

O/534/21

TRADEMARKS ACT 1994

IN THE MATTER OF THE TRADEMARK APPLICATION 3491604

BY

JINSHAN FOOD CO., LTD

TO REGISTER THE FOLLOWING TRADEMARK IN CLASSES 16, 32 & 35



AND THE OPPOSITION UNDER NO. 421103 THERETO

BY

RED BULL GMBH

Background and pleadings

1. Jinshan Food Co., Ltd (the applicant) applied to register the trade mark displayed on the cover page of this decision in the UK on 20 May 2020. It was accepted and published in the Trade Marks Journal on 12 June 2020 in respect of the following goods/services:

Class 16: Paper; Copying paper [stationery]; Hygienic paper; Clips for offices; Printed matter; Posters; Lithographic works of art; Conical paper bags; Cardboard cartons; Bags [envelopes, pouches] of paper or plastics, for packaging.

Class 32: Beer; Ginger beer; Ginger ale; Malt beer; Beer wort; Extracts of hops for making beer; Malt wort; Energy drinks; Non-alcoholic fruit juice beverages; Vegetable drinks; Mineral water [beverages].

Class 35: Commercial administration of the licensing of the goods and services of others; Negotiation and conclusion of commercial transactions for third parties; Import-export agency services; Presentation of goods on communication media, for retail purposes; Provision of an online marketplace for buyers and sellers of goods and services; Demonstration of goods; Procurement services for others [purchasing goods and services for other businesses]; Marketing research; Advertising; Sales promotion for others.

2. Red Bull GMBH (the opponent) opposes the trade mark on the basis of Section 5(2)(b) and Section 5(3) of the Trade Marks Act 1994 (the Act).

3. The following marks are relied upon for the opposition under Section 5(2)(b):

European Union Trade Mark (EUTM) 17363037¹



Filing date: 18 October 2017

Registration Date: 30 January 2018

Relying on the following goods:

Class 32: Beers; Mineral waters; Aerated waters; Non-alcoholic beverages; Fruit beverages and fruit juices; Syrups for making beverages; Preparations for making beverages; Energy drinks.

International Registration designating the UK (IR) 1228359



Designation date: 29 May 2019

Date of protection of international registration in UK: 10 October 2019

Relying on the goods and services set out below in Annex 1.

International Registration designating the UK (IR) 1366163



¹ Although the UK has left the EU and the transition period has now expired, EUTMs, and International Marks which have designated the EU for protection, are still relevant in these proceedings given the impact of the transitional provisions of The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019 – please see Tribunal Practice Notice 2/2020 for further information.

Designation date: 20 March 2018

Date of protection of international registration in UK: 22 February 2019

Relying on the goods and services set out below in Annex 1.

UK3129030

RED BULL

Filing date: 22 September 2015

Registration date: 18 December 2015

Relying on the following goods:

Class 32: Non-alcoholic beverages; soft drinks; energy drinks; whey beverages; refreshing drinks; hypertonic and hypotonic drinks (for use and/or as required by athletes); isotonic beverages; beer; malt beer; wheat beer; porter; ale; stout and lager; mineral water [beverages]; table waters and aerated waters; fruit beverages and fruit juices; non-alcoholic vegetable or fruit juice beverages and non-alcoholic fruit extracts; syrups and other preparations for making beverages and syrups for lemonade; pastilles and powders for effervescing beverages; non-alcoholic aperitifs and cocktails; sherbets [beverages]; smoothies

4. In relation to the opposition under Section 5(3), the opponent is relying on marks EU17363037 and UK3129030 set out above, claiming a reputation for “Non-alcoholic drinks including energy drinks” for both marks.

5. The opponent argues that the respective goods/services are identical or similar. It submits that the marks are highly visually similar due to the identical device element of the two bulls charging. It claims that the applicant’s sign uses the word ‘Duo’ which highlights the two bulls featured within the device. It states that the average consumer will pay a low to medium degree of attention when purchasing the goods and services and claims its marks have an enhanced degree of distinctiveness as they are inherently distinctive and have an

enhanced reputation. These points, it claims, all point to a strong likelihood of confusion between the respective marks.

6. The opponent also argues that the applicant will benefit from the opponent's investment in advertising, leading to advantage. Further that the applicant will ride on its coat tails and will benefit from the power of attraction, reputation and prestige of the earlier mark(s). It asserts that the applicant would gain an unfair commercial advantage through the adoption of the contested mark because the reputation of the earlier marks would accrue to its business through the perceived trade connection and the contested mark would be free riding on the reputation of the earlier marks in order to gain an advantage. By using imagery, which is identical to that used by the opponent, the applicant is trying to attract consumers towards its goods and services by way of the opponent's reputation in the earlier marks. The opponent also claims that the later use will be out of its control and that poor quality or offensive goods will cause detriment to its valuable reputation and business.

7. The applicant filed a counterstatement denying the claims made. In particular, it states that it does not believe the "double bull" device to be the dominant and distinctive element of its mark. It also claims that the average consumer is unlikely to pay attention to the device elements in the first place.

8. It states that the device elements are only similar and that it should be noted that its mark is black & grey as opposed to the red and yellow colours in the opponent's marks.

9. It argues that the verbal elements are dissimilar due to the first word being different and that 'Duo' is visually and aurally different to the opponent's marks. It states that the word 'Bull' has a low level of distinctiveness and is a descriptive word. It also asserts, regarding the claim under Section 5(3), that the opponent's UK mark 3129030 should not be considered as similar as it consists only of the "Red Bull" verbal elements and that EUTM 17363037 does not cover similar goods other than energy and sports drinks. The applicant also refers to

several other trade marks that it states are used by other competitors and which contain the word BULL.

10. The applicant is represented by Marcin Barczyk and the opponent is represented by Foot Anstey LLP.

11. Only the opponent filed evidence in these proceedings. This will be summarised to the extent that it is considered necessary.

12. Only the opponent filed written submissions which will not be summarised here but will be referred to as and where appropriate during this decision. No hearing was requested and so this decision is taken following a careful perusal of the papers.

13. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Trade Marks Act relied on in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case law of EU courts.

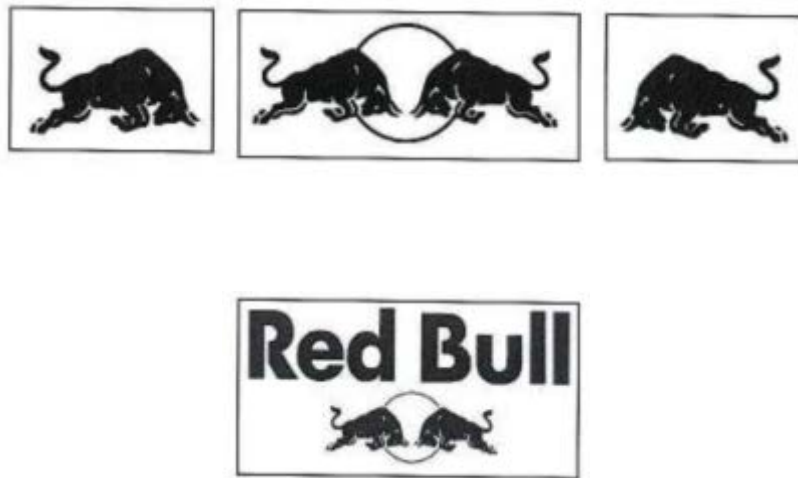
Evidence

14. The opponent has provided evidence which comprises a witness statement of Jorge Jacobo Casals Ide, who is its Regional IP Counsel, and several exhibits number JJCI1 – JJCI18. In his witness statement, Mr Casals Ide states he has held his position with the opponent since 2008 and has access to the books and records of Red Bull. His statement is dated 14 January 2021.

15. Mr Casals Ide explains that the “RED BULL Energy Drink” was first launched in Austria in 1987 and due to its success on the Austrian market, quickly became a global product and is currently sold in 173 countries.

16. Mr Casals Ide states that the “RED BULL Energy Drink” is part of a successful family of beverages including sugar free and other variants.

17. Mr Casals Ide explains that RED BULL products have been sold under its “famous” trade marks since the products were launched in 1993 in the UK. He references the marks: “RED BULL” “BULL” “Double Bull Device” “Single Bull Device” and “combination of RED BULL and the Double Bull Device” and provides the following images:



18. Mr Casals Ide states that the device “double bull” marks are registered in 184 trade mark jurisdictions worldwide and the combination of the “double bull” device element and the words RED BULL is registered in 185 jurisdictions.

19. Unit sales of Red Bull products are provided, showing worldwide, EU and UK figures from 2015 to 2019. The opponent claims to have sold 113 million units in 1994 increasing to 7.5 billion worldwide in 2019. In the UK, the sales figures were provided as 360.2 million units in 2015, 380 million units in 2016, 427.6 million in 2017, 461.7 million in 2018 and over 502.5 million units in 2019.

20. Market share data is provided for a list of European countries in 2019. It is not clear what the market share is of however, but based on comments in paragraph 4 of Mr Casals Ide’s witness statement, I make the assumption that the opponent refers to sales and market share of energy drinks. The market

share shown for the UK in 2019 is 32.5%. No reference to other brands in the UK is made, or their share of the market.

21. The opponent's media expenses are also presented. The opponent states that its marketplace penetration is focussed on TV, cinema and radio. A table is provided showing Worldwide, EU and UK media expenses for the years between 2015 and 2019. In the UK in 2019 €15.1 million was invested in media. Exhibit JJCI2 provides commercials that have aired in the UK between 1993 and 2020 together with the production details.

22. Marketing expenses are also provided, once again presenting worldwide, EU and UK figures between 2015 and 2019. In 2019 €1.8 billion was spent worldwide with over €35 million in the UK. It is explained that the Red Bull trademarks in their various forms are used on items such as leaflets, packaging and uniforms amongst others. Examples of these are shown in Exhibit JJCI3.

23. Under the heading 'Market Knowledge of the RED BULL marks' the opponent's "brand value" is set out. Mr Casals Ide provides details of various published rankings for European companies in which RED BULL feature. It is consistently listed in the top 100 valuable Austrian brands and top 100 worldwide. Some of these are shown in Exhibit JJCI4. MillwardBrown's BrandZ TOP 100 ranking of the most valuable brands in the world in 2019 has Red Bull named as number 2 in relation to soft drinks. Forbes measured the World's Most Valuable Brands based on figures from 2016 and Red Bull ranked at number 74.

24. "Trial and Awareness Studies" are referred to in section 9 of the witness statement and an overview is included in Exhibit JJCI5. This evidence is of limited assistance; there is no information regarding the questions asked of participants to establish 'spontaneous' or 'aided' awareness'. The same issues arise with the 'Market studies' that form section 10 of the witness statement.

25. Mr Casals Ide refers to Red Bull having more than 48.2 million fans on Facebook and 13.3 million on Instagram however, there is no information

provided as to the dates or geographical spread of the fans/followers. According to Unruly, Red Bull was the most shared video brand in 2016. They have over 9 million subscribers on YouTube and have received more than 311 million views in 2019 and a total number of views at 3.2 billion.

26. Extracts from the UK Red Bull webpage is provided at Exhibit JJCI6 from 27 June 2019 and 5 August 2020. The mark the opponent refers to as the “double bull device” is shown on a beverage can on the homepage. Again, whilst visitor figures to the website are provided across many countries, no breakdown is provided for the UK website itself or visitors from the UK.

27. Provided at section 13 of the witness statement is a table of previous trademark decisions that the opponent has been involved in. These are from various courts and different trademark offices worldwide. I am not bound by decisions from other countries however, I do note that a significant number of the cases provided refer to Red Bull’s “famous trade mark” or reputation. Of note within the table is the Bulzai decision of the UK Intellectual property Office from December 2012 where the Hearing officer stated that “the Red Bull trademark is the type of mark so well known that it would be permissible to accept, as a matter of judicial notice, that in respect of energy drinks, it has a very strong reputation”.²

28. It is claimed that the opponent has also “acquired a significant reputation in the media sector and as the organizer and sponsor of both cultural and sport events”. A list of examples of brand extensions are provided in the witness statement- including “Red Bull TV” and “Red Bull Records”.

29. The opponent claims to have granted more than 2500 product placements in TV and movies since 2001. They have also granted 1090 licenses to third parties. These licenses have allowed for the use of the marks at issue in the sale of a wide range of merchandise and products e.g. model cars, model planes, sunglasses, luggage and clothing. It claims that it only allows small

² BL O/460/11

numbers of licences in comparison to the requests received in order to maintain the premium value of the brand.

30. Other ventures in which the opponent is involved in are also set out in the witness statement of Mr Casals Ide. These include the opponent's own clothing shops, Formula 1 teams, a Moto GP team, various worldwide football teams, and events including the Air Race World Championship and cliff diving. Exhibit JJCI8 shows various screenshots of the websites relating to the above ventures and each one showing various Red Bull trademarks.

Section 5(2)(b)

31. Section 5(2)(b) reads as follows:

“5(2) A trade mark shall not be registered if because –

(a)...

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

32. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

“6(1) In this Act an “earlier trade mark” means –

(a) a registered trade mark, international trade mark (UK) or Community trade mark or international trade mark (EC) which has a date of IR for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks.

(2) References in this Act to an earlier trade mark include a trade mark in respect of which an application for registration has been made and

which, if registered, would be an earlier trade mark by virtue of subsection (1)(a) or (b) subject to its being so registered.”

33. The trade marks upon which the opponent relies qualify as earlier trade marks because they were applied for at an earlier date than the applicant’s mark pursuant to section 6 of the Act. The opponent’s marks are not subject to the proof of use requirements pursuant to section 6A of the Act. This is because the earlier marks had not been registered for more than 5 years at the filing date of the application in issue. The opponent can, therefore, rely upon all of the goods and services which it has identified.

Case Law

34. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

(k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods and services

35. When making the comparison, all relevant factors relating to the goods and services in the specification should be taken into account. In the judgment of the Court of Justice of the European Union (“CJEU”) in *Canon*, Case C-39/97, the court stated at paragraph 23 of its judgment that:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, *inter alia*, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary”.

36. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be, found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

37. In *Gérard Meric v Office for Harmonisation in the Internal Market ('Meric')*, Case T-133/05, the General Court ("the GC") stated that:

"29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut fur Lernsysteme v OHIM- Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark".

38. For the purposes of considering the issue of similarity of goods and services, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38).

39. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06, the GC stated that "complementary" means:

"...there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking".

40. In *Sanco SA v OHIM*, Case T-249/11, the GC indicated that goods and services may be regarded as 'complementary' and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. chicken against transport services for chickens.

The purpose of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amelia Mary Elliot v LRC Holdings Limited* BL-0-255-13:

“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes.”

41. The parties’ respective specifications are detailed in the table at Annex 2.

42. The applicant’s mark contains ‘Paper’ ‘Printed matter’ ‘Posters’ and ‘Bags [envelopes, pouches] of paper or plastics for packaging’ in Class 16, which are all found in the opponent’s IR1228359 and IR1366163 registrations and are therefore identical.

43. The applicant has ‘Copying paper [stationery]’ in its class 16 application. As above, ‘Paper’ is included in the earlier IR1228359 and IR1366163 registrations and applying the principle in *Meric*, copying paper is a type of paper and therefore wholly encompassed by the earlier registrations. These goods are therefore identical.

44. I would consider ‘Hygienic paper’ of the contested application to fall within ‘goods made from paper- including towels of paper’ which, once again, are terms found within the IR1228359 and IR1366163 registrations for the opponent. Under the *Meric* principle, these goods are identical.

45. The next class 16 goods in the contested application are ‘Clips for offices’ which I believe would fall under the wider term ‘Stationery’ in the IR1228359 and IR1366163 registrations and therefore, under *Meric*, these goods may be considered identical.

46. Lithography is a method of printing³ and therefore, I would determine that 'Lithographic works of art' in the contested mark would fall within the term 'Printed matter' that is included within the IR1228359 and IR1366163 registrations for the opponent and applying the *Meric* principle once more, these would be identical.

47. 'Conical paper bags' would be identical to 'bags (envelopes, pouches) of paper or plastics for packaging' and 'Cardboard cartons' would be identical to 'packaging of paper or cardboard' under the *Meric* principle.

48. The class 32 element of the contested application contains: Beer; Ginger beer; Ginger ale; Malt beer; Beer wort; Extracts of hops for making beer; Malt wort; Energy drinks; Non-alcoholic fruit juice beverages; Vegetable drinks; Mineral water [beverages].

