

O-0124-26

TRADE MARKS ACT 1994

**IN THE MATTER OF TRADE MARK APPLICATION NOS. 3918100, 3918085, 3918099
and 4005637**

**BY A N WALLIS & COMPANY LIMITED IN RESPECT OF THE FOLLOWING FOUR
TRADE MARKS**



A.N. WALLIS

WALLIS SURGE PROTECTION

IN CLASSES 1, 6, 9, 19, 20, 35, 37 AND 42

**AND IN THE MATTER OF OPPOSITIONS THERETO UNDER NOS. 444035, 444036,
444052 AND 446701 BY VOLTAGE TECH E.L.S.P. LIMITED**

AND

**IN THE MATTER OF REGISTRATION NOS. 3479342, 3479344, 918250338 AND
3491676**

IN THE NAME OF VOLTAGE TECH E.L.S.P. LIMITED

IN RESPECT OF THE TRADE MARKS

A.N. WALLIS

WALLIS

A.N. WALLIS

A.N. WALLIS

VARIOUSLY IN CLASSES 6, 7, 9, 11, 20, 35, 37 AND 42

AND


IN THE MATTER OF APPLICATIONS FOR INVALIDATION THERETO

UNDER NOS. 506709, 506712, 506713 AND 506714

BY A N WALLIS & COMPANY LIMITED

Background and pleadings

1. A N Wallis & Company Limited (“Party B”) applied to register the following four trade marks in the UK:

Application no.	3918100	3918085	3918099	4005637
Mark	WALLIS		A. N. WALLIS	WALLIS SURGE PROTECTION
Filing date	1 June 2023	1 June 2023	1 June 2023	23 January 2024
Publication date	15 September 2023	15 September 2023	8 September 2023	2 February 2024

2. They were accepted and published in the Trade Marks Journal in respect of a near identical list of goods and services shown in Annex 1 to this decision.

3. Voltage Tech E.L.S.P. Limited (“Party A”) opposes trade mark 3918100 on the basis of Section 5(1), 5(2)(a) and (b) of the Trade Marks Act 1994 (“the Act”). This is on the basis of its earlier UK Trade Mark no. 3479344 WALLIS.

4. It opposes trade mark 3918085 on the basis of Section 5(2)(b) of the Act. This is also on the basis of its earlier UK Trade Mark no. 3479344 WALLIS.

5. It opposes trade marks 3918099 and 4005637 on the basis of section 5(2)(b) of the Act. This is on the basis of its earlier UK Trade Mark no. 3479344 WALLIS and also on the basis of three further earlier marks, namely, 918250338, 3491676, and 3479342, all in respect of the trade mark A. N. WALLIS. In respect of the opposition to trade mark 3918099, Party A also relies upon earlier marks 918250338, 3491676, and 3479342 in respect of grounds based upon sections 5(1) and 5(2)(a). These four marks were all filed between April and June 2020 and are earlier marks within the meaning of section 6 of the Act. The registration

procedures of all four of these earlier marks was completed less than five years before the filing date of the contested marks.

6. The lists of goods and services of these four earlier marks are reproduced at Annex 2 to this decision

7. Party A submits that the respective marks are identical or highly similar, that the goods and services are identical or similar and that there is a likelihood of confusion.

8. Party B filed counterstatements acknowledging that the marks are identical or similar and that there is “some degree” of similarity between the respective goods and services except those in Class 1 and 19. However, it submits that the oppositions should be rejected because it has earlier rights in the marks applied for and it has filed cancellation applications against Party A’s earlier marks.

9. As referred to in the previous paragraph, Party B subsequently filed applications for invalidation against all four of Party A’s earlier marks on the basis of section 47(2)(b) and 5(4)(a) of the Act. It explains that it is successor in title of a business which began trading in the UK under the A.N. WALLIS name in June 1946 in relation to earthing, lightening and electricity protection and conduction. It claims that it acquired this goodwill in 2002 and has traded continuously throughout the UK since this time under the name and in relation to the following goods and services:

Pipes and connectors, clips and clamps, cables and wires, rods, lightening and electricity conducting goods and apparatus, earthing goods and apparatus, exothermic welding products, surge protection products, and related parts and accessories

Retail, design, installation, maintenance and repair services relating to such goods

10. Party B relies upon its goodwill identified by the name A.N. WALLIS as an earlier right in respect of its applications for invalidation against Party A’s 3479342, 918250338 and 3491676 all in respect of the mark A. N. WALLIS.

11. It also relies upon its goodwill identified by the name WALLIS as an earlier right in its application for invalidation in respect of Party A’s 3479344 WALLIS mark.

12. Party B submits that its signs had been used extensively for over 70 years at the time the contested marks were filed, that its signs and Party A's marks are identical, and that Party A's registered goods and services are the same and/or highly similar to its earthing, lightning, welding, surge protection and electricity goods and services for which the earlier signs are well-known. It contends that, at the filing dates of the contested mark, their use would have been a misrepresentation that the goods and services originated from Party B. It asserts that such misrepresentation would cause damage (such as diverted sales revenue and/or damage to the distinctiveness of Party B's signs and its reputation) to its long-standing goodwill. It also asserts that because of this long-standing goodwill, Party A would have been aware of Party B's business.

13. Party A filed counterstatements denying the grounds for invalidation in full. In particular it denies that:

- Party B owns goodwill in the signs WALLIS or A.N. WALLIS;
- Use of its marks would amount to misrepresentation;
- Use of its marks would cause damage to Party B's goodwill.

