systematic arrangement of shapes depicted in two colours.
 - Where there are no graphic or verbal elements, consumers may struggle to establish a connection between a single colour without contours and the origin of the goods. However, the applicant reminds the Board of Appeal that the contested application covers a sign containing graphic elements that exceed the scope of a single colour without contours. Applying to arrangements of shapes and colours the same criteria as for single colour signs would be incorrect, as each sign is to be examined in line with its actual components and its overall appearance.

- Given the composition of the sign as an arrangement of several shapes depicted in two colours, it will be deemed as distinctive, in line with 24/03/2021, T-193/18, GREY AND ORANGE (col.). EU:T:2021:163. There is, consequently, no requirement for the colours or combination thereof to be ‘striking’, or exceptional, as wrongly set out in the decision. Such a threshold would essentially block the registration of figurative or colour marks and be disproportionate to the conditions applied for the registration of other types of marks.
- The applicant, lastly, underlines that the sign meets the minimum threshold for distinctiveness at least, due to the original combination of shapes in the colours red and white, which is recognisable by the targeted consumer as originating from the applicant.
- Evidence of use of the sign was wrongly dismissed, since its purpose was to provide the Examination Division with an opportunity to verify the actual use of the systematic arrangement of which that sign consists, and therefore that it is inherently distinctive. The Examination Division thus further failed to consider the sign as it was actually applied for, despite the applicant’s efforts to provide such clarification.
- The Examination Division is to consider the perception of the relevant consumer when assessing the distinctive character of the sign in relation with the goods covered by Class 30. The applicant understands that such assessment was conducted by analysing the use of the colour red – and only that colour – on white background packages of confectionery products. Once again, the Examination Division failed to consider the sign as it was applied for.
- The applicant believes the Examination Division’s reasoning is also incomplete, as it disregards all other colours used in the industry and misconstrues the colour red as being the main (if not only) one under which goods in Class 30 are sold. This is, of course, unrealistic. None of the examples cited in the decision back-up the Examination Division’s arguments, which should therefore be dismissed in their entirety.
- The decision further states that the combination of red and white do not have any particular attribute that would lead consumers to believe that it is anything other than (a) the natural colour of the material on the goods; (b) a coloration used on the material; or (c) a finish of the good’s surface or packaging. The argument is nonsensical. Whilst indeed some ingredients can confer a certain colour on the product, the consumer will not associate the red shade in the sign, nor the colour white with the ingredients of the product, or the finished product itself. Regarding the finished packaging, it will be coloured. However, the relevant company decides, in line with their marketing intentions and strategies. Such colours schemes serve as identifiers for the goods, and consumers are naturally aware that each entity will choose a different type of packaging and branding. The applicant’s product packaging is curated in such a way as to distinguish the goods from those of its competitors, and therefore the sign is carefully designed and selected to serve such purpose.
- The decision refers to products packaged in red wrapping and disregards the market reality that various other colours are equally used as the applicant had shown and which has been disregarded by the Examination Division.
- The Examination Division erred in the contested decision, when stating that the existence of different packaging colours does not add to the distinctive character of the sign. Even whilst reviewing the red packaging provided as an example by the

Examination Division, none of them depicts a rectangle framed by stripes. The Decision simply relies on the existence of some competing products wrapped in red, to refuse the contested application. Such a decision is overly harsh. The Examination Division has not only failed to consider that the sign consists of a systematic arrangement of shapes and colours. The Examination Division simply ignored the reality that in any industry, there will be packaging of a variety of colours, which cannot mean that marks consisting of a systematic arrangement of shapes and colours such as the sign should be entirely banned from protection.

- Whilst the EUIPO is not bound by previous decisions to register a mark, the Examination Division will still align to a uniform practice and apply the same rationale and criteria when examining comparable marks. The examples provided by the Examination Division as to the non-registrability of colour marks are barely comparable. Instead, the examples provided in the applicant's initial response are comparable and should be considered.
- The sign is inherently distinctive for products in Class 30. The applicant therefore requests that the contested be annulled, and that the objections under Article 7 (1)(b) EUTMR be withdrawn.

Reasons

- 8 The appeal complies with Articles 66, 67 and Article 68(1) EUTMR. It is admissible but not well founded.