49. Earlier EU17363037 contains: Beers; Mineral waters; Aerated waters; Non-alcoholic beverages; Fruit beverages and fruit juices; Syrups for making beverages; Preparations for making beverages; Energy drinks.

50. It is the case that 'Beer; Energy drinks; non-alcoholic fruit juice beverages; mineral water [beverages]' are identically represented. I also conclude that, applying the principle in *Meric*, the contested 'Ginger beer; Ginger ale; vegetable drinks;' would be encompassed within the broad category of 'Non-alcoholic beverages' which is included in the EU17363037 registration of the opponent and that the contested 'Malt Beer' would fall within the wider 'Beer' in the earlier mark's specification. These goods are therefore identical. I find that 'Wort' is a liquid which can be used to make beer, ale or whiskey⁴. I therefore believe that 'Beer wort; extract of hops for making beer; Malt wort' would be encompassed by the wider term 'Syrups or other preparations for making beverages' under the EU17363037 registration and would be identical under *Meric*.

³ <https://www.collinsdictionary.com/dictionary/english/lithography>

⁴ <https://www.collinsdictionary.com/dictionary/english/wort>

51. Finally, I turn to the Class 35 services under the contested mark. 'Commercial administration of the licensing of goods and services of others; Presentation of goods on communication media, for retail purposes; Demonstration of goods; Advertising; Sales promotion for others' can all be found identically within the opponents IR1228359 and IR1366163 registrations.

52. Looking next at 'Negotiation and conclusion of commercial transactions for third parties' and 'Import-export agency services', in comparing these with the goods and services of the opponent's marks, I rely on the guidance coming from the *Treat* decision. I conclude that although these services are fairly broad in terms of who the respective users may be, I find no overlaps in the respective uses of the services at issue, nor the nature of the services or trade channels. These services are therefore dissimilar.

53. I believe that 'Provision of an online marketplace for buyers and sellers of goods and services;' would have similar users and uses as 'Arranging advertising events and space; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods; layout services for advertising online; online advertising on a computer network' (these services are both registered for IR1228359 and IR1366163) as the users would be people looking to sell or purchase items. They could be members of the public or a professional consumer. All of these services focus on providing a means of advertising items for others to buy or use. The nature is the same, providing an advertising or marketplace space largely online, and they would likely share the same users and trade channels. I therefore find these services to be highly similar.

54. 'Procurement services for others [purchasing goods and services for other businesses' I find to be dissimilar to all of the earlier goods and services. They will have different users, the contested services focussing on purchasing goods and services for other businesses rather than advertising for third parties to sell their own items. The nature is also different, the contested services involving the sourcing and purchasing of goods for others rather than allowing other

parties to showcase their own items for sale, and therefore the channels of trade would also differ.

55. Finally, considering 'Marketing research' of the contested mark, I believe that the 'Opinion Polling' services in earlier registrations IR1228359 and IR1366163 share nature and purpose, which is to gather responses and views from participants, by means of asking questions whether in person or online. These services could be used by the same companies or individuals. I therefore find these services to be similar to a medium degree.

56. Therefore, my assessment in relation to the section 5(2)(b) opposition will continue for all contested goods and services in classes 16 and 32 and the following services in class 35: 'Commercial administration of the licensing of the goods and services of others; Presentation of goods on communication media, for retail purposes; Provision of an online marketplace for buyers and sellers of goods and services; Demonstration of goods; Marketing research; Advertising; Sales promotion for others.'

57. The following contested services in class 35 have been found to be dissimilar and will therefore play no further part in the opposition insofar as it is based on Section 5(2)(b):

'Negotiation and conclusion of commercial transactions for third parties; 'Import-export agency services; Procurement services for others [purchasing goods and services for other businesses.'

Average consumer and the purchasing act

58. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

59. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

60. I would consider that the average consumer of ‘Paper; Copying paper [stationery]; hygienic paper; clips for offices; Conical paper bags; Cardboard cartons; Bags [envelopes, pouches] of paper or plastics, for packaging’ and ‘Stationery’ could either be the general public or a professional.

61. The selection of such goods is largely a visual process, as the average consumer (general public) might wish to handle the goods to ensure they are fit for the purpose they are sought.

62. A professional consumer will likely take a similar level of care over the visual appraisal of these goods – they will be buying in a larger quantity, but the items are for everyday usage.

63. I do not, however, ignore the potential for the marks to be spoken, for example, by sales assistants in a retail establishment or when making a purchase from a catalogue, over the telephone. However, in those circumstances, the consumer will likely have had an opportunity to view the goods, perhaps electronically via an online catalogue or website, or on paper in the traditional sense of catalogue shopping.

64. The average consumer will therefore pay no more than a medium degree of attention.

65. Next, looking at 'Printed matter; Posters; Lithographic works of art;' I would consider these to be a very highly visual purchase, the consumer will need to review how these items look before deciding whether or not to purchase them. Again, there could be the opportunity to purchase through a catalogue or over the telephone but I believe it to be very likely that the items would have been previously seen via a website or paper catalogue.

66. I believe there would be professional and public consumers of these goods also and that they would again take a similar level of care. The price point of these items could vary from relatively low- for a standard poster type to much higher- for some printed artworks. Due to the nature of these products, how they look would be important to the purchasing process and therefore, I believe that the average consumer would pay at least a medium degree of attention to them.

67. Regarding the class 32 goods, I think that the relevant consumer of both the applicant's and the opponent's alcoholic goods will be primarily the general public over the age of 18. For the non-alcoholic goods, it would also include those under the age of 18. There may also be a portion of professional consumers purchasing the goods on behalf of a business, or for the purpose of running a business themselves, this would be most likely in the purchase of 'Extracts of hops for making beer' and the 'Syrups or other preparations for making beverages'.

68. It is my view that a significant portion of members of the general public over the age of 18 (and under 18 in respect of non-alcoholic beverages) will purchase the goods fairly frequently, either in a retail or hospitality environment. The professional public will likely purchase these in a retail or wholesale environment, or via distributors. The price point of beers and non alcoholic drinks is usually relatively low.

69. The method of purchase will likely be in a retail setting and the consumer – both public and professional- will largely rely on a visual inspection of the goods. Where the goods are purchased in a hospitality setting, this will be predominantly visual with marks most likely being displayed on and chosen from a drinks menu or displayed on the bottles or boards visible behind the bar. However, as verbal orders will often be placed, aural considerations cannot be completely discounted. Professional consumers may also place aural orders however, they are likely to have viewed the products prior to this.

70. When purchasing beverages, the public may consider matters such as quality, origin and taste but the purchase will still be undertaken with a relatively low level of care- in particular in relation to everyday soft drinks and fruit juices. The level might be slightly higher when it comes to alcoholic beverages.

71. For professional consumers, I find the level of attention paid will be enhanced due to the increased responsibility of purchasing these goods on behalf of a business, and the increased liability that will come with serving or selling the goods to consumers. It is my view that the professional consumer will pay at least a medium level of attention in respect of the goods.

72. The services at issue in Class 35 comprise a range of advertising, promotional and marketing services, as well as business management and administration services; file management and database services, and consumer advice and price comparison services. I find that the average consumer for these services would most likely be a professional. The selection of such services is most likely to be a visual process, either online, via websites or through the traditional bricks and mortar high street establishments, with the possibility of aural conversations with salespersons and word of mouth recommendations.

73. In regard to the ‘the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods;’ I would consider the average consumer to be the general public. The uptake of these services will be relatively frequent. The average consumer will take

various factors into consideration such as the ease of use/access, type of services offered, e.g. traditional high street bricks and mortar outlets, or online websites and the suitability of those services to the consumer's needs. Therefore, the level of attention paid during the purchasing process will be at least medium.

74. All of the class 35 services at issue are likely to be a fairly regular consideration for a professional consumer or business, but I feel such selections will generally invite a higher level of attention than casual purchases, due to the higher cost of such services and their reasonably technical and complex nature. I therefore consider the average consumer will pay at least a medium degree of attention in the selection and purchase of these services.

Comparison of marks

75. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

“.....it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

76. It would be wrong, therefore, to artificially dissect the trade marks, although, it is necessary to take into account the distinctive and dominant components of

the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

77. The respective trade marks are shown below:

Opponent's earlier marks	Applicant's contested mark
<p data-bbox="199 526 391 560">EU17363037</p> 	 <p data-bbox="1002 683 1225 761">Duo Bull</p> <p data-bbox="1018 772 1209 801">דוּבּוּל א</p>
<p data-bbox="199 1019 359 1052">IR1228359</p> 	
<p data-bbox="199 1467 359 1500">IR1366163</p> <p data-bbox="223 1541 785 1635">Red Bull</p> 	
<p data-bbox="199 1854 375 1888">UK3129030</p> <p data-bbox="414 1966 582 2000">RED BULL</p>	

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78. Given that the marks under EU17363037 and IR1228359 are almost identical, I will refer to these together for this section of my decision. I note from the applicant's counterstatement that it has conceded that the earlier marks featuring the double bull device are similar to its own mark to at least some degree, however I must consider just how similar I feel the marks are, for the purposes of this decision.

79. Firstly, I must consider the overall impressions of each mark. The earlier marks under EU1736307 and IR1228359 are both solely figurative marks and therefore the dominant and distinctive elements of those marks lie in that image. For earlier mark UK3129030, which comprises solely of the two words 'RED' and 'BULL', neither element can be said to be more dominant than the other and they are not particularly distinctive words, but neither element is allusive or suggestive as to the goods or services at issue. Therefore, neither word can be said to play a greater role in the mark. The overall impression in earlier mark UK3129030 therefore lies in its totality.

80. Turning to earlier IR 1366163, this mark features the same device element that comprises earlier EU17363037 and IR1228359, being two red bulls presented in profile combined with a yellow circle at the centre of the mark, and the words 'RED BULL' presented in large red capital letters directly above that device element.

81. The lettering occupies a larger proportion of the mark than the device element. Given this, I consider that the words 'RED BULL' are the more dominant element in the mark however, the device element also plays a role in the overall impression as it is far from *de minimis* and will not be overlooked. Neither element can be said to be more distinctive than the other.

82. In relation to the applicant's contested mark, the 'two bulls' figurative element featured within three of the opponent's earlier marks is replicated in its entirety, save it is presented in 'black and grey' rather than the red and yellow colouring shown in the earlier marks. It comprises a larger proportion of the contested mark. The words 'Duo Bull' which appear underneath the device element containing the bulls, form a slightly smaller proportion of the mark. Finally, there is an element beneath the words 'Duo Bull' which the applicant states is a device element. This device element is not easy to describe but may appear to be a line of text. It may be perceived to be lettering but not any such lettering that would be understood easily or vocalised in an obvious manner, and it is presented in a much smaller size than the other aspects of the mark, and therefore is likely to be overlooked by the average consumer. I therefore find the main figurative element and the words 'Duo Bull' to be co-dominant and equally distinctive in the contested mark.

83. I now turn to the visual comparison between the marks. Three of the opponent's marks (EU17363037, IR1228359 and IR1366163) feature the device containing two red bulls charging towards each other with a yellow circle in the background (which could be described as a sun). This device forms the entirety of marks IR1228359 and EU17363037.

84. Mark IR1366163 has the additional word element 'RED BULL' across the top in a large fairly standard font. This is presented in capital lettering and in red.

85. The final earlier mark, UK3129030, comprises solely the plain word mark 'RED BULL'. I remind myself of the comments of Mr Iain Purvis QC, sitting as the Appointed Person in *Groupement Des Cartes Bancaires v China Construction Bank Corporation* case BL O/281/14 who found that:

"It is well established that a 'word mark' protects the word itself, not simply the word presented in the particular font or capitalization which appears in the Register of Trade Marks.....A word may therefore be presented in a different way (for example a different font, capitals as

opposed to small letters, or hand-writing as opposed to print) from that which appears in the Register whilst remaining ‘identical’ to the registered mark.”

86. I therefore acknowledge that the earlier UK mark may be presented in any font, sizing or combination of upper and lower-case fonts. When considering notional and fair use, it is also true that this earlier mark may be used in the same or a similar colour or style to that shown in the applicant’s mark.

87. The applicant’s mark contains the same ‘two bulls’ device element as the opponents EU17363037, IR1228359 and IR1366163 marks, albeit is presented in black and grey. Underneath the ‘two bulls’ device are the words ‘DUO BULL’ presented in a slightly stylised font and of relatively equal size. Finally, at the bottom of the mark is the following element:

א טוולטוב פור

88. This element appears to be some sort of lettering, but it is unclear and does not form a word(s) that would be recognisable in the UK. It is also presented in a much smaller manner than the other elements above it in the mark.

89. The Court of Appeal has stated on two occasions following the CJEU’s judgment in *Specsavers*, (see paragraph 5 of the judgment of the Court of Appeal in *Specsavers* [2014] EWCA Civ 1294 and *J.W. Spear & Sons Ltd v Zynga, Inc.* [2015] EWCA Civ 290, at paragraph 47) that registration of a trade mark in black and white covers use of the mark in colour. This is because colour is an implicit component of a trade mark registered in black and white (as opposed to extraneous matter).⁵ Thus a black and white version of a mark should normally be considered on the basis that it could be used in any colour. However, it is not appropriate to notionally apply complex colour arrangements to a mark registered in black and white. This is because it is necessary to

⁵ See paragraph 5 of the judgment of the Court of Appeal in *Specsavers* [2014] EWCA Civ 1294 and *J.W. Spear & Sons Ltd v Zynga, Inc.* [2015] EWCA Civ 290, at paragraph 47

evaluate the likelihood of confusion on the basis of normal and fair use of the marks, and applying complex colour arrangements to a mark registered, or proposed to be registered, without colour would not represent normal and fair use of the mark.

90. Given the above case law and the fact that the opponent's device marks IR1228359 and EU17363037 are entirely contained within the applicant mark, I consider them to be highly similar visually.

91. In relation to earlier mark IR1366163, once again, the device element in the earlier mark is entirely contained within the contested mark. Both marks also contain two words, one of which, 'BULL', is identical. The other words: 'RED' and 'DUO' are both three letter words. The contested mark also contains the additional device element which may be perceived as a line of text, at the bottom, however I find that this element is likely to be overlooked due to its size and placement in the mark. I note that the verbal elements in the marks are presented above the device element in the earlier mark and below the device element in the contested mark but this has little effect on the visual impact of the marks as a whole. I therefore find these marks to be similar to at least a medium degree.

92. Finally, the opponent's earlier mark UK3129030 is a plain word mark and as stated above, due to notional and fair use of word marks, this could be presented in an identical manner to that shown in the contested mark, i.e. in upper and lower case lettering and in a bold stylised font. The earlier UK mark and the contested mark both contain the word 'BULL'. The additional word elements, 'RED' and 'DUO' are three letter words, which contain the letter 'D' albeit in different places, but which are otherwise quite different visually. The shared word 'BULL' is presented as the second word in each mark. Taking all of this into consideration, I find these marks to be similar to no more than a low degree.

93. Next, I must consider the aural similarities between the marks. The opponent's earlier marks IR1228359 and EU17363037 are purely device

marks. I therefore consider the case of *Dosenbach-Ochsner AG Schuhe und Sport v OHIM*, T-424/10 where the General Court stated:

“46. A figurative mark without word elements cannot, by definition, be pronounced. At the very most, its visual or conceptual content can be described orally. Such a description, however, necessarily coincides with either visual perception or the conceptual perception of the mark in question. Consequently, it is not necessary to examine separately the phonetic perception of a figurative mark lacking word elements and to compare it with the phonetic perception of other marks”

94. Therefore, in respect of these two earlier marks, it is not necessary for me to consider an aural comparison.

95. Both earlier marks IR1366163 and UK3129030 will be spoken identically as *RED/BULL*. The second word in the contested mark ‘BULL’, will be spoken identically to its counterpart in the earlier marks. The first word elements ‘RED’ and ‘DUO’ are both short words however, DUO would be articulated in two syllables *DEW/OH* compared to the single syllable in the word ‘RED’. I therefore consider these marks to be aurally similar to no more than a medium degree.

96. Conceptually, the contested mark shows two bulls charging towards each other and this image is supported by the words ‘DUO BULL’ which would be understood to be a reference to two bulls. The concept provided in the contested mark will therefore be that of two bulls. The line of text at the base of the contested mark is undecipherable and will therefore provide no conceptual message at all.