14. All eight cases were subsequently consolidated.

15. Both sides filed evidence in these proceedings. This will be summarised to the extent that it is considered necessary.

16. A Hearing took place on 1 October 2025 where Party B was represented by Ms Charlotte Blythe of Counsel, instructed by JMW Solicitors LLP. Party A was not represented at the hearing but has been represented throughout the proceedings by Trade Mark Wizards Limited.

17. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

Evidence

18. Party A's evidence consists of the short witness statement of Mr Oliver Oguz, Director of and a Trade Mark Attorney at Trade Mark Wizards Limited. The sole purpose of the statement is to deal with Party B's claims that the original applicant company did not exist and was not a legal entity. Mr Oguz provided evidence to show that the original name provided on its forms was the previous name of Party A and following an application to change the name, the original name was replaced by the name of Party A. This has not been challenged by Party B and I need say no more about this issue.

19. Party B's evidence consists of the witness statement of Mr James Edwin Taylor, Sales Director of Party B. The purpose of this evidence is to provide support for Party B's claim that it has a longstanding goodwill identified by the two signs that it relies upon.

The Hearing

20. At the hearing, Ms Blythe helpfully referred to a list of Party A's goods and services provided as an annex to her skeleton arguments (this annex is attached as Annex 3 to this decision). It identifies the following goods and services of Party A's 3479342, 918250338 and 3479344 registrations that Party B no longer maintains its applications for invalidation against (there is no change of position in respect of Party A's fourth registration 3491676):

Party A's 3479342 mark

Class 6: safes

Class 7: *agricultural implements, other than hand-operated hand tools; non-pressure washers*

Class 20: *Furniture, mirrors, picture frames; mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers*

Party A's 918250338 mark

Class 6: safes

Class 7: *agricultural implements, other than hand-operated hand tools; non-pressure washers*

Class 19: *monuments, not of metal*

Party A's 3479344 mark

Class 6: safes

Class 7: *agricultural implements, other than hand-operated hand tools; non-pressure washers*

Class 20: *Furniture, mirrors, picture frames; mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers*

21. Ms Blythe also identified a mistake in the annex and clarified that the terms *Advertising and marketing services; franchising* present in Class 35 specifications of challenged marks 3479342 and 3479344 should not have been struck out and that Party B's submission would be that use of Party A's marks in respect of such services would lead to misrepresentation and damage. Since the hearing, I have also noticed that the Class 35 specification of contested mark 918250338 includes the terms *Advertising and marketing services; business advisory services relating to franchising*. I will proceed on the basis that Ms Blythe's comment applies equally to these terms.

22. The goods and services identified in paragraph 20, above, will remain listed in Party A's registered marks regardless of the outcome of Party B's applications for cancellation.

DECISION

Party B's applications for invalidation

23. I begin by considering Party B's applications for invalidation because they have the potential to decide Party A's oppositions in that, if the invalidations are successful, Party A will no longer be able to rely upon some or all of its earlier marks in respect of any goods or services that are identical or similar to Party B's goods and services.

24. Section 5(4)(a) states:

"(4) A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented-

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, where the condition in subsection (4A) is met,

(aa) [...]

(b) [...]

A person thus entitled to prevent the use of a trade mark is referred to in this Act as the proprietor of an "earlier right" in relation to the trade mark."

25. Subsection (4A) of Section 5 states:

"(4A) The condition mentioned in subsection (4)(a) is that the rights to the unregistered trade mark or other sign were acquired prior to the date of application for registration of the trade mark or date of the priority claimed for that application."

26. Section 5(4)(a) is relevant in invalidation proceedings because of the following parts of section 47 of the Act:

"47. (1) [...]

(2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-

(a) [...]

(b) that there is an earlier right in relation to which the condition set out in section 5(4) is satisfied,

unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.

[...]

(2A) The registration of a trade mark may not be declared invalid on the ground that there is an earlier trade mark unless –

(a) the registration procedure for the earlier trade mark was completed within the period of five years ending with the date of the application for the declaration,

(b) the registration procedure for the earlier trade mark was not completed before that date, or

(c) the use conditions are met.

[...]

(2G) An application for a declaration of invalidity on the basis of an earlier trade mark must be refused if it would have been refused, for any of the reasons set out in subsection (2H), had the application for the declaration been made on the date of filing of the application for registration of the later trade mark or (where applicable) the date of the priority claimed in respect of that application.

[...]

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

(5A) An application for a declaration of invalidity may be filed on the basis of one or more earlier trade marks or other earlier rights provided they all belong to the same proprietor.

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made:

Provided that this shall not affect transactions past and closed.”

27. The three elements which Party B must show for a claim under section 5(4)(a) to succeed are well known. In *Discount Outlet v Feel Good UK*, [2017] EWHC 1400 IPEC, Her Honour Judge Melissa Clarke, sitting as a deputy Judge of the High Court, conveniently summarised the essential requirements of the law of passing off as follows:

“55. The elements necessary to reach a finding of passing off are the ‘classical trinity’ of that tort as described by Lord Oliver in the *Jif Lemon* case (*Reckitt & Colman Product v Borden* [1990] 1 WLR 491 HL, [1990] RPC 341, HL), namely goodwill or reputation; misrepresentation leading to deception or a likelihood of deception; and damage resulting from the misrepresentation. The burden is on the Claimants to satisfy me of all three limbs.