Article 7(1)(b) EUTMR

- 9 Article 7(1)(b) EUTMR provides that trade marks which are devoid of any distinctive character are not to be registered.
- 10 In addition, Article 7(2) EUTMR states that paragraph 1 of that article shall apply notwithstanding that the grounds of non-registrability are obtained in only part of the European Union.
- 11 However, given that the sign applied for is a colour mark, for a colour combination per se, the trade mark applied for will be perceived in the same way throughout the European Union, irrespective of linguistic differences between the Member States (30/09/2009, T-75/08, !, EU:T:2009:374, § 26). Therefore, the public to be considered with regard to the distinctiveness of the sign applied for consists of the general public within the entirety of the European Union. The goods at issue target average consumers.
- 12 The applicant states in its observations to the initial refusal as well as in its statement of grounds of appeal that the mark applied for consists inter alia of a systematic arrangement of colours and shapes, i.e. seven stripes alternating in the colours red and white in a ratio indicated by percentages.
- 13 The Board, like the examiner, agrees that the sign at issue consists of two colours arranged in alternating stripes of a specific width. However, contrary to the applicant's claim, it does not follow from that fact that a colour mark consisting of a systematic arrangement of colours necessarily possesses distinctive character for the purpose of Article 7(1)(b) EUTMR for a particular product or service.
- 14 The primary importance of the indication of the colour code, as well as the colour distribution reproduced in the representation of the sign made in the application form, lies in enabling a verification to be made that the graphic representation of the mark applied

for fulfils the criteria of being clear and precise in accordance with Article 7(1)(a) EUTMR (see, for example, judgment of 24/03/2021, T-193/18, GREY AND ORANGE (col.). EU:T:2021:163).

- 15 While the mark may be regarded as having a systematic arrangement associating the colours concerned in a predetermined and uniform way, it does not necessarily follow that the mark is also considered distinctive (see judgment of 24/03/2021, T-193/18, GREY AND ORANGE (col.). EU:T:2021:163 and, in particular, the decision of 05/12/2022, R 200/2017-4, GREY AND ORANGE (col.), § 50 - 63).
- 16 For a mark to possess distinctive character under Article 7(1)(b) EUTMR it must serve to identify the product in respect of which registration is applied for as originating from a particular undertaking, and thus enable the consumer or end user, without any possibility of confusion, to distinguish that product from products of other undertakings (08/04/2003, C-53/01, C-54/01 & C-55/01, Linde, EU:C:2003:206, § 40). Article 7(1)(b) EUTMR is thus intended to preclude registration of trade marks which are devoid of distinctive character which alone renders them capable of fulfilling the essential function of guaranteeing the identity of the commercial origin (16/09/2004, C-329/02 P, SAT.2, EU:C:2004:532, § 23).
- 17 As pointed out by the applicant, it is clear from the wording of Article 7(1)(b) EUTMR that a minimum degree of distinctive character is sufficient to render inapplicable the ground of refusal set out in that article (27/02/2002, T-34/00, Eurocool, EU:T:2002:41, § 39; 27/09/2005, T-123/04, Cargo Partner, EU:T:2005:340, § 45).
- 18 In order to determine whether a colour combination is capable of distinguishing the goods or services of one undertaking from those of other undertakings within the meaning of Article 7(1)(b) EUTMR, it must be determined whether the colour combinations are liable to convey precise information, particularly as regards the origin of a product or service (06/05/2003, C-104/01, Libertel, EU:C:2003:244, § 39; 24/06/2004, C-49/02, Blau/Gelb, EU:C:2004:384, § 37; 13/09/2010, T-97/08, Colour (shade of orange) II, EU:T:2010:396, § 30; 27/09/2018, T-595/17, GELB-GRAU (fig.), EU:T:2018:609, § 19).
- 19 In that connection, it must be borne in mind that, whilst colour combinations are capable of conveying certain associations of ideas, and of arousing feelings, they are unlikely to communicate specific information, especially since they are commonly and widely used, because of their appeal, in order to advertise and market goods or services, without any specific message (06/05/2003, C-104/01, Libertel, EU:C:2003:244, § 40; 24/06/2004, C-49/02, Blau/Gelb, EU:C:2004:384, § 38; 13/09/2010, T-97/08, Colour (shade of orange) II, EU:T:2010:396, § 31; 10/09/2015, T-143/14, YELLOW (col.), EU:T:2015:616, § 35; 27/09/2018, T-595/17, GELB-GRAU (fig.), EU:T:2018:609, § 22). As the Court of Justice has already held, colours are normally a simple property of things, which are generally used for their attractive or decorative powers and do not convey any meaning (judgment of 06/05/2003, C-104/01, Libertel, EU:C:2003:244, § 27).
- 20 The perception of the relevant public is not necessarily the same in the case of a sign consisting of a colour combination as it is in the case of a word or figurative mark consisting of a sign that bears no relation to the appearance of the goods which it identifies. While the public is accustomed to perceiving word or figurative marks instantly as signs identifying the commercial origin of the goods, the same is not necessarily true where the sign forms part of the external appearance of the goods or where the sign is composed merely of a colour or colours used to signal goods or services (06/05/2003, C-104/01, Libertel, EU:C:2003:244, § 65; 21/10/2004, C-447/02 P, Colour (shade of orange),

EU:C:2004:649, § 78; 13/09/2010, T-97/08, Colour (shade of orange) II, EU:T:2010:396, § 32; 10/09/2015, T-143/14, YELLOW (colour mark), EU:T:2015:616, § 24; 28/10/2009, T-137/08, Green/Yellow, EU:T:2009:417, § 29; 04/05/2023, T-618/22, GREEN, ORANGE).