97. The opponent's marks IR1228359 and EU17363037 also show an identical image of two bulls charging towards each other and therefore I find them to be conceptually identical to the contested mark.

98. Earlier mark IR1366163 also contains the identical device of two bulls charging towards each other, It also contains the word BULL, which is shared

identically with the same word in the contested mark. The word 'RED' in the earlier mark and the word 'Duo' in the contested mark serve to distinguish the marks to some degree, however, given the identical device element and the shared verbal element 'BULL' I find the marks to be conceptually similar to a very high degree.

99. Finally, earlier mark UK3129030 is the plain word mark 'RED BULL' and therefore the concept conveyed by this mark will be that of a single red bull. I therefore find this mark to be conceptually similar to the applicant's mark only to a low degree, due to the shared notion of a bull.

Distinctive Character of Earlier Marks

100. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular

undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

101. In *Kurt Geiger v A-List Corporate Limited*, BL O/075/13, Mr Iain Purvis Q.C., sitting as the Appointed Person, observed that the level of ‘distinctive character’ is only likely to increase the likelihood of confusion to the extent that it resides in the element(s) of the marks that are identical or similar. He said:

“38. The Hearing Officer cited *Sabel v Puma* at paragraph 50 of her decision for the proposition that ‘the more distinctive it is, either by inherent nature or by use, the greater the likelihood of confusion’. This is indeed what was said in *Sabel*. However, it is a far from complete statement which can lead to error if applied simplistically.

It is always important to bear in mind what it is about the earlier mark which gives it distinctive character. In particular, if distinctiveness is provided by an aspect of the mark which has no counterpart in the mark alleged to be confusingly similar, then the distinctiveness will not increase the likelihood of confusion at all. If anything, it will reduce it.”

102. The IR1228359 and EU17363037 registrations comprise solely of a device element showing two bulls charging towards each other with a yellow circle or sun in the background. There are no descriptive or allusive connections between these marks and the goods or services upon which the opponent relies. I believe the marks to be distinctive to at least a medium degree.

103. The IR1366163 mark features the same device element but with the addition of the words ‘RED BULL’ in large red font above the device. I do not believe this adds anything to the inherent distinctive character of the mark as it is an indicator/descriptor of what is featured within the device and is made up of two standard dictionary words. I therefore find this mark to be inherently distinctive to at least a medium degree.

104. The UK 3129030 plain word mark 'RED BULL' is comprised of two standard dictionary words which have no obvious link to the goods or services at issue and therefore can be said to be a somewhat fanciful concept. I find the mark to be inherently distinctive to at least a medium degree.

105. The opponent has filed evidence, as detailed above, and submits that the distinctiveness of its marks has been enhanced by substantial use. Of particular note in relation to this is:

- A UK market share of 32.5% in the field of 'energy drinks'
- Sales figures rising from 360.2 million units in 2015 to over 502.5 million in 2019

- Marketing expenses of €35 million in the UK in 2019

106. Given the above figures, I find that the two earlier marks which are registered for energy drinks (EU17363037 and UK3129030) can claim enhanced distinctiveness and therefore the level of distinctiveness for those two marks would rise to high.

Likelihood of Confusion

107. There are two types of confusion that I must consider. Firstly, direct confusion i.e. where one mark is mistaken for the other. The second is indirect confusion which is where the consumer appreciates that the marks are different, but the similarities between the marks lead the consumer to believe that the respective goods or services originate from the same or a related source.

108. In *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that

these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

109. Regarding the earlier EU17363037 mark, it has been found to have a high level of distinctive character; the following goods at issue have been found to be identical: ‘Beer; Ginger beer; Ginger ale; Malt beer; Beer wort; Extracts of hops for making beer; Malt wort; Energy drinks; Non-alcoholic fruit juice beverages; Mineral water [beverages]’ and they will be purchased predominantly visually, which means that the visual similarity between the marks carries particular weight in the overall assessment of confusion. The earlier mark is entirely incorporated within the contested mark and so they have been found to be conceptually identical and visually highly similar and therefore I find there would be direct confusion between the marks for the following goods: Beer; Ginger beer; Ginger ale; Malt beer; Beer wort; Extracts of hops for making beer; Malt wort; Energy drinks; Non-alcoholic fruit juice beverages; Mineral water [beverages].

110. I believe the same outcome applies when considering earlier mark IR1728359 as once again the mark is entirely incorporated within the contested mark. In this instance, the goods at issue range from identical to similar to a medium level, but this does not negate my finding of direct confusion when the marks are still similar to a high degree visually and conceptually identical. There will be direct confusion in respect of the following contested goods and services: Class 16: Paper; Copying paper [stationery]; Hygienic paper; Clips for offices; Printed matter; Posters; Lithographic works of art; Conical paper bags;

Cardboard cartons; Bags [envelopes, pouches] of paper or plastics, for packaging' and Class 35: 'Commercial administration of the licensing of the goods and services of others; Presentation of goods on communication media, for retail purposes; Provision of an online marketplace for buyers and sellers of goods and services; Demonstration of goods; Marketing research; Advertising; Sales promotion for others.'

111. In relation to earlier mark IR1366163, once again this mark includes the double bull device however, there is also the addition of the 'Red Bull' verbal element at the top to take into account. The goods and services at issue have been found to be between identical or similar to a medium degree; the marks are visually similar to at least a medium degree, the conceptual similarities are very high and the device mark is once again replicated. I therefore believe that there would be direct confusion between these marks for the following contested goods and services: Class 16: Paper; Copying paper [stationery]; Hygienic paper; Clips for offices; Printed matter; Posters; Lithographic works of art; Conical paper bags; Cardboard cartons; Bags [envelopes, pouches] of paper or plastics, for packaging' and Class 35: 'Commercial administration of the licensing of the goods and services of others; Presentation of goods on communication media, for retail purposes; Provision of an online marketplace for buyers and sellers of goods and services; Demonstration of goods; Marketing research; Advertising; Sales promotion for others.'

112. Finally, I must consider earlier mark UK3129030 for the plain word mark RED BULL. Given the low level of visual and conceptual similarities between these marks, I find that the average consumer will not mistake one for the other and direct confusion would not occur. I must therefore consider the possibility of indirect confusion. I take guidance again from Mr Purvis in *L.A. Sugar Limited* where he stated:

"17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

- (a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (“26 RED TESCO” would no doubt be such a case).
- (b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).
- (c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example”).

113. I also note that in *China Construction Bank Corp. v EUIPO*, Case T-665/17, the GC held (at paragraph 52 of the judgment) that evidence showing that part of the earlier mark has acquired an enhanced degree of distinctive character through use may be relevant to the assessment of the distinctiveness of that element within the earlier mark. Such enhanced distinctiveness may affect the likelihood of confusion between that mark (as a whole) and a later mark including the same, or a similar, element.

114. Considering the above categories, the earlier plain word mark does benefit from enhanced distinctiveness through use and was therefore found to have a high distinctive character. However, the only common element between the marks is the word ‘Bull’ which in itself is not highly distinctive. I have also found the device element in the contested mark to be co-dominant and equally distinctive to the word elements in that mark.

115. The inclusion in the contested mark of the two bulls device and the unusual line of lettering at the bottom of the mark, cannot be said to be the addition of

non-distinctive elements which a consumer might expect in a sub-brand or brand extension.

116. The change of the word 'red' to the word 'duo' at the beginning of the marks would not be an obvious or logical brand extension in my opinion. I do not consider this to be a step that the average consumer of the goods at issue would expect to be reasonable. Again, the addition of the other two elements I have already mentioned means the marks are further away from each other.

117. Whilst the categories set out above by Mr Purvis are not exhaustive, I can find no other reason why the average consumer that is aware of the opponent's plain word mark 'RED BULL' would, when exposed to the contested mark, assume that the goods or services at issue came from the same or an economically linked undertaking, or vice-versa

118. Due to the above, I do not believe that there is any reason to expect an economic connection between the two. I therefore find that indirect confusion between the opponent's earlier UK3129030 and the contested mark would not occur.

Conclusion

119. The opposition insofar as it is based on section 5(2)(b) is successful against the following goods and services:

Class 16: Paper; Copying paper [stationery]; Hygienic paper; Clips for offices; Printed matter; Posters; Lithographic works of art; Conical paper bags; Cardboard cartons; Bags [envelopes, pouches] of paper or plastics, for packaging.

Class 32: Beer; Ginger beer; Ginger ale; Malt beer; Beer wort; Extracts of hops for making beer; Malt wort; Energy drinks; Non-alcoholic fruit juice beverages; Mineral water [beverages].

Class 35: 'Commercial administration of the licensing of the goods and services of others; Presentation of goods on communication media, for retail purposes; Provision of an online marketplace for buyers and sellers of goods and services; Demonstration of goods; Marketing research; Advertising; Sales promotion for others.'

120. As the opposition under section 5(2)(b) has not been entirely successful, I now go on to consider the opposition insofar as it is based on Section 5(3).

Section 5(3)

121. Section 5(3) states:

“(3) A trade mark which-

(a) is identical with or similar to an earlier trade mark, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a European Union trade mark or international trade mark (EC), in the European Union) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark”.

122. Section 5(3A) states:

“(3A) Subsection (3) applies irrespective of whether the goods and services for which the trade mark is to be registered are identical with, similar to or not similar to those for which the earlier trade mark is protected”.

123. Section 5A of the Act is as follows:

“5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

Case Law

124. The relevant case law can be found in the following judgments of the CJEU: Case C-375/97, *General Motors*, Case 252/07, *Intel*, Case C-408/01, *Adidas-Salomon*, Case C-487/07, *L’Oreal v Bellure* and Case C-323/09, *Marks and Spencer v Interflora* and Case C383/12P, *Environmental Manufacturing LLP v OHIM*. The law appears to be as follows.

a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors*, paragraph 24.

(b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors*, paragraph 26.

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas Saloman*, paragraph 29 and *Intel*, paragraph 63.

(d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark’s reputation and distinctiveness; *Intel*, paragraph 42

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel*, paragraph 68; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel*, paragraph 79.

(f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel*, paragraphs 76 and 77 and *Environmental Manufacturing*, paragraph 34.

(g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel*, paragraph 74.

(h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact of the earlier mark; *L'Oreal v Bellure NV*, paragraph 40.

(i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora*, paragraph 74 and the court's answer to question 1 in *L'Oreal v Bellure*).

125. The conditions of section 5(3) are cumulative. Firstly, the opponent must show that its mark is similar to the applicant's mark. Secondly, that the earlier mark has achieved a level of knowledge/reputation amongst a significant part of the relevant public. Thirdly, it must be established that the level of reputation and the similarities between the marks will cause the relevant public to make a link between them, in the sense of the earlier mark being brought to mind by the later mark. Fourthly, assuming that the first three conditions are met, section 5(3) requires that one or more of the three types of damage claimed will occur. It is unnecessary for the purposes of section 5(3) that the goods or services be similar, although the relative distance between them is one of the factors which must be assessed in deciding whether the public will make a link between the marks.

Reputation

126. The contested application was filed on 20 May 2020 and this is the relevant date in these proceedings and the date when I must judge whether the opponent's earlier marks had the requisite reputation.

127. In *General Motors*, Case C-375/97, the CJEU held that:

“25. It cannot be inferred from either the letter or the spirit of Article 5(2) of the Directive that the trade mark must be known by a given percentage of the public so defined.

26. The degree of knowledge required must be considered to be reached when the earlier mark is known by a significant part of the public concerned by the products or services covered by that trade mark.

27. In examining whether this condition is fulfilled, the national court must take into consideration all the relevant facts of the case, in particular the market share held by the trade mark, the intensity, geographical extent and duration of its use, and the size of the investment made by the undertaking in promoting it.

28. Territorially, the condition is fulfilled when, in the terms of Article 5(2) of the Directive, the trade mark has a reputation ‘in the Member State’. In the absence of any definition of the Community provision in this respect, a trade mark cannot be required to have a reputation ‘throughout’ the territory of the Member State. It is sufficient for it to exist in a substantial part of it.”

128. The evidence provided by the opponent regarding its reputation is mainly focused on energy drinks. These goods are registered under the opponents EU17363037 and UK3129030 marks, which are the only marks relied upon for the purposes of the Section 5(3) opposition.

129. Based on the evidence provided by the opponent, it is clear that it has significant sales worldwide, in the European Union and the UK and that its market share is significant in the UK and several other European countries. It is clear to me that the public concerned by the goods at issue would be well aware of the reputation of the opponent’s device mark EU17363037 in respect of energy drinks. For the purposes of the Section 5(3) opposition, I will focus on earlier EU17363037 mark as I have found this mark to be visually highly similar to the contested mark, whilst I have found earlier plain word mark UK3129030 to have no likelihood of confusion with the contested mark. The opponent has also provided figures for its media and marketing expenditure which is very substantial and supports my conclusion that earlier mark EU17363037 can be said to enjoy a reputation of some significance.

The Link

130. Having found that the opponent has demonstrated that it has the requisite reputation, I must now consider if a link will be made between the respective marks. As I noted above, my assessment of whether the public will make the required mental ‘link’ between the marks must take account of all relevant factors. The factors identified in *Intel Corporation Inc v CPM (UK) Ltd* (C-252-07) (‘Intel’) are:

“-The degree of similarity between the conflicting marks

The nature of the goods or services for which the conflicting marks are registered, or proposed to be registered, including the degree of closeness or dissimilarity between those goods or services, and the relevant section of the public

The strength of the earlier mark’s reputation

The degree of the earlier mark’s distinctive character, whether inherent or acquired through use

Whether there is a likelihood of confusion”

131. I have already established above that the opponent’s EU figurative mark will be brought to mind. It has been found to be visually similar to a high degree with the contested mark, with the entirety of the EU17363037 mark replicated within the contested mark. I have found identity between the goods and services at issue, and established that the earlier mark is highly distinctive, having been enhanced by use. I have also found that there is a likelihood of direct confusion between these marks. Taking all of these factors into account I conclude that a link will be made between these marks.

132. Having established that a link will be made between the earlier EU17363037 mark and the contested mark, I must consider whether this then leads to one of the heads of damage under Section 5(3).

133. The opponent claims that the use of the contested mark would have an unfair advantage due to the link with its earlier marks. The notion of unfair advantage is described in *L’Oréal v Bellure*: (C-487/07) as follows:

“As regards the concept of ‘taking unfair advantage of the distinctive character or the repute of the trade mark’, also referred to as ‘parasitism’

or 'free-riding', that concept relates not to the detriment caused to the mark but to the advantage taken by the third party as a result of the use of the identical or similar sign. It covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation."

134. In *Aktieselskabet af 21. november 2001 v OHIM*, Case C-197/07P, the CJEU stated that:

"22. With regard to the appellant's argument concerning the standard of proof required of the existence of unfair advantage taken of the repute of the earlier mark, it must be noted that it is not necessary to demonstrate actual and present injury to an earlier mark; it is sufficient that evidence be produced enabling it to be concluded prima facie that there is a risk, which is not hypothetical, of unfair advantage or detriment in the future (see, by analogy, concerning the provisions of Article 4(4)(a) of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L 40, p. 1), Case C-252/07 Intel Corporation [2008] ECR I-0000, paragraph 38).

135. As argued by the opponent, the contested mark entirely replicates its 'double bull device' which forms the entirety of the EU17363037 mark. The imagery is not an obvious one in relation to energy drinks. Given the evidence provided, it is implausible that the applicant would not know of the opponent's brand. In my mind, it is clear that a consumer seeing the contested mark, wholly encompassing the opponent's mark, would be attracted to it and would consider the mark to perhaps be a brand extension. From the evidence provided by the opponent, it is clear that it has branched out into other business areas using the same branding, and consumers may purchase the applicant's goods on this basis.

136. The applicant will therefore be benefiting from the significant marketing and media spending that the opponent has also shown in its evidence. Given the strength of the reputation of the opponents mark and the similarities between the marks, it follows that the use of the contested mark would be 'clear exploitation on the coat-tails of the mark with a reputation', taking unfair advantage of that reputation.