56. In relation to deception, the court must assess whether “a substantial number” of the Claimants’ customers or potential customers are deceived, but it is not necessary to show that all or even most of them are deceived (per *Interflora Inc v Marks and Spencer Plc* [2012] EWCA Civ 1501, [2013] FSR 21).”

28. In *Advanced Perimeter Systems Limited v Multisys Computers Limited*, BL O-410- 11, Mr Daniel Alexander QC (as he then was), as the Appointed Person, endorsed the registrar’s assessment of the relevant date for the purposes of section 5(4)(a) of the Act, as follows:

“43. In *SWORDERS TM O-212-06* Mr Alan James acting for the Registrar well summarised the position in s.5(4)(a) proceedings as follows:

‘Strictly, the relevant date for assessing whether s.5(4)(a) applies is always the date of the application for registration or, if there is a priority date, that date: see Article 4 of Directive 89/104. However, where the applicant has used the mark before the date of the application it is necessary to consider what the position would have been at the date of the start of the behaviour complained about, and then to assess whether

the position would have been any different at the later date when the application was made.”

29. In the current cases, the filing dates of Party A’s contested marks are:

Number	Mark	Filing Date
3479342	A. N. WALLIS	4 April 2020
3479344	WALLIS	4 April 2020
918250338	A. N. WALLIS	8 June 2020
3491676	A. N. WALLIS	20 May 2020

30. Party B relies upon its goodwill identified by the names WALLIS and A.N. WALLIS as the earlier rights in its applications for invalidation of these marks. Party A has filed no evidence of use in these proceedings and there is no claim to earlier use. I, therefore, only have the position as at the relevant dates (set out in the above table) to consider in this instance.

Goodwill

31. *Inland Revenue Commissioners v Muller & Co’s Margarine Ltd [1901] AC 217 (HOL)* defines goodwill as follows:

“What is goodwill? It is a thing very easy to describe, very difficult to define. It is the benefit and advantage of the good name, reputation and connection of a business. It is the attractive force which brings in custom. It is the one thing which distinguishes an old-established business from a new business at its first start.”

32. The relevant evidence supporting Party B’s claim to goodwill is summarised below:

- Party B was incorporated on 14 April 2000, originally under the name Castlegate 143 Limited and changed its name to A N Wallis & Company Limited in 2002.¹ It’s

¹ Mr Taylor’s witness statement (hereafter “WS”) at [18] and Exhibit JET3

business is directly descended from the original company number 00412789 named “A. N. Wallis and Company Limited” that was incorporated on 15 June 1946.² The original company began to focus on lightning protection equipment and products in the mid-1980s;³

- Mr Taylor joined Party B in 2001. In respect of information prior to that time, he is aware of this through reading company documentation and having many discussions with S. H. who worked for Party B and its predecessor for 35 years up to his retirement in 2023 and with D. N. who was part of the 1998 takeover and who obtained the early history of the company from the son of the founder at that time.⁴ Evidence of the original company’s activities are provided and, in particular, how it became well known in the UK lightning protection equipment market. This includes:
 - A cover of a 1993 pricelist bearing the name “WALLIS” appearing below a “spark” graphic.⁵ On one page, the original company states that “*specialist earthing and lightning protection engineers, electrical engineers and contractors instal the Wallis range of products for, and on behalf of consultants and specifiers to the electricity supply industry, gas, water, British Rail, MOD, DOE, county councils, health authorities and civil construction companies.*”
 - A front and back cover of a 1996 pricelist, again with “WALLIS” appearing below a “spark” graphic. The title of the price list is “Lightning Protection and Earthing Equipment”. The company name “A. N. Wallis & Co Ltd” appears on the back cover;⁶
 - A complete copy of a 1999 price list with the mark “WALLIS” and the company name appearing as above. The product list includes lightning protection fittings, conductors and earthing products and parts;⁷
 - Two further pricelists are provided from 1997 and 2010 respectively.⁸ The first of these displays the “WALLIS” mark on its front cover. The second shows

² WS [19] and Exhibit JET4 showing the original company’s certificate of incorporation

³ WS at [20]

⁴ WS at [20]

⁵ WS at [21a] and Exhibit JET5

⁶ WS at [20b] and Exhibit JET6

⁷ WS at [21c] and Exhibit JET7

⁸ WS at [23a] and [23b] and Exhibits JET8 and JET9

use of the WALLIS mark that features the “spark” graphic appearing above the letter “i”. The following statement appears in the first of these catalogues:

“Thank you for choosing AN Wallis products for your project”

- On 31 December 2001, the business and goodwill of the original company was acquired by Party B (under its previous name) when the two companies entered into an acquisition agreement. This agreement included the transfer of goodwill.⁹ An unsigned copy of the Asset Transfer Agreement is provided confirming this.¹⁰ Mr Taylor explains that the signed copy could not be located by the solicitors because it dated before a time when documents were digitally scanned (as confirmed in writing by a partner in the firm of solicitors involved in executing the transfer¹¹). The original company’s annual report¹² for the year 2001 also states *“On 31 December 2001 the assets and liabilities of [the original company] were transferred to [Party B under its previous name of] Castlegate 143 Limited, the ultimate parent company, at book value.”* The following April, Party B changed its name to its current name.¹³ Since that time, Party B has continuously used the company name “A. N. Wallis & Company Limited” and continuously traded under the “WALLIS” and “A. N. WALLIS” brands;¹⁴
- Party B is the leading supplier of lightning protection and earthing products to the UK market and it manufactures, markets and sells a range of integrated products used in systems designed to protect buildings and other structures from lightning and electrical surges;¹⁵
- Party B’s products described as including surge protection units, lightning and electricity conductors, earthing goods and apparatus, plates, rods, air terminals, welding products and their parts and fitting are collectively referred to as “LPE products” in the industry;¹⁶