- 21 In the circumstances, in order for a sign consisting of a two-tone colour combination to be distinctive, exceptional circumstances must exist. As indicated by the examiner, such exceptional circumstances require the applicant to demonstrate that the trade mark is unusual or striking for the specific goods, which then enables the public to perceive the colours as an indicator of origin.
- 22 In that regard it is also worth highlighting that, contrary to the applicant's claim, the findings of the examiner cannot be dismissed on the basis that reference is made to case-law dealing with the protection of single colour marks, in particular 06/05/2003, C-104/01, Libertel, EU:C:2003:244, and no colour combination. As apparent from the above-referenced case-law, the principles laid down in 'Libertel' are valid not only for single colour trade marks but also for colour combinations.
- 23 Moreover, the Board fails to follow the applicant's line of argumentation as to the examiner's assessment of the mark's components in isolation and not as a whole. In assessing the distinctive character of the contested mark, which consists of the combination of two colours, that mark must clearly be considered as a whole. However, that does not preclude a prior examination of the individual elements of which it is composed (T-595/17, GELB-GRAU (fig.), EU:T:2018:609, § 32), namely red and white. In addition, the Board notes that the examiner took into account the composition of the mark on various occasions.
- 24 The colour red is a basic colour. Red is a prominent choice in marketing due to its attention-grabbing nature, making it highly effective for catching the viewer's eye. This vibrant colour also symbolises strength, attempting to portray the brands using it as industry leaders or powerhouses in their respective fields. Red's high visibility makes it stand out.
- 25 White, on the other hand, is a neutral colour which can easily be paired with almost any other colour, making it a versatile choice for branding and design.
- 26 Combining white and red in the sale of goods, in particular in relation to product packaging, provides a visually striking contrast, ensuring that the product stands out on the shelves. It is a marketing tool.
- 27 As can be seen from the examples cited by the examiner in the contested decision, the use of red and white is common in the market of biscuits, chocolates and pastry – irrespective of existing alternative colours and colour combinations on the market.
- 28 As regards the specific colour distribution and in particular in the context of ice cream but also other pastries, the Board adds that the colour combination may not solely be limited to creating visually appealing packaging. It can also denote specific flavours like vanilla-strawberry or raspberry, strawberry-cheesecake, or strawberry-yogurt. It is generally known that in particular ice cream varieties are presented in striped designs within the packaging. Also, in relation to other pastries, the striped design may indicate a particular flavour combination, e.g. a strawberry-vanilla filling. The mark applied for may therefore in addition refer to the colour (and flavour) arrangement of ice cream as well as other pastries covered by the mark applied for.
- 29 As indicated above, the Board acknowledges, as did the examiner, that the mark applied for consists of a colour combination arranged in a specific colour distribution. However,

like the examiner, the Board does not consider the arrangement of the colour combination to add to the distinctiveness of the mark contrary to the applicant's claim. The mark applied for is a simplistic combination of two colours arranged in a number of stripes, which as a colour mark without contours may be used to decorate the goods or their packaging, to provide an elegant finish to the goods or their packaging, or be used as part of advertising and promotion to attract the potential consumer's attention to the goods, or, in so far as ice cream and certain types of pastries are concerned, may relate to the natural colour of the ingredients.