137. The opposition therefore succeeds entirely under section 5(3) of the Act.

COSTS

138. The opponent has been successful and is entitled to a contribution towards its costs. Award of costs in proceedings are based upon the scale set out in Tribunal Practice Notice (TPN) 2/2016. After due consideration, I believe that an award of costs to the applicant is appropriate as follows:

Official fee	£200
Preparing the Notice of Opposition and Considering the counter statement	£450
Preparing evidence and written submissions	£1200
TOTAL	£1850

139. I therefore order Jinshan Food Co., Ltd to pay Red Bull GMBH the sum of £1850. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 15th day of July 2021

L Nicholas
For the Registrar

Annex 1:

Goods & services relied on for mark: **IR1228359**

Class 16: Paper, cardboard and goods made from these materials, namely, paper coasters, packaging of paper or cardboard, postcards, paper statue; paper mache statue, disposable paper toilet seat cover, and architects' models; towels of paper; table napkins of paper; filter paper; handkerchiefs of paper; toilet paper; bottle envelopes of cardboard or paper; packing paper; bags (envelopes, pouches) of paper or plastics, for packaging; printed matter, leaflets; magazines; books; printed publications; newspapers; newsletters; prospectuses; manuals; booklets and graphic representations; cards; greeting cards; brochures and folders (stationery); bookbinding material; photographs (printed); periodicals; posters; calendars; catalogues; transparencies (stationery); flags of paper; signboards of paper or cardboard; clipboards; stationery; transfers (decalcomanias); stickers (stationery); labels, including iron-on labels not of textile; adhesives (glues) for stationery or household purposes; artists materials, including pencils, pastels (crayons), watercolors (paintings), aquarelles, artists watercolour saucers, painters' easels, modelling materials; paint brushes; stamps (seals); typewriters, electric and non-electric; office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); plastic film for wrapping; plastic bubble packs for wrapping or packaging; printers' type; printing blocks; blackboards; writing and drawing instruments; writing and drawing materials; self-adhesive tapes for stationery or household purposes; money clips.

Class 35: Advertising; sales promotion for others; arranging of advertising events and space; distribution of goods for advertising purposes; layout services for advertising purposes; on-line advertising on a computer network; rental of advertising time on communication media; news clipping services; business organization consultancy; business management; business administration; office functions; rental of vending machines; compilation of statistics; sponsorship search; commercial administration of the licensing of the goods and services of others; administrative processing of purchase orders; updating of advertising material; dissemination of advertising matter; arranging newspaper subscriptions for others; arranging subscriptions to

telecommunication services for others; business information; commercial information agencies; compilation of information into computer databases; systemization of information into computer databases; public relations; publication and writing of publicity texts; radio advertising; production of radio and television commercials; rental of advertising space; television advertising; outdoor advertising; demonstration of goods; presentation of goods on communication media for retail purposes; sales promotion for others; commercial information and advice for consumers; opinion polling; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods, namely, chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, manures, fire extinguishing compositions, tempering and soldering preparations, chemical substances for preserving foodstuffs, tanning substances, adhesives used in industry, leather and textile impregnating chemicals, adhesives for wallpaper, humus, compost, earth for growing, soil conditioning chemicals, chemical additives for oils, paints, anti-fouling paints, varnishes, lacquers, binding agents and thinners for paints, turpentine (thinner for paints), preservatives against rust and against deterioration of wood, colorants, mordents, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, dry-cleaning preparations, soaps, joss sticks, perfumery, essential oils, cosmetics, hair lotions, dentifrices, breath freshening sprays, sunscreen preparations, laundry starch, emery paper, sand cloth, industrial oils and greases, lubricants, motor vehicle lubricants, dust absorbing, wetting and binding compositions, fuels (including motor spirit) and illuminants, lanolin, candles and wicks for lighting, pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, including fortifying and strengthening preparations, namely vitamin preparations and tonics and preparations and products containing minerals and/or vitamins and/or trace elements for health purposes, traditional Chinese medicines, medicinal infusions including herb teas, dietetic food and substances adapted for medical or veterinary use, appetite suppressants for medical purposes, chewing gum, fruit gums and sweets for medical use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, napkins for incontinents, hygienic articles for women, namely sanitary towels, panty liners, tampons, sanitary pants, chemical contraceptives, material for

stopping teeth, dental wax, adhesives for dentures, dental mastics, disinfectants, deodorants, other than for human beings or for animals, deodorizing room sprays, preparations for destroying vermin, fungicides, herbicides, tobacco-free cigarettes for medical purposes, common metals and their alloys, unwrought or semi-wrought, metal building materials, buildings of metal, materials of metal for railway tracks, non-electric cables and wires of common metal, wire of common metal, foils of metal for wrapping and packaging, ironmongery and small items of metal hardware, pipes and tubes of metal, safes (strong boxes), statues and figurines (statuettes) of common metal, works of art of common metal, goods of common metal not included in other classes, advertisement columns of metal, anchors, anvils, bottle closures of metal, ice moulds of metal, rings of common metal for keys, metal tanks, cashboxes of metal, signboards of metal, registration plates, of metal, building panels of metal, signalling panels, non-luminous and non-mechanical, of metal, containers of metal (storage, transport), ores of metal, locks of metal for vehicles, bicycle parking installations of metal, machines, including filling machines, lifts (other than ski-lifts), excavators, construction machines, bulldozers, printing machines, electric kitchen appliances for chopping, grinding, pressing, stirring, labellers, mincers (electric), belts for conveyors, fans for engines and motors, electric generators, current generators and alternators, lifting apparatus other than hand-operated, cranes (lifting and hoisting apparatus), milking machines, sewing machines, paper machines, polishing machines (other than for household purposes), electric, presses other than hand-operated, trueing machines, industrial cutters, welding machines, electric, textile machines, packing machines, rolling mills, dishwashers, washing machines, shredders, machine tools, motors and engines (except for land vehicles), machine coupling and transmission components (except for land vehicles), exhausts for motors and engines, agricultural implements other than hand-operated, agricultural machines, incubators for eggs, air brushes for applying color, automatic vending machines, petrol pumps for service stations, filling machines, hand tools and implements (hand-operated), hand operated equipment used in agriculture, horticulture and forestry for the construction of machines, apparatus and vehicles, and for structural engineering, cutlery, side arms, electric and non-electric razors, electric and non-electric hair cutters and clippers (hand tools), tool belts (holders), scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching,

transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, walkie-talkies, portable and mobile telephones and parts, spare parts and equipment, in particular holders and sheaths, cables, electric, plugs, adaptors, batteries, accumulators, charging devices for accumulators for wireless mobile phones, subscriber identity module cards, also for use with portable and mobile phones, mobile phone face plates, ring tones (being downloadable ringtones), software applications for mobile phones, downloadable sound, music, image and video recordings, interactive computer games programs, photocopying apparatus and machines, magnetic data carriers, sound recording discs, compact discs, DVDs and other digital recording media, video tapes, personal stereos, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, fire-extinguishing apparatus, automatic cash dispensing machines, ticket dispensers, automatic photographic booths, machine readable data carriers, electronic publications (downloadable), computer programs, computer game software, mouse pads, navigation apparatus for vehicles, protective clothing, protective spectacles, protective masks, protective helmets, in particular for sports purposes, protective shields, including ear, body and face protective shields, spectacles, spectacle frames, spectacle cases and holders, sunglasses, goggles for sports, headphones, special purpose containers (cases, sheaths, housings) for apparatus and instruments included in this class, light, marker, life-saving and signaling buoys, wind socks for indicating wind direction, electric batteries and accumulators, magnets, luminous signs, luminous advertising signs, bracelets (Encoded identification-), magnetic, processors (central processing units), chips (integrated circuits), computer peripheral devices, data processing apparatus, electronic notice boards, hands free kits for phones, laptop computers, loudspeakers, magnetic data media, telephone apparatus, television apparatus, video game cartridges, wire connectors (electricity), wires, electric, remote control apparatus, video screens, surgical, medical, dental and veterinary apparatus and instruments, surgical implants, including artificial limbs, eyes and teeth, orthopedic articles, suture materials, condoms, non-chemical contraceptives, bed vibrators, vibromassage apparatus, pacifiers for babies, lighting and heating apparatus and installations, steam generating installations, cooking, refrigerating, drying, ventilation (air conditioning) apparatus and installations, water supply and sanitary installations, wash-hand basins and bowls (parts of sanitary installations), bidets, toilets (water-closets), bath fittings,

bath installations, refrigerators, beverage cooling apparatus, refrigerating display cabinets (display cases), ventilation (air-conditioning) installations for vehicles, lighting apparatus for vehicles, lighting installations for air vehicles, vehicle reflectors, electric lamps, bar lamps, diving lights, solar thermal collectors (heating), heat and steam accumulators, grills (cooking appliances), plate warmers, toasters, ice boxes and chests, stoves, vehicles, apparatus for locomotion by land, air or water, refrigerated trucks, air cushion vehicles, parachutes, parts for vehicles, parts for apparatus for locomotion by land, air or water, parts for air-cushion vehicles, bicycles and individual parts therefor (included in class 12), bicycle accessories, namely luggage carriers for bicycles, bells for bicycles, dress guards for bicycles, motors for cycles, bicycle pumps, saddle covers for bicycles, stands for bicycles, saddle covers for motorcycles, golf carts and baby carriages, automobile accessories, namely tires, seats and seat covers, trailer hitches, roof racks, ski carriers, mudguards, snow chains, wind deflectors, head rests, safety belts, child safety seats, horns, steering wheels, wheel rims, shock absorbers, covers for vehicle steering wheels, motors for land vehicles, firearms, ammunition and projectiles, explosives, fireworks, firecrackers, rifles, including hunting rifles, air rifles, parts for rifles, in particular barrels and hammers, rifle cases, sprays for personal defense purposes, precious metals and their alloys, key rings [trinkets or fobs] of precious metal or coated therewith, jewellery cases [caskets] of precious metal or coated therewith, badges of precious metal or coated therewith, statues, statuettes and figurines (statuettes) of precious metal, boxes of precious metal, badges of precious metal, key rings (trinkets or fobs), works of art of precious metal, ornaments (jewelry), chains, earrings, rings, bracelets and necklaces of precious metal, precious stones and semi-precious stones, diamonds and agates, pearls (jewelry), paste jewelry (costume jewelry), cuff links, tie pins, coins, horological and chronometrical instruments, clocks, watches, chronometers, wrist watches and watch straps, clock cases, watch cases, cases for clock- and watch making, jewelry cases (caskets), key chains (trinkets or fobs), musical instruments, mechanical pianos, musical boxes, electric and electronic musical instruments, music stands, music synthesizers, paper, cardboard and goods made from these materials, namely, paper coasters, packaging of paper or cardboard, postcards, paper statue, paper mache statue, disposable paper toilet seat cover, and architects' models, towels of paper, table napkins of paper, filter paper, handkerchiefs of paper, toilet paper, bottle envelopes of cardboard or paper, packing paper, bags (envelopes, pouches) of paper

or plastics, for packaging, printed matter, leaflets, magazines, books, printed publications, newspapers, newsletters, prospectuses, manuals, booklets and graphic representations, cards, greeting cards, brochures and folders (stationery), bookbinding material, photographs (printed), periodicals, posters, calendars, catalogues, transparencies (stationery), flags of paper, signboards of paper or cardboard, clipboards, stationery, transfers (decalcomanias), stickers (stationery), labels, including iron-on labels not of textile, adhesives (glues) for stationery or household purposes, artists materials, including pencils, pastels (crayons), watercolors (paintings), aquarells, artists watercolour saucers, painters' easels, modelling materials, paint brushes, stamps (seals), typewriters, electric and nonelectric, office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging (not included in other classes), plastic films for wrapping, plastic bubble packs for wrapping or packaging, printers' type, printing blocks, blackboards, writing and drawing instruments, writing and drawing materials, self-adhesive tapes for stationery or household purposes, money clips, rubber, gutta-percha, gum, asbestos, mica, raw or partly processed, electrical insulators made of mica, rubber bags for merchandise packaging, being envelopes or pouches, rubber bottle stoppers, plastics in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes, not of metal, plastic film (other than for wrapping), insulating paints and lacquers, insulating refractory materials, bags, toilet bags [sold empty], tool bags of leather [empty], travelling cases, card cases and key cases of leather or leather imitations, boxes and cases of leather or leather board, leather bags for packaging, bags for climbers and campers, bags for sports and beach, small goods of leather, not included in other classes, purses, pocket wallets, key cases, handbags, briefcases, shopping bags, school satchels, rucksacks, shoulder belts (straps) of leather, animal skins, hides, furs, trunks and suitcases (luggage) and travelling bags, travelling sets (leatherware), umbrellas, parasols and walking sticks, whips, harness for animals and saddlery, building materials (non-metallic), non-metallic rigid pipes for building, refractory construction materials, not of metal, asphalt, pitch and bitumen, non-metallic transportable and non-transportable buildings, monuments (not of metal), decorative objects and works of art of stone, concrete or marble, signaling panels, non-luminous, non-mechanical and not of metal, gates (not of metal), furniture, hand-held mirrors (toilet mirrors), mirrors, picture frames, furniture, frames, baskets, boxes, containers, figurines and sculptures, all

made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum or of plastics, indoor window blinds (shades) (furniture), works of art and decorative objects, of wood, wax, plaster or plastic, nameplates, not of metal, garment covers (storage), coat hangers, stoppers for bottles, not of glass, metal or rubber, screw tops, not of metal, for bottles, keyboards for hanging keys, pegs (pins), not of metal, display boards and signboards of wood or plastic, newspaper display stands, display stands, cask stands, not of metal, boxes of wood or plastic, flagpoles, registration plates, not of metal, packaging containers of plastic, containers, not of metal, for liquid fuel, bedding (except linen), decorations of plastic for foodstuffs, desks, display stands, newspaper display stands, household or kitchen utensils and containers, hand-operated cleaning instruments, soap dispensers, dustbins, flower pots, drinking vessels and drinking glasses, bottles and flasks, ice buckets, coolers (ice pails), ice cube moulds, non-electric portable coolers, combs and sponges, brushes (except paint brushes), brush-making materials, articles for cleaning purposes, steel wool, unworked or semi-worked glass, except glass used in building, glassware, porcelain and earthenware not included in other classes, statues, statuettes and works of art of glass, porcelain, terra-cotta, earthenware or ceramic, signboards of porcelain or glass, cosmetic utensils, cooking pot sets, crockery, cocktail stirrers, shakers, pails, not for medical purposes, aerosol dispensers, not for medical purposes, deodorising apparatus for personal use, fitted vanity cases, coasters, not of paper and other than table linen, dishes, menu card holders, pitchers, ropes, string, nets, car towing ropes, network, ropes, not of metal, wrapping or binding bands, not of metal, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes), bags (envelopes, pouches) of textile, for packaging, bags (sacks) for the transport and storage of materials in bulk, padding and stuffing materials (except for rubber or plastics), raw fibrous textile materials, yarns and threads, for textile use, textiles not included in other classes, cotton fabrics, silk, linen, velvet, knitted fabric, lingerie fabric, plastic material (substitute for fabrics), textile goods not included in other classes, fabric for textile use and footwear, fabric of imitation animal skins, non-woven textile fabrics, curtains of textile or plastic, household linen, table covers, not of paper, bed covers, bed linen, bath linen, except clothing, shower curtains of textile or plastic, banners, flags, not of paper, labels of cloth, including iron-on labels, textile stickers, sew-on labels, wall hangings of textile, sleeping bags (sheeting), clothing, footwear, headwear, boot uppers, cap peaks, dress shields, fittings of metal for