⁹ WS at [24]

¹⁰ Exhibit JET10

¹¹ WS at [25] and Exhibit JET11

¹² The relevant page of which is provided at Exhibit JET12

¹³ WS at [27]

¹⁴ WS at [28]

¹⁵ WS at [6]

¹⁶ WS at [7] and a document from 1996 illustrating some of Party B’s key products is provided at Exhibit JET1

- The UK market for LPE products is small, highly specialised and niche and Party B has approximately 40% of the UK market and its current annual turnover is about £15 million. Before 2020, it was the UK’s second largest company in this field and since 2020, it has been equal largest;¹⁷
- In 2010, Party B had 36 employees, and this steadily rose to 64 by 2020 and currently it has 70 employees.¹⁸
- Mr Taylor provides global turnover figures for the 10 years for the period 2010 and 2020, but it is turnover generated in the UK that is relevant when considering relevant goodwill. In this respect, Mr Taylor provided the following figures relating “to LPE products and associated services...”.¹⁹

Year	UK sales of LPE products (£)
2010	4,603,029
2011	5,294,471
2012	5,512,230
2013	5,955,913
2014	6,430,204
2015	7,124,521
2016	8,513,056
2017	10,192,276
2018	9,260,637
2019	7,330,908
2020	9,627,900

¹⁷ WS at [8]

¹⁸ WS at [15]

¹⁹ WS at [16]

- The turnover in 2019 dropped because of a drop in copper prices and the cost of Party B's goods are sensitive to this and are partially calculated based on copper prices at the time;²⁰
- Party B's primary customers for LPE products are specialist lightning protection installers, power network providers, specialist distributors to the power network providers, their contractors, electrical wholesalers and UK-based exporters. Party B has sold its products to high profile businesses that include National Grid and Siemens Energy;²¹
- Party B operates from the domain name "an-wallis.co.uk" created in 1998 by the original company and promotes Party B's business relating LPE products under the "A. N. WALLIS" and "WALLIS" names.²² Archive screenshots from the homepage of the website are provided from between January 2011 and August 2019.²³ These all prominently feature the sign shown below (the WALLIS and spark logo sign) and all but one include the statement "*Welcome to the A. N. Wallis Website*". A number have a banner title "Technical Services" with a drop down menu. The page dated 03/07/18 lists "earthing design", "earth electrode systems" and "lightning protection systems" in this drop down menu:



- Party B has created and distributed several product catalogues, price lists and other documents to promote the goods and services provided under the "A. N. WALLIS" and "WALLIS" brands.²⁴ Extracts from the following are provided:
 - A 2008 catalogue;²⁵

²⁰ WS at [17]

²¹ WS at [11]

²² WS at [41] and [42]

²³ Exhibit JET16

²⁴ WS at [46]

²⁵ WS at [47] and Exhibit JET17

- A 2013 price list;²⁶
 - A 2015 catalogue. 340 copies were printed and distributed;²⁷
 - A 2018 catalogue. 280 copies were printed and distributed;²⁸
 - A 2019 catalogue. 1200 copies were printed and distributed;²⁹
- All of these documents prominently display the WALLIS and spark logo sign on the front and other pages. In the text of the documents, Party B refers to itself as A.N. WALLIS and the name appears in its contact email address and company name that also appear in small print in the footer of the non-cover pages. The goods shown or listed in these documents include:
 - Copperbond earth rods and accessories
 - Earthing products
 - Compression connections
 - Lightning protection products and parts, cables, wires and conductors, fasteners and fixing
 - The number of catalogues printed and distributed were sufficient to reach all of Party B's key customers in the UK because it operates in a "very specialist and niche market" but it was not reprinted every year because customers did not need a new edition until products or prices changed. Digital versions of these catalogues and price list were also available to download from its website.³⁰
 - Example invoices are provided from between June 2010 and the earliest of the relevant dates as well as a further three from 2020 but after the relevant dates.³¹ These are to large corporate customers such as Transport for London, EON Central Networks, Scottish Power, Calor Gas Limited and Siemens Plc and others. All these

²⁶ WS at [48] and Exhibit JET18

²⁷ WS at [49] and Exhibit JET19

²⁸ WS at [50] and Exhibit JET200

²⁹ WS at [51] and Exhibit21

³⁰ WS at [52]

³¹ See WS at [53] and Exhibit JET22

invoices prominently feature the WALLIS and spark logo sign and when mentioning the company, they refer to “A. N. WALLIS”. In addition, the company name features in the footer of each. All the invoices are in respect of various products that appear to be parts and/or accessories for LPE products, but this is not stated;

- Party B was acknowledged in the Nottingham Evening Post as 151st (in 2016), 115th (in 2017), 139th (in 2018) and 146th (in 2019) in a list of the top 200 companies in Nottingham.³² It notes that Party B acts as “*metal founders and manufacturers and wholesalers of lightning conductors and earthing equipment*”. Further, its various annual reports³³ confirm that its “*principal activities*” are “*manufacturing and wholesaling lightening conductor and earthing equipment and metal foundry*”³⁴ and after acquiring a business called P D Davies Limited in 2017 it added “*product design and system design services*” to its range;³⁵
- Party B regularly advertises its branded goods and services in trade publications.³⁶ A page from the August 2016 edition of the “Electrical Times” magazine and a page from the September 2016 edition are provided.³⁷ Both these pages carry an advertisement for Party B’s “earthing design services” and feature the WALLIS and spark logo sign. These advertisements also list services such as “*earth electrode systems installation, testing and inspection services*”;