- 30 As indicated by the examiner, red and white do not have any particular attribute that would lead a consumer to think it was anything other than the natural colours of the ingredients of the goods, colorants used in those goods, or the colours used on the goods' packaging for decorative or ornamental purposes. The sign applied for cannot convey any unambiguous message to the targeted public, but will be primarily perceived as a decoration or ornamentation serving a background or aesthetic purpose (13/07/2011, T-499/09, Purpur, EU:T:2011:367, § 28).
- 31 Actual use of the mark on the market is considered irrelevant in relation to the inherent distinctive character of a mark as correctly indicated by the examiner. Even if the Board were to take into account the actual use of the mark as presented by the applicant, it would further reaffirm the above findings. Firstly, the Board questions whether the relevant consumer would perceive the white outer strips on the packaging as a colour reference due to the neutrality of that colour, or if they would primarily recognise the colour red. Additionally, considering the applicant's consistent mentioning of the 'systematic arrangement of colours' and the allocation of colours in specific proportions, the Board points out the varying ratios between the primary red stripe and the two white outer stripes. These stripes differ in width depending on the product packaging. The relevant public would not perceive this fluctuating colour distribution as an indicator of origin.
- 32 Overall, as regards the contested mark in its entirety, it is composed of a combination of two colours which, considered individually, are devoid of distinctive character. There is nothing that indicates that the combination is more than the sum of the elements and that the combination of these two colours would render the contested mark distinctive.
- 33 The Board fails to see how the mark applied for contains any distinct element which would enable the relevant public to see in the sign applied for an indication of the commercial origin of the goods concerned. There are no eye-catching features which allow the relevant public immediately to perceive the contested sign as an indicator of the commercial origin of the claimed goods.
- 34 The sign at hand will not enable the relevant public to repeat the experience of purchase if it proves to be positive, or to avoid it, if it approves to be negative. To the contrary, the consumer will look for a (word) mark in order to link the goods at hand to a commercial origin.
- 35 In the case of a colour combination, distinctiveness without any prior use is inconceivable apart from in exceptional circumstances, that is, where the number of goods or services for which the mark is claimed is very restricted and the relevant market very specific (06/05/2003, C-104/01, Libertel, EU:C:2003:244, § 66; 21/10/2004, C-447/02 P, shade of orange, EU:C:2004:649, § 79). This is however not the case for the goods at issue and, moreover, the applicant has not advanced any evidence to contradict that conclusion.

- 36 In view of all the foregoing, the Board confirms that the trade mark applied for is devoid of distinctive character for the goods for which protection is sought, and consequently it falls foul of the absolute ground for refusal laid down in Article 7(1)(b) EUTMR.

Other EU colour marks

- 37 The applicant cites three colour marks registered by the Office.
- 38 Firstly, it has to be pointed out that these EUTMs were registered without any objection being raised by the examiner, so the Boards of Appeal could not examine them. Insofar as the applicant refers to decisions of EUIPO examiners, it must be observed that the Boards cannot, in any event, be bound by the decisions of lower-ranking adjudicating bodies of EUIPO (30/03/2017, T-209/16, APAX PARTNERS, EU:T:2017:240, § 31; 22/05/2014, T-228/13, exact, EU:T:2014:272, § 48). Since the earlier decisions relied on by the applicant, concerning allegedly similar marks, were adopted by EUIPO examiners, the Board cannot be bound by them. According to the case-law, it would be contrary to the Boards of Appeal's purpose, as defined in recital 13 and in Articles 58 to 64 EUTMR for its jurisdiction to be restricted by the requirement to respect the decisions of the first-instance adjudicating bodies of EUIPO (27/03/2014, T-554/12, Aava Mobile, EU:T:2014:158, § 65; 09/11/2016, T-290/15, SMARTER TRAVEL (fig.), EU:T:2016:651, § 73).
- 39 It is true that the Office must exercise its powers in accordance with the general principles of EU law, and that it must, when examining an application for registration of an EU trade mark, take account of decisions already taken in respect of similar applications and consider with special care whether or not it should decide in the same way. Nonetheless, the way in which the principles of equal treatment and sound administration are applied must be consistent with respect for legality. Consequently, a person who seeks registration of a sign as a trade mark cannot rely, to his or her own benefit, on any unlawful act committed to the benefit of someone else in order to secure an identical decision. Moreover, for reasons of legal certainty and, indeed, of sound administration, the examination of any trade mark application must be stringent and full, in order to prevent trade marks from being improperly registered. That examination must be undertaken in each individual case. The registration of a sign as a mark depends on specific criteria, which are applicable in the factual circumstances of the particular case and the purpose of which is to ascertain whether the sign at issue is caught by a ground for refusal (10/03/2011, C 51/10 P, 1000, EU:C:2011:139, § 73-77).
- 40 In this respect, the Board notes that the case-law of the Court of Justice and the General Court have gradually clarified the criteria for the assessment of colour marks and that the practice of the Office will need to be adapted accordingly.
- 41 Thus, since the present application is caught by the absolute ground for refusal set out in Article 7(1)(b) EUTMR, the fact that in other cases, an examiner may have accepted other allegedly comparable trade marks, cannot have the effect of authorising the unwarranted registration of a mark which, in light of the facts in the present case, is caught by one of the absolute grounds for refusal.
- 42 In light of the foregoing, the appeal is accordingly dismissed.

Order

On those grounds,

THE BOARD

hereby:

Dismisses the appeal.

Signed

G. Humphreys

Signed

A. González Fernández

Signed

M. Bra

Registrar:

Signed

H. Dijkema