footwear, footwear uppers, hat frames [skeletons], heelpieces for footwear, heelpieces for stockings, heels, inner soles, non-slipping devices for footwear, pockets for clothing, ready-made linings [parts of clothing], shirt fronts, shirt yokes, soles for footwear, studs for football boots, tips for footwear, welts for footwear, fingerless gloves, mittens, lace, laces for edges and lace trimmings, embroidery, ribbons (haberdashery), prize ribbons, elastic ribbons, shoe laces, buttons, hooks (haberdashery), eyes for clothing and shoes, pins, other than jewelry, needles, badges for wear, not of precious metal, belt clasps, trouser clips for cyclists, haberdashery, except thread, competitors' numbers, artificial flowers, hair bands, heat adhesive patches for repair and decoration of textile articles, lanyards (cords) for wear, carpets, rugs, mats, bar mats and matting, linoleum and other materials for covering existing floors, floor coverings including vinyl floor coverings, wall hangings, not of textile, gymnastic mats, automobile carpets, artificial turf, games, playthings, gymnastic articles, sporting articles and equipment, decorations for Christmas trees, festive decorations and artificial Christmas trees, fairground and playground apparatus, toys, novelty toys for parties, gaming machines for gambling, apparatus for games, video game machines, arcade video game machines, amusement machines automatic and coin-operated, slot machines [gaming machines], hand-held video games, hand-held games with liquid crystal displays, scale model vehicles, toy vehicles, drones [toys], video game consoles, hand-held consoles for playing video games, bags especially designed for skis and surfboards, artificial fishing bait, billiard cue tips, billiard markers, billiard table cushions, bite indicators [fishing tackle], bite sensors [fishing tackle], bladders of balls for games, caps for pistols [toys], chalk for billiard cues, christmas tree stands, christmas trees of synthetic material, confetti, cricket bags, divot repair tools [golf accessories], edges of skis, fairground ride apparatus, fish hooks, floats for fishing, golf bags, with or without wheels, gut for fishing, gut for rackets, kite reels, lines for fishing, masts for sailboards, paintballs [ammunition for paintball guns] [sports apparatus], paper party hats, protective paddings [parts of sports suits], reels for fishing, rollers for stationary exercise bicycles, rosin used by athletes, seal skins [coverings for skis], ski bindings, sole coverings for skis, strings for rackets, surfboard leashes, swimming kickboards, flippers for diving, roller skis, ski sticks, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, meat, fish, fruit and vegetable preserves, mixed milk beverages (milk predominating),

desserts of yogurt, quark and cream, soya milk (milk substitute), fermented vegetable foods (kimchi), coffee, tea, cocoa, sugar, rice, tapioca, sago, processed grains, bread, pastry and confectionery, ices (ice cream), honey, treacle, yeast, baking-powder, salt, edible salt, mustard, vinegar, sauces (condiments), dressings for salad, spices, ice, coffee, tea, cocoa and chocolate drinks, iced tea, coffee and cocoa preparations for making alcoholic and non-alcoholic beverages, cereals for human consumption, including oat flakes and other cereal flakes, flavorings, other than essential oils, sweets, candy, fruit gums, chocolate, chocolate products, pralines with liqueur fillings, chocolate mixtures containing alcohol, chewing gums, fruit and muesli bars, agricultural, horticultural and forestry products and grains not included in other classes, live animals, fresh fruits and vegetables, seeds, natural and dried plants and natural flowers, foodstuffs for animals, malt, nuts (fruits), straw mulch, litter peat, beers, mineral waters, aerated waters, non-alcoholic beverages, fruit beverages and fruit juices, syrups for making beverages, non-alcoholic preparations for making beverages, energy drinks, alcoholic beverages (except beers), hot and mixed alcoholic drinks, alcoholic energy drinks, mulled wines, distilled beverages, pre-mixed alcoholic beverages, other than beer-based, alcoholic beverages containing fruit and alcoholic fruit extracts, wines, ciders, spirits (beverages) and liqueurs, including gin, rum, vodka, whisky, brandy, alcoholic essences and extracts for making beverages, cocktails and aperitifs, bitters, tobacco, smoking tobacco, snuff and chewing tobacco, cigars, cigarillos and cigarettes, smokers' articles, tobacco jars and pouches, cigar and cigarette holders, cigar and cigarette cases, ashtrays for smokers, humidors, pipe racks and cleaners for tobacco pipes, cigar cutters, tobacco pipes, lighters for smokers, pocket machines for rolling cigarettes, cigarette paper, cigarette tips, cigarette filters, matches, electronic cigarettes.

Goods and services relied on for mark: **IR1366163**

Class 16: Paper, cardboard; towels of paper; table napkins of paper; filter paper; handkerchiefs of paper; toilet paper; bottle envelopes of cardboard or paper; packing paper; bags [envelopes, pouches] of paper or plastics, for packaging; printed matter; leaflets; magazines; books; printed publications; newspapers; newsletters; prospectuses; manuals; booklets and graphic representations; cards; greeting cards;

brochures and folders [stationery]; bookbinding material; photographs [printed]; periodicals; posters; calendars; catalogues; transparencies [stationery]; flags of paper; signboards of paper or cardboard; clipboards; stationery; transfers [decalcomanias]; stickers [stationery]; labels, including iron-on labels not of textile; adhesives [glues] for stationery or household purposes; artists materials, including pencils, pastels [crayons], watercolors [paintings], aquarells, artists' watercolour saucers, painters' easels, modelling materials; paint brushes; stamps [seals]; typewriters, electric and non-electric; office requisites, except furniture; instructional and teaching material [except apparatus]; plastic materials for packaging (not included in other classes); plastic film for wrapping; plastic bubble packs for wrapping or packaging; printers' type; printing blocks; blackboards; writing and drawing instruments; writing and drawing materials; self-adhesive tapes for stationery or household purposes; money clips.

Class 35: Advertising; sales promotion for others; arranging of advertising events and space; distribution of goods for advertising purposes; layout services for advertising purposes; on-line advertising on a computer network; rental of advertising time on communication media; news clipping services; business organization consultancy; business management; business administration; office functions; rental of vending machines; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods, the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods, namely chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, manures, fire extinguishing compositions, tempering and soldering preparations, chemical substances for preserving foodstuffs, tanning substances, adhesives used in industry, leather and textile impregnating chemicals, adhesives for wallpaper, humus, compost, earth for growing, soil conditioning chemicals, chemical additives for oils, paints, anti-fouling paints, varnishes, lacquers, binding agents and thinners for paints, turpentine [thinner for paints], preservatives against rust and against deterioration of wood, colorants, mordants, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists, bleaching preparation, laundry wax, natural starches for laundry purposes, cleaning, polishing, scouring and abrasive preparations, dry-cleaning preparations, soaps, joss sticks, perfumery, essential oils, cosmetics, hair lotions, dentifrices, breath freshening sprays, sunscreen preparations, laundry starch, emery

paper, sand cloth, industrial oils and greases, lubricants, motor vehicle lubricants, dust absorbing, wetting and binding compositions, fuels (including motor spirit) and illuminants, lanolin, candles and wicks for lighting, pharmaceutical and veterinary preparations, caffeine preparations for stimulative use, dietary and nutritional supplements for endurance sports, dietary and nutritional supplements for humans, food supplements, vitamin supplements, vitamin drink, vitamin preparations, mineral preparations and substances for medical use, sanitary preparations for medical purposes, including fortifying and strengthening preparations, namely tonics and preparations and products containing minerals and/or vitamins and/or trace elements for health purposes, traditional Chinese medicines, medicinal infusions including herb teas, dietetic food and substances adapted for medical or veterinary use, appetite suppressants for medical purposes, chewing gum, fruit gums and sweets for medical use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, napkins for incontinents, hygienic articles for women, namely sanitary towels, panty liners, tampons, sanitary pants, chemical contraceptives, material for stopping teeth, dental wax, adhesives for dentures, dental mastics, disinfectants, deodorants, other than for human beings or for animals, deodorizing room sprays, preparations for destroying vermin, fungicides, herbicides, tobacco-free cigarettes for medical purposes, common metals and their alloys, unwrought or semi-wrought, metal building materials, transportable buildings of metal, materials of metal for railway tracks, non-electric cables and wires of common metal, wire of common metal, foils of metal for wrapping and packaging, ironmongery and small items of metal hardware, pipes and tubes of metal, safes [strong boxes], statues and figurines [statuettes] of common metal, works of art of common metal, boxes of common metal, busts of non-precious metal, ingots of common metal, buckles of common metal (hardware), advertisement columns of metal, anchors, anvils, bottle closures of metal, ice moulds of metal, rings of common metal for keys, metal tanks, cashboxes of metal, signboards of metal, registration plates of metal, building panels of metal, signalling panels, non-luminous and non-mechanical, of metal, containers of metal [storage, transport], ores of metal, locks of metal for vehicles, bicycle parking installations of metal, machines, including filling machines, lifts (other than ski-lifts), excavators, construction machines, bulldozers, printing machines, electric kitchen appliances for chopping, grinding, pressing, stirring, labellers, meat grinders, electric, belts for conveyors, fans (other than hand-operated), electric generators, current generators and alternators, lifting

apparatus other than hand-operated, cranes [lifting and hoisting apparatus], milking machines, sewing machines, paper machines, polishing machines (other than for household purposes, electric), mechanical presses other than hand-operated, trueing machines, industrial cutters, welding machines, electric, machines for the textile industry, packing machines, rolling mills, dishwashers, washing machines, shredders, machine tools, motors and engines (except for land vehicles), machine coupling and transmission components (except for land vehicles), exhausts for motors and engines, agricultural implements other than hand-operated, agricultural machines, incubators for eggs, air brushes for applying color, automatic vending machines, fuel dispensing pumps for service stations, filling machines, hand tools and implements (hand-operated), hand operated equipment used in agriculture, horticulture and forestry for the construction of machines, apparatus and vehicles, and for structural engineering, cutlery, side arms, electric and non- electric razors, electric and non-electric hair cutters and clippers [hand instruments], tool belts [holders], scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, walkie-talkies, portable and mobile telephones and parts, spare parts and equipment, and in particular holders and sheaths, electric cables, electric plugs, electrical adaptors, batteries, accumulators, charging devices for accumulators for wireless mobile phones, subscriber identity module cards, also for use with portable and mobile phones, mobile phone face plates, ring tones (being downloadable ringtones), software for mobile phones (Apps), downloadable sound, music, image and video recordings, interactive games played on computers, photocopying apparatus and machines, magnetic data carriers, sound recording discs, compact discs, DVDs and other digital recording media, video tapes, portable music players, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, fire-extinguishing apparatus, automatic cash dispensing machines, ticket dispensers, coin-operated automatic photographic booths, machine readable data carriers, electronic publications (downloadable), computer programs, computer game software, mouse pads, navigation apparatus for vehicles, protective clothing [body armour], protective spectacles, protective masks, protective helmets, in particular for sports purposes,

protective visors including ear, body and face protective shields, spectacles, spectacle frames, spectacle cases and holders, sunglasses, goggles for sports, headphones, cases, sheaths, housings specially adapted for apparatus and instruments included in this class, light, marker, life-saving and signaling buoys, wind socks for indicating wind direction, electric batteries and accumulators, magnets, luminous signs, luminous advertising signs, bracelets (Encoded identification-), magnetic, processors [central processing units], chips [integrated circuits], computer peripheral devices, data processing apparatus, electronic notice boards, hands free kits for phones, laptop computers, loudspeakers, magnetic data carriers, telephone apparatus, television apparatus, video game cartridges, wire connectors [electricity], wires, electric, remote control apparatus, video screens, surgical, medical, dental and veterinary apparatus and instruments, surgical implants, including artificial limbs, eyes and teeth, orthopedic articles, suture materials, condoms, non-chemical contraceptives, bed vibrators, vibromassage apparatus, pacifiers for babies, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilation [air-conditioning], water supply and sanitary installations, wash-hand basins and bowls [parts of sanitary installations], bidets, toilets [water-closets], bath fittings, bath installations, refrigerators, beverage cooling apparatus, refrigerating display cabinets [display cases], ventilation [air-conditioning] installations for vehicles, lighting apparatus for vehicles, lighting installations for air vehicles, vehicle reflectors, electric lamps, bar lamps, diving lights, solar thermal collectors [heating], heat and steam accumulators, grills [cooking appliances], plate warmers, toasters, ice boxes and chests, stoves, vehicles, apparatus for locomotion by land, air or water, refrigerated trucks, air cushion vehicles, parachutes, parts for vehicles, parts for apparatus for locomotion by land, air or water, parts for air-cushion vehicles, bicycles and individual parts therefor (included in class 12), bicycle accessories, namely luggage carriers for bicycles, bells for bicycles, dress guards for bicycles, motors for cycles, bicycle pumps, saddle covers for bicycles, stands for bicycles, saddle covers for motorcycles, golf carts and baby carriages, automobile accessories, namely tires, seats and seat covers, trailer hitches, roof racks, ski carriers, mudguards, snow chains, wind deflectors, head rests, safety belts, child safety seats, horns, steering wheels, wheel rims, shock absorbers, covers for vehicle steering wheels, motors for land vehicles, firearms, ammunition and projectiles, explosives, fireworks, firecrackers, rifles, including hunting rifles, air rifles, parts for rifles, including barrels and hammers, rifle cases, sprays for personal defense

purposes, precious metals and their alloys, statues, statuettes and figurines [statuettes] of precious metal, boxes of precious metal, badges of precious metal, key rings [trinkets or fobs], works of art of precious metal, ornaments [jewelry], chains, earrings, rings, bracelets and necklaces of precious metal, precious stones and semi-precious stones, diamonds and agates, pearls [jewelry], paste jewelry [costume jewelry], cuff links, tie pins, coins, horological and chronometrical instruments, clocks, watches, chronometers, wrist watches and watch straps, clock cases, watch cases, cases for clock- and watch making, jewelry cases [caskets], musical instruments, mechanical pianos, musical boxes, electric and electronic musical instruments, music stands, music synthesizers, paper, cardboard, towels of paper, table napkins of paper, filter paper, handkerchiefs of paper, toilet paper, bottle envelopes of cardboard or paper, packing paper, bags [envelopes, pouches] of paper or plastics, for packaging, printed matter, leaflets, magazines, books, printed publications, newspapers, newsletters, prospectuses, manuals, booklets and graphic representations, cards, greeting cards, brochures and folders [stationery], bookbinding material, photographs [printed], periodicals, posters, calendars, catalogues, transparencies [stationery], flags of paper, signboards of paper or cardboard, clipboards, stationery, transfers [decalcomanias], stickers [stationery], labels, including iron-on labels not of textile, adhesives [glues] for stationery or household purposes, artists materials, including pencils, pastels [crayons], watercolors [paintings], aquarells, artists watercolour saucers, painters' easels, modelling materials, paint brushes, stamps [seals], typewriters, electric and non-electric, office requisites, except furniture, instructional and teaching material [except apparatus], plastic materials for packaging (not included in other classes), plastic film for wrapping, plastic bubble packs for wrapping or packaging, printers' type, printing blocks, blackboards, writing and drawing instruments, writing and drawing materials, self-adhesive tapes for stationery or household purposes, money clips, rubber, gutta- percha, gum, asbestos, mica, insulating plates of mica, decorative articles [badges] made of mica, mica electrical insulators, plastics in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes, not of metal, plastic film (other than for wrapping), insulating paints and lacquers, insulating refractory materials, leather and imitations of leather, unworked or semi- worked, boxes and cases of leather or leather board, leather bags for packaging, bags for climbers and campers, bags for sports and beach, small goods of leather, namely, purses, pocket wallets, key cases, handbags,

briefcases, shopping bags, school satchels, rucksacks, shoulder belts [straps] of leather, animal skins, hides, furs, trunks and suitcases [luggage] and travelling bags, travelling sets [leatherware], umbrellas, parasols and walking sticks, whips, harness for animals and saddlery, building materials (non-metallic), non-metallic rigid pipes for building, refractory construction materials, not of metal, asphalt, pitch and bitumen, non-metallic transportable and non-transportable buildings, monuments (not of metal), decorative objects and works of art of stone, concrete or marble, signaling panels, non-luminous, non-mechanical and not of metal, gates (not of metal), furniture, hand-held mirrors [toilet mirrors], mirrors, picture frames, corks, caskets made of cork, cork memo boards, containers made of cane, wicker baskets, caskets made of wicker, artificial horns, containers made of horn, horn, unworked or semi-worked, containers made of bone, statuettes of bone, ivory, unworked or semi-worked, statuettes made of ivory, caskets made of ivory, whalebone, unworked or semi-worked, caskets made of whalebone, tortoiseshells (unworked or partly worked material), yellow amber, caskets made of amber, statuettes made of amber, mother-of-pearl, unworked or semi-worked, caskets made of mother of pearl, meerschaum [raw or partly worked material], caskets made of meerschaum, furniture and tables of plastic or metal, indoor window blinds [shades] [furniture], works of art and decorative objects, of wood, wax, plaster or plastic, nameplates, not of metal, garment covers [storage], coat hangers, bottle closures, not of glass, metal or rubber, screw tops, not of metal, for bottles, keyboards for hanging keys, pegs [pins], not of metal, display boards and signboards of wood or plastic, cask stands, not of metal, boxes of wood or plastic, flagpoles, registration plates, not of metal, packaging containers of plastic, containers, not of metal, for liquid fuel, bedding (except linen), decorations of plastic for foodstuffs, desks, display stands, newspaper display stands, household or kitchen utensils and containers, hand-operated cleaning instruments, soap dispensers, dustbins, flower pots, drinking vessels and drinking glasses, bottles and flasks, ice buckets, coolers [ice pails], ice cube moulds, non-electric portable coolers, combs and sponges, brushes (except paint brushes), brush-making materials, articles for cleaning purposes, steel wool, unworked or semi-worked glass, except glass used in building, glassware, porcelain and earthenware not included in other classes, statues, statuettes and works of art of glass, porcelain, terra-cotta, earthenware or ceramic, signboards of porcelain or glass, cosmetic utensils, cooking pot sets, crockery, cocktail stirrers, shakers, pails, not for medical purposes, aerosol dispensers, not for medical