33. Ms Blythe submitted that, in early 2020 (when the relevant dates fall in all four cancelation applications), Party B had extensive goodwill in its lightening protection and earthing business. She pointed to this being a niche market in the UK with only “4 real players” of which, Party B is the largest with approximately 40% of the UK market and a turnover of £15 million a year in the UK. Prior to 2020, Ms Blythe also pointed out that Party B had the second largest market share in the UK and uses both the name WALLIS and A.N. WALLIS to identify its goods and services. I concur that the evidence, summarised above, does illustrate that Party B has a longstanding goodwill in respect of the goods claimed, namely:

³² WS at [55] and Exhibit JET23

³³ Provided at Exhibit JET12

³⁴ WS at 30 and Annual Reports of 2010 – 2015 shown at Exhibit JET14

³⁵ WS at [37] and the 2017 Annual Report at Exhibit JET14

³⁶ WS at [56]

³⁷ At Exhibit JET24

Pipes and connectors, clips and clamps, cables and wires, rods [but only insofar as they are lightning and electricity conducting goods or parts thereof], lightning and electricity conducting goods and apparatus, earthing goods and apparatus, exothermic welding products, surge protection products, and related parts and accessories

34. Party A has not challenged the absence of a signed Asset Transfer Agreement. With that in mind together with the plausible explanation from Mr Taylor, I accept that Party B is the legitimate owner of any goodwill attached to the business identified by the signs WALLIS and A. N. WALLIS. Therefore, I make my finding based on the evidence of use of Party B's two signs.

35. I keep in mind that Party B's predecessors in title date back to 1946 and that Party B's first contract, with a power network provider, was obtained in 2010.

36. The services that Party B wish to rely upon are *Retail, design, installation, maintenance and repair services relating to such goods*. I would describe the evidence in respect of such services as being very thin. There is nothing to indicate that it offers retail services distinct from merely selling its own goods to customers. Such a provision is no more than an integral part of the offer for the sale of the goods.³⁸ I conclude that the evidence fails to demonstrate that Party B's goodwill extends to *retail services*.

37. Further, there is no mention on any *maintenance* or *repair services* relating to its or any other goods. There are some scarce mentions of *testing* and *inspection services* but despite being closely aligned to *maintenance services*, I consider that they are distinct from such. It is true that having completed testing and inspection of an installation, it may be identified that maintenance and repair is required. However, in the absence of corroboratory evidence, I am unable to conclude that Party B's goodwill extends to such *maintenance* and/or *repair services*.

38. In respect of *design* and *installation services* there is little specific evidence. There are no specific turnover figures (but Mr Taylor does state that the turnover figures provided relate to Party B's products and services) or invoices. There is, however, evidence showing

³⁸ See, by analogy, *Apple Inc. v Deutsches Patent- und Markenamt*, Case C-421/13 when discussing the use of a mark in retail services in the context of registered or applied for marks relevant to considerations under section 5(2) of the Act.

a dropdown menu on Party B's website entitled "*Technical Services*" where there is mention of "*earthing design*", *earthing electrode systems* and *lightning protection systems*. In addition, two print advertisements from 2016 promote "*earthing design services* and *earth electrode system installation*". Further, its annual reports state that after acquiring a business called P D Davies Ltd in 2017, it added "*product design and system design services*" to its range. Taking all of this together, I conclude that such services have been offered to Party B's customers and forms part of its overall offering. Whilst thin, I conclude the evidence does support a claim that Party B's goodwill extends to design and installation services relating to the goods that it manufactures and sells.

39. In summary, I find that Party B's goodwill extends to the following goods and services:

Pipes and connectors, clips and clamps, cables and wires, rods [but only insofar as they are lightning and electricity conducting goods or parts thereof], lightning and electricity conducting goods and apparatus, earthing goods and apparatus, exothermic welding products, surge protection products, and related parts and accessories

Design and installation relating to such goods.

Misrepresentation

40. In *Neutrogena Corporation and Another v Golden Limited and Another* [1996] RPC 473, Morritt L.J. stated that:

"There is no dispute as to what the correct legal principle is. As stated by Lord Oliver of Aylmerton in *Reckitt & Colman Products Ltd. v. Borden Inc.* [1990] R.P.C. 341 at page 407 the question on the issue of deception or confusion is

"is it, on a balance of probabilities, likely that, if the appellants are not restrained as they have been, a substantial number of members of the public will be misled into purchasing the defendants' [product] in the belief that it is the respondents'[product]"

The same proposition is stated in Halsbury's Laws of England 4th Edition Vol.48 para 148. The necessity for a substantial number is brought out also in *Saville Perfumery Ltd. v. June Perfect Ltd.* (1941) 58 R.P.C. 147 at page 175; and *Re Smith Hayden's Application* (1945) 63 R.P.C. 97 at page 101."

And later in the same judgment:

"... for my part, I think that references, in this context, to "more than *de minimis* " and "above a trivial level" are best avoided notwithstanding this court's reference to the former in *University of London v. American University of London* (unreported 12 November 1993) . It seems to me that such expressions are open to misinterpretation for they do not necessarily connote the opposite of substantial and their use may be thought to reverse the proper emphasis and concentrate on the quantitative to the exclusion of the qualitative aspect of confusion."