purposes, deodorising apparatus for personal use, fitted vanity cases, coasters, not of paper and other than table linen, dishes, menu card holders, pitchers, ropes, string, nets, car towing ropes, network, ropes, not of metal, wrapping or binding bands, not of metal, tents, awnings, tarpaulins, sails, sacks and bags, bags [envelopes, pouches] of textile, for packaging, bags [sacks] for the transport and storage of materials in bulk, padding and stuffing materials [except of paper, cardboard, rubber or plastics], raw fibrous textile materials, yarns and threads, for textile use, cotton fabrics, silk, linen, velvet, knitted fabric, lingerie fabric, plastic material [substitute for fabrics], textile goods not included in other classes, namely textile goods not included in other classes, namely, textile labels, textile coasters, textile handkerchiefs, table napkins of textile, printed textile labels, textile hang tags, textile towels, individual place mats made of textile, table runners of textile or plastic, upholstery fabrics of textile, place mats of textile, furniture coverings made of textile, ashtray mats of textile or plastic, wall hangings of textile, curtains of textile, draperies of textile, serviettes of textile, fabric cascades, and quilts of textile, fabric for textile use and footwear, fabric of imitation animal skins, non-woven textile fabrics, curtains of textile or plastic, household linen, table covers, not of paper, bed covers, bed linen, bath linen, except clothing, shower curtains of textile or plastic, banners, flags, not of paper, labels of cloth, including iron-on labels, textile stickers, sew-on labels, wall hangings of textile, sleeping bags (sheeting), clothing, footwear, headgear, boot uppers, cap peaks, dress shields, fittings of metal for footwear, footwear uppers, hat frames [skeletons], heelpieces for footwear, heelpieces for stockings, heels, inner soles, non-slipping devices for footwear, pockets for clothing, ready-made linings [parts of clothing], shirt fronts, shirt yokes, soles for footwear, studs for football boots, tips for footwear, welts for footwear, lace, laces for edges and lace trimmings, embroidery, ribbons [haberdashery], prize ribbons, elastic ribbons, braids, buttons, hooks [haberdashery], eyes for clothing and shoes, pins, other than jewelry, needles, badges for wear, not of precious metal, belt clasps, trouser clips for cyclists, pom-poms, haberdashery, except thread, competitors' numbers, artificial flowers, hair bands, heat adhesive patches for repair and decoration of textile articles, lanyards (cords) for wear, carpets, rugs, mats, bar mats and matting, linoleum and other materials for covering existing floors, floor coverings including vinyl floor coverings, wall hangings, not of textile, gymnastic mats, automobile carpets, artificial turf, games, playthings, gymnastic articles, sporting articles and equipment, decorations for Christmas trees, festive decorations and

artificial Christmas trees, fairground and playground apparatus, toys, novelty toys for parties, gaming machines for gambling, apparatus for games, video game machines, arcade video game machines, amusement machines automatic and coin-operated, slot machines [gaming machines], hand-held video games, hand-held games with liquid crystal displays, scale model vehicles, toy vehicles, drones [toys], bags especially designed for skis and surfboards, artificial fishing bait, billiard cue tips, billiard markers, billiard table cushions, bite indicators [fishing tackle], bite sensors [fishing tackle], bladders of balls for games, caps for pistols [toys], chalk for billiard cues, christmas tree stands, christmas trees of synthetic material, confetti, cricket bags, divot repair tools [golf accessories], edges of skis, fairground ride apparatus, fish hooks, floats for fishing, golf bags, with or without wheels, gut for fishing, gut for rackets, kite reels, lines for fishing, masts for sailboards, paintballs [ammunition for paintball guns] [sports apparatus], paper party hats, protective paddings [parts of sports suits], reels for fishing, rollers for stationary exercise bicycles, rosin used by athletes, seal skins [coverings for skis], ski bindings, sole coverings for skis, strings for rackets, surfboard leashes, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, meat, fish, fruit and vegetable preserves, mixed milk beverages (milk predominating), desserts of yogurt, quark and cream, soya milk [milk substitute], fermented vegetable foods [kimchi], coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionery, ices (ice cream), honey, treacle, yeast, baking-powder, salt, edible salt, mustard, vinegar, sauces (condiments), dressings for salad, spices, ice, coffee, tea, cocoa and chocolate drinks, iced tea, coffee and cocoa preparations for making alcoholic and non-alcoholic beverages, cereals for human consumption, including oat flakes and other cereal flakes, flavorings, other than essential oils, sweets, candy, fruit gums, chocolate, chocolate products, pralines with liqueur fillings, chocolate mixtures containing alcohol, chewing gums, fruit and muesli bars, agricultural, horticultural and forestry products and grains not included in other classes, live animals, fresh fruits and vegetables, seeds, natural and dried plants and natural flowers, foodstuffs for animals, malt, nuts (fruits), straw mulch, litter peat, beers, mineral waters, aerated waters, non-alcoholic beverages, fruit beverages and fruit juices, syrups for making beverages, preparations for making beverages, energy drinks, alcoholic beverages (except beers), hot and mixed alcoholic drinks, alcoholic energy drinks, mulled wine, distilled

beverages, pre-mixed alcoholic beverages, other than beer-based, alcoholic beverages containing fruit and alcoholic fruit extracts, wine, cider, spirits [beverages] and liqueurs, including gin, rum, vodka, whisky, brandy, alcoholic essences and extracts for making beverages, cocktails and aperitifs, bitters, tobacco, smoking tobacco, snuff and chewing tobacco, cigars, cigarillos and cigarettes, smokers' articles, tobacco jars and pouches, cigar and cigarette holders, cigar and cigarette cases, ashtrays for smokers, humidors, pipe racks and cleaners for tobacco pipes, cigar cutters, tobacco pipes, lighters for smokers, pocket machines for rolling cigarettes, cigarette paper, cigarette tips, cigarette filters, matches, electronic cigarettes; compilation of statistics; sponsorship search; commercial administration of the licensing of the goods and services of others; administrative processing of purchase orders; updating of advertising material; dissemination of advertising matter; arranging newspaper subscriptions for others; arranging subscriptions to telecommunication services for others; business information; commercial information agencies; compilation of information into computer databases; systemization of information into computer databases; public relations; publication and writing of publicity texts; radio advertising; production of radio and television commercials; rental of advertising space; television advertising; outdoor advertising; demonstration of goods; presentation of goods on communication media for retail purposes; sales promotion for others; commercial information and advice for consumers; opinions polling.

Annex 2

Goods & Services Table

Contested Mark	Earlier Marks
<p>Class 16: Paper; Copying paper [stationery]; Hygienic paper; Clips for offices; Printed matter; Posters; Lithographic works of art; Conical paper bags; Cardboard cartons; Bags [envelopes, pouches] of paper or plastics, for packaging.</p> <p>Class 32: Beer; Ginger beer; Ginger ale; Malt beer; Beer wort; Extracts of hops for making beer; Malt wort; Energy drinks; Non-alcoholic fruit juice beverages; Vegetable drinks; Mineral water [beverages].</p> <p>Class 35: Commercial administration of the licensing of the goods and services of others; Negotiation and conclusion of commercial transactions for third parties; Import-export agency services; Presentation of goods on communication media, for retail purposes; Provision of an online marketplace for buyers and sellers of goods and services; Demonstration of goods; Procurement services for others [purchasing goods and services for other businesses]; Marketing research; Advertising; Sales promotion for others.</p>	<p>EU17363037</p> <p>Class 32: Beers; Mineral waters; Aerated waters; Non-alcoholic beverages; Fruit beverages and fruit juices; Syrups for making beverages; Preparations for making beverages; Energy drinks.</p> <p>IR1228359</p> <p>Class 16: Paper, cardboard and goods made from these materials, namely, paper coasters, packaging of paper or cardboard, postcards, paper statue; paper mache statue, disposable paper toilet seat cover, and architects' models; towels of paper; table napkins of paper; filter paper; handkerchiefs of paper; toilet paper; bottle envelopes of cardboard or paper; packing paper; bags (envelopes, pouches) of paper or plastics, for packaging; printed matter, leaflets; magazines; books; printed publications; newspapers; newsletters; prospectuses; manuals; booklets and graphic representations; cards; greeting cards; brochures and folders (stationery); bookbinding material; photographs (printed); periodicals; posters; calendars; catalogues; transparencies (stationery); flags of paper; signboards of paper or cardboard; clipboards; stationery; transfers (decalcomanias); stickers (stationery); labels, including iron-on labels not of textile; adhesives (glues) for stationery or household purposes; artists materials, including pencils, pastels (crayons), watercolors (paintings), aquarelles, artists watercolour saucers, painters' easels, modelling materials; paint brushes; stamps (seals); typewriters, electric and non-electric; office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for</p>