41. In *Lumos Skincare Limited v Sweet Squared Limited and others* [2013] EWCA Civ 590, Lord Justice Lloyd commented on the paragraph above as follows:

"64. One point which emerges clearly from what was said in that case, both by Jacob J and by the Court of Appeal, is that the "substantial number" of people who have been or would be misled by the Defendant's use of the mark, if the Claimant is to succeed, is not to be assessed in absolute numbers, nor is it applied to the public in general. It is a substantial number of the Claimant's actual or potential customers. If those customers, actual or potential, are small in number, because of the nature or extent of the Claimant's business, then the substantial number will also be proportionately small."

42. Accordingly, once it has been established that the party relying on the existence of an earlier right under section 5(4)(a) had sufficient goodwill at the relevant date to base a passing-off claim, the likelihood that only a relatively small number of persons would be likely to be deceived does not mean that this is not sufficient to establish a substantial number of actual or potential customers are deceived or that the case must fail.

43. I keep in mind that the test is whether a substantial number of its customers or potential customers had been deceived for there to be a real effect on Party B's trade or goodwill.³⁹ In the current case the contested marks are identical to Party B's two signs and, as Ms Blythe pointed out at the hearing, this is a factor that will increase the likelihood of misrepresentation. I agree. It is also important to keep in mind that for misrepresentation and damage to occur, it is not a requirement for the parties to be in the same field of activity,⁴⁰ however, the absence of a common field of activity is not irrelevant either. In deciding whether there is a likelihood of misrepresentation, it is an important and highly relevant consideration. In the *Harrods* case, Millet L.J. made the following findings:

“In the *Lego* case Falconer J. [...] held that the proximity of the defendant's field of activity to that of the plaintiff was a factor to be taken into account when deciding whether the defendant's conduct would cause the necessary confusion.

Where the plaintiff's business name is a household name the degree of overlap between the fields of activity of the parties' respective businesses may often be a less important consideration in assessing whether there is likely to be confusion, but in my opinion it is always a relevant factor to be taken into account.

Where there is no or only a tenuous degree of overlap between the parties' respective fields of activity the burden of proving the likelihood of confusion and resulting damage is a heavy one. In *Stringfellow v. McCain Foods (G.B.) Ltd.* [1984] R.P.C. 501 Slade L.J. said (at page 535) that the further removed from one another the respective fields of activities, the less likely was it that any member of the public could reasonably be confused into thinking that the one business was connected with the other; and he added (at page 545) that

‘even if it considers that there is a limited risk of confusion of this nature, the court should not, in my opinion, readily infer the likelihood of resulting damage to the plaintiffs as against an innocent defendant in a completely different line of business. In such a case the onus falling on plaintiffs to show that damage

³⁹ *Neutrogena Corporation and Another v Golden Limited and Another*, 1996] RPC 473

⁴⁰ *Harrods Limited v Harrodian School Limited* [1996] RPC 697 (CA). This case was relied upon by Ms Blythe at the hearing.

to their business reputation is in truth likely to ensue and to cause them more than minimal loss is in my opinion a heavy one.'

44. In the same case Stephenson L.J. said at page 547:

'...in a case such as the present the burden of satisfying Lord Diplock's requirements in the *Advocaat* case, in particular the fourth and fifth requirements, is a heavy burden; how heavy I am not sure the judge fully appreciated. If he had, he might not have granted the respondents relief. When the alleged "passer off" seeks and gets no benefit from using another trader's name and trades in a field far removed from competing with him, there must, in my judgment, be clear and cogent proof of actual or possible confusion or connection, and of actual damage or real likelihood of damage to the respondents' property in their goodwill, which must, as Lord Fraser said in the *Advocaat* case, be substantial.' "

45. Whilst Party B may not be a household name (as envisaged in the example referred to in *Harrods*) it was, nonetheless, the joint leader in the UK in its specialist field on the relevant dates. These are factors in many of my considerations that follow, and I will keep the guidance, identified above, firmly in mind.

46. I also keep in mind that Party B alleges that due to its extensive reputation in the lightning protection and earthing space and because of the size and nature of the market for such products, it is inconceivable that Party A would wish to register trade marks in the same space without being aware of Party B.⁴¹ Ms Blythe pointed out that Party A has not denied this at any stage. I accept that the lack of such a denial points to Party A accepting that it did have knowledge of Party B. In considering the relevance of this, I keep in mind the long-standing guidance in *Office Cleaning Services Limited v Westminster Window & General Cleaners Limited* [1946] RPC 39 (HOL), where Lord Simonds stated that:

⁴¹ At [8] of the Statement of Grounds of each application for invalidation, Party B asserts that "...[Party A] would have been aware of [Party B's] business and its long standing use on [its earlier marks] in relation to goods and services relating to earthing, lightning, welding, surge protection, and electricity."

“Confusion innocently caused will yet be restrained. But, if the intention to deceive is found, it will be readily inferred that deception will result. Who knows better than the trader the mysteries of his trade.”

47. It is necessary to consider misrepresentation by also undertaking an analysis of the similarity of Party A’s goods and services to the goods and services to which Party B’s goodwill extends. I am grateful to Ms Blythe for setting out Party B’s position on this issue in a colour-coded annex to her skeleton argument. As I have said, a copy of this is provided at Annex 3. I find it convenient to undertake my analysis using this annex as a starting point. Whilst I have found Party B’s goodwill to be identified by a slightly more limited list of services than which Ms Blythe’s table is based, it is my view that because Party B cannot rely upon retail, maintenance and repair services does not diminish Ms Blythe’s characterisation of misrepresentation. This is because the remaining design and installation services provide an equally strong circumstance in the case for misrepresentation.