	<p>packaging (not included in other classes); plastic film for wrapping; plastic bubble packs for wrapping or packaging; printers' type; printing blocks; blackboards; writing and drawing instruments; writing and drawing materials; self-adhesive tapes for stationery or household purposes; money clips.</p> <p>Class 35: Advertising; sales promotion for others; arranging of advertising events and space; distribution of goods for advertising purposes; layout services for advertising purposes; on-line advertising on a computer network; rental of advertising time on communication media; news clipping services; business organization consultancy; business management; business administration; office functions; rental of vending machines; compilation of statistics; sponsorship search; commercial administration of the licensing of the goods and services of others; administrative processing of purchase orders; updating of advertising material; dissemination of advertising matter; arranging newspaper subscriptions for others; arranging subscriptions to telecommunication services for others; business information; commercial information agencies; compilation of information into computer databases; systemization of information into computer databases; public relations; publication and writing of publicity texts; radio advertising; production of radio and television commercials; rental of advertising space; television advertising; outdoor advertising; demonstration of goods; presentation of goods on communication media for retail purposes; sales promotion for others; commercial information and advice for consumers; opinion polling; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods, namely, chemicals used in industry, science and photography, as well as in agriculture,</p>
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	<p>horticulture and forestry, unprocessed artificial resins, unprocessed plastics, manures, fire extinguishing compositions, tempering and soldering preparations, chemical substances for preserving foodstuffs, tanning substances, adhesives used in industry, leather and textile impregnating chemicals, adhesives for wallpaper, humus, compost, earth for growing, soil conditioning chemicals, chemical additives for oils, paints, anti-fouling paints, varnishes, lacquers, binding agents and thinners for paints, turpentine (thinner for paints), preservatives against rust and against deterioration of wood, colorants, mordents, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, dry-cleaning preparations, soaps, joss sticks, perfumery, essential oils, cosmetics, hair lotions, dentifrices, breath freshening sprays, sunscreen preparations, laundry starch, emery paper, sand cloth, industrial oils and greases, lubricants, motor vehicle lubricants, dust absorbing, wetting and binding compositions, fuels (including motor spirit) and illuminants, lanolin, candles and wicks for lighting, pharmaceutical and veterinary preparations, sanitary preparations for medical purposes, including fortifying and strengthening preparations, namely vitamin preparations and tonics and preparations and products containing minerals and/or vitamins and/or trace elements for health purposes, traditional Chinese medicines, medicinal infusions including herb teas, dietetic food and substances adapted for medical or veterinary use, appetite suppressants for medical purposes, chewing gum, fruit gums and sweets for medical use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, napkins for incontinents, hygienic articles for women, namely</p>
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	<p>sanitary towels, panty liners, tampons, sanitary pants, chemical contraceptives, material for stopping teeth, dental wax, adhesives for dentures, dental mastics, disinfectants, deodorants, other than for human beings or for animals, deodorizing room sprays, preparations for destroying vermin, fungicides, herbicides, tobacco-free cigarettes for medical purposes, common metals and their alloys, unwrought or semi-wrought, metal building materials, buildings of metal, materials of metal for railway tracks, non-electric cables and wires of common metal, wire of common metal, foils of metal for wrapping and packaging, ironmongery and small items of metal hardware, pipes and tubes of metal, safes (strong boxes), statues and figurines (statuettes) of common metal, works of art of common metal, goods of common metal not included in other classes, advertisement columns of metal, anchors, anvils, bottle closures of metal, ice moulds of metal, rings of common metal for keys, metal tanks, cashboxes of metal, signboards of metal, registration plates, of metal, building panels of metal, signalling panels, non-luminous and non-mechanical, of metal, containers of metal (storage, transport), ores of metal, locks of metal for vehicles, bicycle parking installations of metal, machines, including filling machines, lifts (other than ski-lifts), excavators, construction machines, bulldozers, printing machines, electric kitchen appliances for chopping, grinding, pressing, stirring, labellers, mincers (electric), belts for conveyors, fans for engines and motors, electric generators, current generators and alternators, lifting apparatus other than hand-operated, cranes (lifting and hoisting apparatus), milking machines, sewing machines, paper machines, polishing machines (other than for household purposes), electric, presses other than hand-operated, trueing machines, industrial cutters, welding machines, electric, textile machines, packing machines, rolling mills,</p>
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	<p>dishwashers, washing machines, shredders, machine tools, motors and engines (except for land vehicles), machine coupling and transmission components (except for land vehicles), exhausts for motors and engines, agricultural implements other than hand-operated, agricultural machines, incubators for eggs, air brushes for applying color, automatic vending machines, petrol pumps for service stations, filling machines, hand tools and implements (hand-operated), hand operated equipment used in agriculture, horticulture and forestry for the construction of machines, apparatus and vehicles, and for structural engineering, cutlery, side arms, electric and non-electric razors, electric and non-electric hair cutters and clippers (hand tools), tool belts (holders), scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, walkie-talkies, portable and mobile telephones and parts, spare parts and equipment, in particular holders and sheaths, cables, electric, plugs, adaptors, batteries, accumulators, charging devices for accumulators for wireless mobile phones, subscriber identity module cards, also for use with portable and mobile phones, mobile phone face plates, ring tones (being downloadable ringtones), software applications for mobile phones, downloadable sound, music, image and video recordings, interactive computer games programs, photocopying apparatus and machines, magnetic data carriers, sound recording discs, compact discs, DVDs and other digital recording media, video tapes, personal stereos, mechanisms for coin-operated apparatus,</p>
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	<p>cash registers, calculating machines, data processing equipment, computers, computer software, fire-extinguishing apparatus, automatic cash dispensing machines, ticket dispensers, automatic photographic booths, machine readable data carriers, electronic publications (downloadable), computer programs, computer game software, mouse pads, navigation apparatus for vehicles, protective clothing, protective spectacles, protective masks, protective helmets, in particular for sports purposes, protective shields, including ear, body and face protective shields, spectacles, spectacle frames, spectacle cases and holders, sunglasses, goggles for sports, headphones, special purpose containers (cases, sheaths, housings) for apparatus and instruments included in this class, light, marker, life-saving and signaling buoys, wind socks for indicating wind direction, electric batteries and accumulators, magnets, luminous signs, luminous advertising signs, bracelets (Encoded identification-), magnetic, processors (central processing units), chips (integrated circuits), computer peripheral devices, data processing apparatus, electronic notice boards, hands free kits for phones, laptop computers, loudspeakers, magnetic data media, telephone apparatus, television apparatus, video game cartridges, wire connectors (electricity), wires, electric, remote control apparatus, video screens, surgical, medical, dental and veterinary apparatus and instruments, surgical implants, including artificial limbs, eyes and teeth, orthopedic articles, suture materials, condoms, non-chemical contraceptives, bed vibrators, vibromassage apparatus, pacifiers for babies, lighting and heating apparatus and installations, steam generating installations, cooking, refrigerating, drying, ventilation (air conditioning) apparatus and installations, water supply and sanitary installations, wash-hand basins and bowls (parts of sanitary</p>
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	<p>installations), bidets, toilets (water-closets), bath fittings, bath installations, refrigerators, beverage cooling apparatus, refrigerating display cabinets (display cases), ventilation (air-conditioning) installations for vehicles, lighting apparatus for vehicles, lighting installations for air vehicles, vehicle reflectors, electric lamps, bar lamps, diving lights, solar thermal collectors (heating), heat and steam accumulators, grills (cooking appliances), plate warmers, toasters, ice boxes and chests, stoves, vehicles, apparatus for locomotion by land, air or water, refrigerated trucks, air cushion vehicles, parachutes, parts for vehicles, parts for apparatus for locomotion by land, air or water, parts for air-cushion vehicles, bicycles and individual parts therefor (included in class 12), bicycle accessories, namely luggage carriers for bicycles, bells for bicycles, dress guards for bicycles, motors for cycles, bicycle pumps, saddle covers for bicycles, stands for bicycles, saddle covers for motorcycles, golf carts and baby carriages, automobile accessories, namely tires, seats and seat covers, trailer hitches, roof racks, ski carriers, mudguards, snow chains, wind deflectors, head rests, safety belts, child safety seats, horns, steering wheels, wheel rims, shock absorbers, covers for vehicle steering wheels, motors for land vehicles, firearms, ammunition and projectiles, explosives, fireworks, firecrackers, rifles, including hunting rifles, air rifles, parts for rifles, in particular barrels and hammers, rifle cases, sprays for personal defense purposes, precious metals and their alloys, key rings [trinkets or fobs] of precious metal or coated therewith, jewellery cases [caskets] of precious metal or coated therewith, badges of precious metal or coated therewith, statues, statuettes and figurines (statuettes) of precious metal, boxes of precious metal, badges of precious metal, key rings (trinkets or fobs), works of art of precious metal, ornaments (jewelry),</p>
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	<p>chains, earrings, rings, bracelets and necklaces of precious metal, precious stones and semi-precious stones, diamonds and agates, pearls (jewelry), paste jewelry (costume jewelry), cuff links, tie pins, coins, horological and chronometrical instruments, clocks, watches, chronometers, wrist watches and watch straps, clock cases, watch cases, cases for clock- and watch making, jewelry cases (caskets), key chains (trinkets or fobs), musical instruments, mechanical pianos, musical boxes, electric and electronic musical instruments, music stands, music synthesizers, paper, cardboard and goods made from these materials, namely, paper coasters, packaging of paper or cardboard, postcards, paper statue, paper mache statue, disposable paper toilet seat cover, and architects' models, towels of paper, table napkins of paper, filter paper, handkerchiefs of paper, toilet paper, bottle envelopes of cardboard or paper, packing paper, bags (envelopes, pouches) of paper or plastics, for packaging, printed matter, leaflets, magazines, books, printed publications, newspapers, newsletters, prospectuses, manuals, booklets and graphic representations, cards, greeting cards, brochures and folders (stationery), bookbinding material, photographs (printed), periodicals, posters, calendars, catalogues, transparencies (stationery), flags of paper, signboards of paper or cardboard, clipboards, stationery, transfers (decalcomanias), stickers (stationery), labels, including iron-on labels not of textile, adhesives (glues) for stationery or household purposes, artists materials, including pencils, pastels (crayons), watercolors (paintings), aquarells, artists watercolour saucers, painters' easels, modelling materials, paint brushes, stamps (seals), typewriters, electric and nonelectric, office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging (not</p>
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	<p>included in other classes), plastic films for wrapping, plastic bubble packs for wrapping or packaging, printers' type, printing blocks, blackboards, writing and drawing instruments, writing and drawing materials, self-adhesive tapes for stationery or household purposes, money clips, rubber, gutta-percha, gum, asbestos, mica, raw or partly processed, electrical insulators made of mica, rubber bags for merchandise packaging, being envelopes or pouches, rubber bottle stoppers, plastics in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes, not of metal, plastic film (other than for wrapping), insulating paints and lacquers, insulating refractory materials, bags, toilet bags [sold empty], tool bags of leather [empty], travelling cases, card cases and key cases of leather or leather imitations, boxes and cases of leather or leather board, leather bags for packaging, bags for climbers and campers, bags for sports and beach, small goods of leather, not included in other classes, purses, pocket wallets, key cases, handbags, briefcases, shopping bags, school satchels, rucksacks, shoulder belts (straps) of leather, animal skins, hides, furs, trunks and suitcases (luggage) and travelling bags, travelling sets (leatherware), umbrellas, parasols and walking sticks, whips, harness for animals and saddlery, building materials (non-metallic), non-metallic rigid pipes for building, refractory construction materials, not of metal, asphalt, pitch and bitumen, non-metallic transportable and non-transportable buildings, monuments (not of metal), decorative objects and works of art of stone, concrete or marble, signaling panels, non-luminous, non-mechanical and not of metal, gates (not of metal), furniture, hand-held mirrors (toilet mirrors), mirrors, picture frames, furniture, frames, baskets, boxes, containers, figurines and sculptures, all made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber,</p>
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	<p>mother-of-pearl, meerscham or of plastics, indoor window blinds (shades) (furniture), works of art and decorative objects, of wood, wax, plaster or plastic, nameplates, not of metal, garment covers (storage), coat hangers, stoppers for bottles, not of glass, metal or rubber, screw tops, not of metal, for bottles, keyboards for hanging keys, pegs (pins), not of metal, display boards and signboards of wood or plastic, newspaper display stands, display stands, cask stands, not of metal, boxes of wood or plastic, flagpoles, registration plates, not of metal, packaging containers of plastic, containers, not of metal, for liquid fuel, bedding (except linen), decorations of plastic for foodstuffs, desks, display stands, newspaper display stands, household or kitchen utensils and containers, hand-operated cleaning instruments, soap dispensers, dustbins, flower pots, drinking vessels and drinking glasses, bottles and flasks, ice buckets, coolers (ice pails), ice cube moulds, non-electric portable coolers, combs and sponges, brushes (except paint brushes), brush-making materials, articles for cleaning purposes, steel wool, unworked or semi-worked glass, except glass used in building, glassware, porcelain and earthenware not included in other classes, statues, statuettes and works of art of glass, porcelain, terra-cotta, earthenware or ceramic, signboards of porcelain or glass, cosmetic utensils, cooking pot sets, crockery, cocktail stirrers, shakers, pails, not for medical purposes, aerosol dispensers, not for medical purposes, deodorising apparatus for personal use, fitted vanity cases, coasters, not of paper and other than table linen, dishes, menu card holders, pitchers, ropes, string, nets, car towing ropes, network, ropes, not of metal, wrapping or binding bands, not of metal, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes), bags (envelopes, pouches) of textile, for packaging, bags (sacks) for the transport</p>
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	<p>and storage of materials in bulk, padding and stuffing materials (except for rubber or plastics), raw fibrous textile materials, yarns and threads, for textile use, textiles not included in other classes, cotton fabrics, silk, linen, velvet, knitted fabric, lingerie fabric, plastic material (substitute for fabrics), textile goods not included in other classes, fabric for textile use and footwear, fabric of imitation animal skins, non-woven textile fabrics, curtains of textile or plastic, household linen, table covers, not of paper, bed covers, bed linen, bath linen, except clothing, shower curtains of textile or plastic, banners, flags, not of paper, labels of cloth, including iron-on labels, textile stickers, sew-on labels, wall hangings of textile, sleeping bags (sheeting), clothing, footwear, headwear, boot uppers, cap peaks, dress shields, fittings of metal for footwear, footwear uppers, hat frames [skeletons], heelpieces for footwear, heelpieces for stockings, heels, inner soles, non-slipping devices for footwear, pockets for clothing, ready-made linings [parts of clothing], shirt fronts, shirt yokes, soles for footwear, studs for football boots, tips for footwear, welts for footwear, fingerless gloves, mittens, lace, laces for edges and lace trimmings, embroidery, ribbons (haberdashery), prize ribbons, elastic ribbons, shoe laces, buttons, hooks (haberdashery), eyes for clothing and shoes, pins, other than jewelry, needles, badges for wear, not of precious metal, belt clasps, trouser clips for cyclists, haberdashery, except thread, competitors' numbers, artificial flowers, hair bands, heat adhesive patches for repair and decoration of textile articles, lanyards (cords) for wear, carpets, rugs, mats, bar mats and matting, linoleum and other materials for covering existing floors, floor coverings including vinyl floor coverings, wall hangings, not of textile, gymnastic mats, automobile carpets, artificial turf, games, playthings, gymnastic articles, sporting articles and equipment, decorations for Christmas</p>
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	<p> trees, festive decorations and artificial Christmas trees, fairground and playground apparatus, toys, novelty toys for parties, gaming machines for gambling, apparatus for games, video game machines, arcade video game machines, amusement machines automatic and coin-operated, slot machines [gaming machines], hand-held video games, hand-held games with liquid crystal displays, scale model vehicles, toy vehicles, drones [toys], video game consoles, hand-held consoles for playing video games, bags especially designed for skis and surfboards, artificial fishing bait, billiard cue tips, billiard markers, billiard table cushions, bite indicators [fishing tackle], bite sensors [fishing tackle], bladders of balls for games, caps for pistols [toys], chalk for billiard cues, christmas tree stands, christmas trees of synthetic material, confetti, cricket bags, divot repair tools [golf accessories], edges of skis, fairground ride apparatus, fish hooks, floats for fishing, golf bags, with or without wheels, gut for fishing, gut for rackets, kite reels, lines for fishing, masts for sailboards, paintballs [ammunition for paintball guns] [sports apparatus], paper party hats, protective paddings [parts of sports suits], reels for fishing, rollers for stationary exercise bicycles, rosin used by athletes, seal skins [coverings for skis], ski bindings, sole coverings for skis, strings for rackets, surfboard leashes, swimming kickboards, flippers for diving, roller skis, ski sticks, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, meat, fish, fruit and vegetable preserves, mixed milk beverages (milk predominating), desserts of yogurt, quark and cream, soya milk (milk substitute), fermented vegetable foods (kimchi), coffee, tea, cocoa, sugar, rice, tapioca, sago, processed grains, bread, pastry and confectionery, ices (ice cream), honey, treacle, yeast, baking-powder, salt, edible salt, mustard, </p>
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vinegar, sauces (condiments), dressings for salad, spices, ice, coffee, tea, cocoa and chocolate drinks, iced tea, coffee and cocoa preparations for making alcoholic and non-alcoholic beverages, cereals for human consumption, including oat flakes and other cereal flakes, flavorings, other than essential oils, sweets, candy, fruit gums, chocolate, chocolate products, pralines with liqueur fillings, chocolate mixtures containing alcohol, chewing gums, fruit and muesli bars, agricultural, horticultural and forestry products and grains not included in other classes, live animals, fresh fruits and vegetables, seeds, natural and dried plants and natural flowers, foodstuffs for animals, malt, nuts (fruits), straw mulch, litter peat, beers, mineral waters, aerated waters, non-alcoholic beverages, fruit beverages and fruit juices, syrups for making beverages, non-alcoholic preparations for making beverages, energy drinks, alcoholic beverages (except beers), hot and mixed alcoholic drinks, alcoholic energy drinks, mulled wines, distilled beverages, pre-mixed alcoholic beverages, other than beer-based, alcoholic beverages containing fruit and alcoholic fruit extracts, wines, ciders, spirits (beverages) and liqueurs, including gin, rum, vodka, whisky, brandy, alcoholic essences and extracts for making beverages, cocktails and aperitifs, bitters, tobacco, smoking tobacco, snuff and chewing tobacco, cigars, cigarillos and cigarettes, smokers' articles, tobacco jars and pouches, cigar and cigarette holders, cigar and cigarette cases, ashtrays for smokers, humidors, pipe racks and cleaners for tobacco pipes, cigar cutters, tobacco pipes, lighters for smokers, pocket machines for rolling cigarettes, cigarette paper, cigarette tips, cigarette filters, matches, electronic cigarettes.

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Class 16: Paper, cardboard; towels of paper; table napkins of paper; filter paper;

	<p>handkerchiefs of paper; toilet paper; bottle envelopes of cardboard or paper; packing paper; bags [envelopes, pouches] of paper or plastics, for packaging; printed matter; leaflets; magazines; books; printed publications; newspapers; newsletters; prospectuses; manuals; booklets and graphic representations; cards; greeting cards; brochures and folders [stationery]; bookbinding material; photographs [printed]; periodicals; posters; calendars; catalogues; transparencies [stationery]; flags of paper; signboards of paper or cardboard; clipboards; stationery; transfers [decalcomanias]; stickers [stationery]; labels, including iron-on labels not of textile; adhesives [glues] for stationery or household purposes; artists materials, including pencils, pastels [crayons], watercolors [paintings], aquarells, artists' watercolour saucers, painters' easels, modelling materials; paint brushes; stamps [seals]; typewriters, electric and non-electric; office requisites, except furniture; instructional and teaching material [except apparatus]; plastic materials for packaging (not included in other classes); plastic film for wrapping; plastic bubble packs for wrapping or packaging; printers' type; printing blocks; blackboards; writing and drawing instruments; writing and drawing materials; self-adhesive tapes for stationery or household purposes; money clips.</p> <p>Class 35: Advertising; sales promotion for others; arranging of advertising events and space; distribution of goods for advertising purposes; layout services for advertising purposes; on-line advertising on a computer network; rental of advertising time on communication media; news clipping services; business organization consultancy; business management; business administration; office functions; rental of vending machines; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view</p>
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and purchase those goods, the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods, namely chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, manures, fire extinguishing compositions, tempering and soldering preparations, chemical substances for preserving foodstuffs, tanning substances, adhesives used in industry, leather and textile impregnating chemicals, adhesives for wallpaper, humus, compost, earth for growing, soil conditioning chemicals, chemical additives for oils, paints, anti-fouling paints, varnishes, lacquers, binding agents and thinners for paints, turpentine [thinner for paints], preservatives against rust and against deterioration of wood, colorants, mordants, raw natural resins, metals in foil and powder form for painters, decorators, printers and artists, bleaching preparation, laundry wax, natural starches for laundry purposes, cleaning, polishing, scouring and abrasive preparations, dry-cleaning preparations, soaps, joss sticks, perfumery, essential oils, cosmetics, hair lotions, dentifrices, breath freshening sprays, sunscreen preparations, laundry starch, emery paper, sand cloth, industrial oils and greases, lubricants, motor vehicle lubricants, dust absorbing, wetting and binding compositions, fuels (including motor spirit) and illuminants, lanolin, candles and wicks for lighting, pharmaceutical and veterinary preparations, caffeine preparations for stimulative use, dietary and nutritional supplements for endurance sports, dietary and nutritional supplements for humans, food supplements, vitamin supplements, vitamin drink, vitamin preparations, mineral preparations and substances for medical use, sanitary preparations for medical purposes, including fortifying and strengthening