48. Taking account that Party B no longer maintains its application against certain goods and services (as I set out in Paragraph 20, above), I consider the question of misrepresentation in respect of Party A’s remaining goods and services. In doing so, and in respect of the three proceedings involving the sign/mark A.N. WALLIS, I keep in mind, the points discussed above, namely:

- (i) The respective marks and signs are identical because they consist of the initials and surname A. N. WALLIS. Such identity increases the likelihood of misrepresentation;
- (ii) It is not necessary that the respective goods are in the same field of activity, but this is, nonetheless, a relevant consideration, and;
- (iii) There is an absence of a denial from Party A that its marks were applied for whilst having knowledge of Party B and its reputation. Further, it provides no explanation why it did register its contested marks.

49. In respect to the fourth proceedings, the respective sign and challenged mark are both the surname WALLIS alone. In other respects, my comments in the previous paragraph apply equally here.

50. In respect of Party A's registrations for the mark A.N. WALLIS (TM nos. 3479342, 918250338 and 3491676), it is likely that its mark will be perceived as a reference to the same person whose initials and name are A.N. WALLIS, being the person identifying Party B's goodwill. In other words, the likelihood is that a customer of Party B, when encountering Party A's marks (whether in respect of goods and services in the same field, similar field or even in some circumstances, different fields of activity), is likely to be deceived and will falsely believe there is a connection between the two because of a combination of the good level of distinctive character of Party B's sign and its strong goodwill generated by its business.

51. The fact that these respective signs and marks will indicate the same person, customers of Party B are more likely to perceive the use of Party A's marks, in respect of goods and services in a different field, as being use by Party B expanding into associated or even a totally different field. This is especially so, in circumstances where they may be encountered in the same environment or location such as a work site typical of where Party B may be operating or its goods are being installed. With this in mind, I have reviewed the table provided by Ms Blythe as an annex to her skeleton argument and I am in broad agreement with her submissions and the classification of Party A's goods that are:

- (i) identical/very close and/or are in the exact same space as lightning protection and earthing or are general terms that include Party B's goods,
- (ii) goods and services that are closely connected to the business of Party B but are of a similar general type within the electrical, installation of building parts or construction spaces,
- (iii) consist of goods and services that are further removed but where misrepresentation would still result because they are still generally in the building and home improvement space and used by Party B customers and/or be an area of diversification for Party B.

52. However, where my view differs from Ms Blythe. I set them out below together with their consequences.

Goods and services of Party A's trade mark no. 3479342 A. N. WALLIS

Class 6

53. Whilst the term *common metals and their alloys and unprocessed materials of metal; semi processed materials of metal* include metals used in welding, it is not clear to me that Party A's *ores* are closely connected to Party B's business. I understand *ores* to be rock from which metal or minerals can be extracted. Therefore, *ores* are a raw material that needs to undergo a process to extract the metal or mineral. This is an industry that will be far removed from that of Party B and with no overlap. Consequently, Party B's customers are unlikely to encounter a company that deals directly with *ores* and if, for some reason they were to encounter Party A's mark used in respect to such goods, they are likely to put its identity to Party B's sign down to coincidence. I find that misrepresentation is not likely.

Class 7

54. It is not clear how Party A's *machine tools; power-operated tools* may be used in the same field as Party B. Further, Party A's *machine coupling and transmission components, except for land vehicles* appear to be even further removed because they appear only to be parts of machines and machine tools. There is no obvious overlap between the provision of lightning and electricity conducting goods/services and these goods, and I find that, based on their ordinary meaning, they are not in the same field of activity as Party B's business and unlikely to be encountered by customers of Party B. I find that there is no likelihood of misrepresentation.

55. Ms Blythe submitted that *motors and engines, except for land vehicles* are further removed but are still generally in the building/home improvement space and/or would still be used by Party B's customers and could be an area of diversification for Party B. I disagree. For the same reasons as set out in the previous paragraph, I find that these goods are in a different field of activity to the goods and services provided by Party B and are far removed from the area in which Party B operates and it is not clear to me how motors and engines would be used in the same area in which Party B may operate. In the absence of evidence on this point, I find that there is no likelihood of misrepresentation.

Class 9

56. In respect of *navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments*, on an ordinary meaning, these appear to be terms that cover goods unrelated to Party B's goods and services. The core functions of Party B's goods do not include any of the purposes described by the terms. Further, I see no obvious reason why these goods would be encountered in the same environment as Party B's goods and services. I conclude that there is no obvious similarity between the respective goods and services and I find that their field of activity is too far removed from that of Party B for misrepresentation to occur.

Class 11

57. Lights and lighting are electrical goods powered by electricity and would normally be installed by an electrician and, therefore, are within a field that would overlap with Party B's business. Such goods may be installed on the same sites as Party B's goods and by the same electricians. However, some of the lighting apparatus listed in Party A's specification are further removed, namely, *map lights; trailer lights; motorcycle lights; electric indicating lights for vehicles; lights, electric, for Christmas trees*. Ms Blythe conceded that the last of these should have been struck out from the scope of the opposition and that the other goods are further removed from Party B's goods and services but argued that they are still generally used in the building/home improvement space and could be part of diversification for Party B. I do not agree. These lights are for specific purposes that would make it very unlikely that they would be installed at the same time or on the same sites as Party B's goods or that they would be a natural area of diversification for Party B. Vehicle, trailer and motorcycle lights will be installed during the assembly of such vehicles or, if available, on the car parts market. In either case, they will involve different consumers and different sales environments to Party B's goods and services. In respect of *map lights*, their specific purpose is not likely to be required on site where Party B's goods and services are provided and different target consumer will make it unlikely that Party B's customers will encounter such goods and even if they did, it would be in a scenario far removed from which they would encounter Party B's goods. I conclude that there would be no misrepresentation.