	<p>preparations, namely tonics and preparations and products containing minerals and/or vitamins and/or trace elements for health purposes, traditional Chinese medicines, medicinal infusions including herb teas, dietetic food and substances adapted for medical or veterinary use, appetite suppressants for medical purposes, chewing gum, fruit gums and sweets for medical use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, napkins for incontinents, hygienic articles for women, namely sanitary towels, panty liners, tampons, sanitary pants, chemical contraceptives, material for stopping teeth, dental wax, adhesives for dentures, dental mastics, disinfectants, deodorants, other than for human beings or for animals, deodorizing room sprays, preparations for destroying vermin, fungicides, herbicides, tobacco-free cigarettes for medical purposes, common metals and their alloys, unwrought or semi-wrought, metal building materials, transportable buildings of metal, materials of metal for railway tracks, non-electric cables and wires of common metal, wire of common metal, foils of metal for wrapping and packaging, ironmongery and small items of metal hardware, pipes and tubes of metal, safes [strong boxes], statues and figurines [statuettes] of common metal, works of art of common metal, boxes of common metal, busts of non-precious metal, ingots of common metal, buckles of common metal (hardware), advertisement columns of metal, anchors, anvils, bottle closures of metal, ice moulds of metal, rings of common metal for keys, metal tanks, cashboxes of metal, signboards of metal, registration plates of metal, building panels of metal, signalling panels, non-luminous and non-mechanical, of metal, containers of metal [storage, transport], ores of metal, locks of metal for vehicles, bicycle parking installations of metal, machines, including filling machines, lifts (other than ski-lifts), excavators,</p>
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	<p>construction machines, bulldozers, printing machines, electric kitchen appliances for chopping, grinding, pressing, stirring, labellers, meat grinders, electric, belts for conveyors, fans (other than hand-operated), electric generators, current generators and alternators, lifting apparatus other than hand-operated, cranes [lifting and hoisting apparatus], milking machines, sewing machines, paper machines, polishing machines (other than for household purposes, electric), mechanical presses other than hand-operated, trueing machines, industrial cutters, welding machines, electric, machines for the textile industry, packing machines, rolling mills, dishwashers, washing machines, shredders, machine tools, motors and engines (except for land vehicles), machine coupling and transmission components (except for land vehicles), exhausts for motors and engines, agricultural implements other than hand-operated, agricultural machines, incubators for eggs, air brushes for applying color, automatic vending machines, fuel dispensing pumps for service stations, filling machines, hand tools and implements (hand-operated), hand operated equipment used in agriculture, horticulture and forestry for the construction of machines, apparatus and vehicles, and for structural engineering, cutlery, side arms, electric and non- electric razors, electric and non-electric hair cutters and clippers [hand instruments], tool belts [holders], scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, walkie-talkies, portable and mobile telephones and parts, spare parts and equipment, and in particular</p>
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	<p>holders and sheaths, electric cables, electric plugs, electrical adaptors, batteries, accumulators, charging devices for accumulators for wireless mobile phones, subscriber identity module cards, also for use with portable and mobile phones, mobile phone face plates, ring tones (being downloadable ringtones), software for mobile phones (Apps), downloadable sound, music, image and video recordings, interactive games played on computers, photocopying apparatus and machines, magnetic data carriers, sound recording discs, compact discs, DVDs and other digital recording media, video tapes, portable music players, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, fire-extinguishing apparatus, automatic cash dispensing machines, ticket dispensers, coin-operated automatic photographic booths, machine readable data carriers, electronic publications (downloadable), computer programs, computer game software, mouse pads, navigation apparatus for vehicles, protective clothing [body armour], protective spectacles, protective masks, protective helmets, in particular for sports purposes, protective visors including ear, body and face protective shields, spectacle frames, spectacle cases and holders, sunglasses, goggles for sports, headphones, cases, sheaths, housings specially adapted for apparatus and instruments included in this class, light, marker, life-saving and signaling buoys, wind socks for indicating wind direction, electric batteries and accumulators, magnets, luminous signs, luminous advertising signs, bracelets (Encoded identification-), magnetic, processors [central processing units], chips [integrated circuits], computer peripheral devices, data processing apparatus, electronic notice boards, hands free kits for phones, laptop computers, loudspeakers, magnetic data carriers,</p>
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	<p>telephone apparatus, television apparatus, video game cartridges, wire connectors [electricity], wires, electric, remote control apparatus, video screens, surgical, medical, dental and veterinary apparatus and instruments, surgical implants, including artificial limbs, eyes and teeth, orthopedic articles, suture materials, condoms, non-chemical contraceptives, bed vibrators, vibromassage apparatus, pacifiers for babies, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilation [air-conditioning], water supply and sanitary installations, wash-hand basins and bowls [parts of sanitary installations], bidets, toilets [water-closets], bath fittings, bath installations, refrigerators, beverage cooling apparatus, refrigerating display cabinets [display cases], ventilation [air-conditioning] installations for vehicles, lighting apparatus for vehicles, lighting installations for air vehicles, vehicle reflectors, electric lamps, bar lamps, diving lights, solar thermal collectors [heating], heat and steam accumulators, grills [cooking appliances], plate warmers, toasters, ice boxes and chests, stoves, vehicles, apparatus for locomotion by land, air or water, refrigerated trucks, air cushion vehicles, parachutes, parts for vehicles, parts for apparatus for locomotion by land, air or water, parts for air-cushion vehicles, bicycles and individual parts therefor (included in class 12), bicycle accessories, namely luggage carriers for bicycles, bells for bicycles, dress guards for bicycles, motors for cycles, bicycle pumps, saddle covers for bicycles, stands for bicycles, saddle covers for motorcycles, golf carts and baby carriages, automobile accessories, namely tires, seats and seat covers, trailer hitches, roof racks, ski carriers, mudguards, snow chains, wind deflectors, head rests, safety belts, child safety seats, horns, steering wheels, wheel rims, shock absorbers, covers for vehicle steering wheels, motors for land vehicles, firearms,</p>
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	<p>ammunition and projectiles, explosives, fireworks, firecrackers, rifles, including hunting rifles, air rifles, parts for rifles, including barrels and hammers, rifle cases, sprays for personal defense purposes, precious metals and their alloys, statues, statuettes and figurines [statuettes] of precious metal, boxes of precious metal, badges of precious metal, key rings [trinkets or fobs], works of art of precious metal, ornaments [jewelry], chains, earrings, rings, bracelets and necklaces of precious metal, precious stones and semi-precious stones, diamonds and agates, pearls [jewelry], paste jewelry [costume jewelry], cuff links, tie pins, coins, horological and chronometrical instruments, clocks, watches, chronometers, wrist watches and watch straps, clock cases, watch cases, cases for clock- and watch making, jewelry cases [caskets], musical instruments, mechanical pianos, musical boxes, electric and electronic musical instruments, music stands, music synthesizers, paper, cardboard, towels of paper, table napkins of paper, filter paper, handkerchiefs of paper, toilet paper, bottle envelopes of cardboard or paper, packing paper, bags [envelopes, pouches] of paper or plastics, for packaging, printed matter, leaflets, magazines, books, printed publications, newspapers, newsletters, prospectuses, manuals, booklets and graphic representations, cards, greeting cards, brochures and folders [stationery], bookbinding material, photographs [printed], periodicals, posters, calendars, catalogues, transparencies [stationery], flags of paper, signboards of paper or cardboard, clipboards, stationery, transfers [decalcomanias], stickers [stationery], labels, including iron-on labels not of textile, adhesives [glues] for stationery or household purposes, artists materials, including pencils, pastels [crayons], watercolors [paintings], aquarells, artists watercolour saucers, painters' easels, modelling materials, paint brushes,</p>
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	<p>stamps [seals], typewriters, electric and non-electric, office requisites, except furniture, instructional and teaching material [except apparatus], plastic materials for packaging (not included in other classes), plastic film for wrapping, plastic bubble packs for wrapping or packaging, printers' type, printing blocks, blackboards, writing and drawing instruments, writing and drawing materials, self-adhesive tapes for stationery or household purposes, money clips, rubber, gutta-percha, gum, asbestos, mica, insulating plates of mica, decorative articles [badges] made of mica, mica electrical insulators, plastics in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes, not of metal, plastic film (other than for wrapping), insulating paints and lacquers, insulating refractory materials, leather and imitations of leather, unworked or semi-worked, boxes and cases of leather or leather board, leather bags for packaging, bags for climbers and campers, bags for sports and beach, small goods of leather, namely, purses, pocket wallets, key cases, handbags, briefcases, shopping bags, school satchels, rucksacks, shoulder belts [straps] of leather, animal skins, hides, furs, trunks and suitcases [luggage] and travelling bags, travelling sets [leatherware], umbrellas, parasols and walking sticks, whips, harness for animals and saddlery, building materials (non-metallic), non-metallic rigid pipes for building, refractory construction materials, not of metal, asphalt, pitch and bitumen, non-metallic transportable and non-transportable buildings, monuments (not of metal), decorative objects and works of art of stone, concrete or marble, signaling panels, non-luminous, non-mechanical and not of metal, gates (not of metal), furniture, hand-held mirrors [toilet mirrors], mirrors, picture frames, corks, caskets made of cork, cork memo boards, containers made of cane, wicker baskets, caskets made of wicker, artificial horns,</p>
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	<p>containers made of horn, horn, unworked or semi-worked, containers made of bone, statuettes of bone, ivory, unworked or semi-worked, statuettes made of ivory, caskets made of ivory, whalebone, unworked or semi-worked, caskets made of whalebone, tortoiseshells (unworked or partly worked material), yellow amber, caskets made of amber, statuettes made of amber, mother-of-pearl, unworked or semi-worked, caskets made of mother of pearl, meerschaum [raw or partly worked material], caskets made of meerschaum, furniture and tables of plastic or metal, indoor window blinds [shades] [furniture], works of art and decorative objects, of wood, wax, plaster or plastic, nameplates, not of metal, garment covers [storage], coat hangers, bottle closures, not of glass, metal or rubber, screw tops, not of metal, for bottles, keyboards for hanging keys, pegs [pins], not of metal, display boards and signboards of wood or plastic, cask stands, not of metal, boxes of wood or plastic, flagpoles, registration plates, not of metal, packaging containers of plastic, containers, not of metal, for liquid fuel, bedding (except linen), decorations of plastic for foodstuffs, desks, display stands, newspaper display stands, household or kitchen utensils and containers, hand-operated cleaning instruments, soap dispensers, dustbins, flower pots, drinking vessels and drinking glasses, bottles and flasks, ice buckets, coolers [ice pails], ice cube moulds, non-electric portable coolers, combs and sponges, brushes (except paint brushes), brush-making materials, articles for cleaning purposes, steel wool, unworked or semi-worked glass, except glass used in building, glassware, porcelain and earthenware not included in other classes, statues, statuettes and works of art of glass, porcelain, terra-cotta, earthenware or ceramic, signboards of porcelain or glass, cosmetic utensils, cooking pot sets, crockery, cocktail stirrers, shakers, pails, not for medical purposes, aerosol dispensers, not for</p>
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	<p>medical purposes, deodorising apparatus for personal use, fitted vanity cases, coasters, not of paper and other than table linen, dishes, menu card holders, pitchers, ropes, string, nets, car towing ropes, network, ropes, not of metal, wrapping or binding bands, not of metal, tents, awnings, tarpaulins, sails, sacks and bags, bags [envelopes, pouches] of textile, for packaging, bags [sacks] for the transport and storage of materials in bulk, padding and stuffing materials [except of paper, cardboard, rubber or plastics], raw fibrous textile materials, yarns and threads, for textile use, cotton fabrics, silk, linen, velvet, knitted fabric, lingerie fabric, plastic material [substitute for fabrics], textile goods not included in other classes, namely textile goods not included in other classes, namely, textile labels, textile coasters, textile handkerchiefs, table napkins of textile, printed textile labels, textile hang tags, textile towels, individual place mats made of textile, table runners of textile or plastic, upholstery fabrics of textile, place mats of textile, furniture coverings made of textile, ashtray mats of textile or plastic, wall hangings of textile, curtains of textile, draperies of textile, serviettes of textile, fabric cascades, and quilts of textile, fabric for textile use and footwear, fabric of imitation animal skins, non-woven textile fabrics, curtains of textile or plastic, household linen, table covers, not of paper, bed covers, bed linen, bath linen, except clothing, shower curtains of textile or plastic, banners, flags, not of paper, labels of cloth, including iron-on labels, textile stickers, sew-on labels, wall hangings of textile, sleeping bags (sheeting), clothing, footwear, headgear, boot uppers, cap peaks, dress shields, fittings of metal for footwear, footwear uppers, hat frames [skeletons], heelpieces for footwear, heelpieces for stockings, heels, inner soles, non-slipping devices for footwear, pockets for clothing, ready-made linings [parts of clothing], shirt fronts, shirt yokes, soles for footwear, studs for football boots,</p>
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	<p>tips for footwear, welts for footwear, lace, laces for edges and lace trimmings, embroidery, ribbons [haberdashery], prize ribbons, elastic ribbons, braids, buttons, hooks [haberdashery], eyes for clothing and shoes, pins, other than jewelry, needles, badges for wear, not of precious metal, belt clasps, trouser clips for cyclists, pom-poms, haberdashery, except thread, competitors' numbers, artificial flowers, hair bands, heat adhesive patches for repair and decoration of textile articles, lanyards (cords) for wear, carpets, rugs, mats, bar mats and matting, linoleum and other materials for covering existing floors, floor coverings including vinyl floor coverings, wall hangings, not of textile, gymnastic mats, automobile carpets, artificial turf, games, playthings, gymnastic articles, sporting articles and equipment, decorations for Christmas trees, festive decorations and artificial Christmas trees, fairground and playground apparatus, toys, novelty toys for parties, gaming machines for gambling, apparatus for games, video game machines, arcade video game machines, amusement machines automatic and coin-operated, slot machines [gaming machines], hand-held video games, hand-held games with liquid crystal displays, scale model vehicles, toy vehicles, drones [toys], bags especially designed for skis and surfboards, artificial fishing bait, billiard cue tips, billiard markers, billiard table cushions, bite indicators [fishing tackle], bite sensors [fishing tackle], bladders of balls for games, caps for pistols [toys], chalk for billiard cues, christmas tree stands, christmas trees of synthetic material, confetti, cricket bags, divot repair tools [golf accessories], edges of skis, fairground ride apparatus, fish hooks, floats for fishing, golf bags, with or without wheels, gut for fishing, gut for rackets, kite reels, lines for fishing, masts for sailboards, paintballs [ammunition for paintball guns] [sports apparatus], paper party hats, protective paddings [parts of</p>
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	<p>sports suits], reels for fishing, rollers for stationary exercise bicycles, rosin used by athletes, seal skins [coverings for skis], ski bindings, sole coverings for skis, strings for rackets, surfboard leashes, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, meat, fish, fruit and vegetable preserves, mixed milk beverages (milk predominating), desserts of yogurt, quark and cream, soya milk [milk substitute], fermented vegetable foods [kimchi], coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionery, ices (ice cream), honey, treacle, yeast, baking-powder, salt, edible salt, mustard, vinegar, sauces (condiments), dressings for salad, spices, ice, coffee, tea, cocoa and chocolate drinks, iced tea, coffee and cocoa preparations for making alcoholic and non-alcoholic beverages, cereals for human consumption, including oat flakes and other cereal flakes, flavorings, other than essential oils, sweets, candy, fruit gums, chocolate, chocolate products, pralines with liqueur fillings, chocolate mixtures containing alcohol, chewing gums, fruit and muesli bars, agricultural, horticultural and forestry products and grains not included in other classes, live animals, fresh fruits and vegetables, seeds, natural and dried plants and natural flowers, foodstuffs for animals, malt, nuts (fruits), straw mulch, litter peat, beers, mineral waters, aerated waters, non-alcoholic beverages, fruit beverages and fruit juices, syrups for making beverages, preparations for making beverages, energy drinks, alcoholic beverages (except beers), hot and mixed alcoholic drinks, alcoholic energy drinks, mulled wine, distilled beverages, pre-mixed alcoholic beverages, other than beer-based, alcoholic beverages containing fruit and alcoholic fruit extracts, wine, cider, spirits [beverages] and</p>
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liqueurs, including gin, rum, vodka, whisky, brandy, alcoholic essences and extracts for making beverages, cocktails and aperitifs, bitters, tobacco, smoking tobacco, snuff and chewing tobacco, cigars, cigarillos and cigarettes, smokers' articles, tobacco jars and pouches, cigar and cigarette holders, cigar and cigarette cases, ashtrays for smokers, humidors, pipe racks and cleaners for tobacco pipes, cigar cutters, tobacco pipes, lighters for smokers, pocket machines for rolling cigarettes, cigarette paper, cigarette tips, cigarette filters, matches, electronic cigarettes; compilation of statistics; sponsorship search; commercial administration of the licensing of the goods and services of others; administrative processing of purchase orders; updating of advertising material; dissemination of advertising matter; arranging newspaper subscriptions for others; arranging subscriptions to telecommunication services for others; business information; commercial information agencies; compilation of information into computer databases; systemization of information into computer databases; public relations; publication and writing of publicity texts; radio advertising; production of radio and television commercials; rental of advertising space; television advertising; outdoor advertising; demonstration of goods; presentation of goods on communication media for retail purposes; sales promotion for others; commercial information and advice for consumers; opinions polling.

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Class 32: Non-alcoholic beverages; soft drinks; energy drinks; whey beverages; refreshing drinks; hypertonic and hypotonic drinks (for use and/or as required by athletes); isotonic beverages; beer; malt beer; wheat beer; porter; ale; stout and lager; mineral water [beverages]; table waters and aerated

	waters; fruit beverages and fruit juices; non-alcoholic vegetable or fruit juice beverages and non-alcoholic fruit extracts; syrups and other preparations for making beverages and syrups for lemonade; pastilles and powders for effervescing beverages; non-alcoholic aperitifs and cocktails; sherbets [beverages]; smoothies
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