Class 35

58. In respect of “*online and offline wholesale and retail services relating to*” the previously considered goods in the various classes, whilst I understand that the goods and the retail of the same may be subject to different considerations, keeping in mind that the challenged mark is identical to Party B’s sign associated with its goodwill, I consider that the retail or wholesale of any of Party A’s goods, where I have found a likelihood of misrepresentation, will also result in misrepresentation. In these cases, a customer of Party B, encountering Party A’s retail and wholesale services in respect of these goods, will be likely to assume a connection with Party B. Conversely, where I have found that use by Party A of its goods would not result in misrepresentation, my finding extends to the *wholesale and retail* of the same.

59. In summary, I find that misrepresentation is likely to occur in respect of all of the challenged services except the following:

online and offline wholesale and retail services relating to ... ores, ... machine coupling and transmission components, except for land vehicles, ... navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments, ... map lights, ... trailer lights ..., motorcycle lights, ...electric indicating lights for vehicles, lights, electric, for Christmas trees

60. In addition, whilst Ms Blythe informed me that Party B was not maintaining the opposition against *agricultural implements, other than hand-operated hand tools* in Class 7 and *furniture, mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers* in Class 20, however, she did not explicitly refer to the wholesale and retail of such goods. In any case, it is my view that misrepresentation is not likely when considering the use of Party A’s mark in respect of these services. Further, my finding also extends to the *wholesale and retail of parts and fittings* for such goods.

Goods and services of Party A's trade mark no. 918250338 A. N. WALLIS

Class 7

61. As discussed earlier, I find that in respect of Party A's *machine tools; power-operated tools and machine coupling and transmission components, except for land vehicles* there is no likelihood of misrepresentation.

Class 17

62. In respect of *Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials*, in Ms Blythe's table, these fall under the category of goods that are further removed from Party B's business but where a misrepresentation would still result. These goods are merely the raw materials that are likely to require further processing before they would appear in the same "space" as Party B's business. In unprocessed or semi-processed form, they are not obviously goods used in construction or electrical installations and, as a result, the situations in which misrepresentation may occur, is not likely to exist.

63. Ms Blythe categorises *plastics and resins in extruded form for use in manufacture; packing*, in the same way as the term discussed in the previous paragraph. My view is that their stated uses (manufacture and packing) place these goods in a totally different space to Party B's business and, again, the situations in which misrepresentation may occur, is not likely to exist.

Class 35

64. In respect of the term *franchising* listed in several Class 35 specifications, Ms Blythe submitted that it is a very broad term and consequently, it can include services provided in the construction space and overlap with the services provided by Party B's business. I accept that where such services are provided in the field of electrical installation and installing, then there will be engagement with a group of consumers that will include Party B's customers and potential customers and misrepresentation may occur. However, in respect of the term in this current specification, namely, *business advisory services relating to franchising*, I consider that it is further removed from the business of Party B. The services relate to franchising and not the same or adjacent field as Party B. As a consequence,

customers of Party B are not likely to encounter Party A's services and, therefore, misrepresentation is not likely to occur.

65. The rest of the specification is identical to the Class 35 specification for 3479342 and, therefore, my comments at paragraphs 58 and 60 apply equally here.

Goods and services of Party A's trade mark no. 3491676 A.N. WALLIS

Class 17

66. As discussed earlier, *unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials* are merely the raw materials that are likely to require further processing before they would appear in the same "space" as Party B's business. In unprocessed or semi-processed form, they are not obviously goods used in construction or electrical installations and, as a result, the situations in which misrepresentation may occur, is not likely to exist.

67. Again, as discussed earlier, *plastics and resins in extruded form for use in manufacture*, it is my view is that their stated uses (manufacture and packing) place these goods in a totally different space to Party B's business and the situations in which misrepresentation may occur, is not likely to exist.

Goods and services of Party A's trade mark no. 3479344 WALLIS

68. My considerations in respect of this mark are slightly different to those of the other three marks. Here, the respective mark and sign both consist of the surname WALLIS without any addition such as the initials "A.N." present in the other marks. The initials "A.N." and surname WALLIS, when used together, as I noted earlier, will be perceived as indicating an individual person. However, the surname alone can designate any person with that surname. Therefore, in theory at least, use by the parties of their respective WALLIS mark/sign, in situations where Party B's customers or potential customers also encounter Party A's mark, may put the fact that they are identical down to coincidence and that they are a reference to different persons with the surname WALLIS. That said, I have carefully considered Party A's list of goods and services and conclude that this subtle difference in the factual matrix does not result in a materially different finding than if the mark/sign being considered was A. N. WALLIS. The respective sign and mark are identical.

69. Keeping the above in mind, I agree with Ms Blythe's categorisations when comparing the parties' respective goods and services but with the following exceptions.

Class 6

70. For the reasons specified earlier *ores* are rocks from which metal or minerals can be extracted and are, therefore, a raw material that needs to undergo a process to extract the metal or mineral. This is an industry that will be far removed from that of Party B and with no overlap. I find that misrepresentation is unlikely.

Class 7

71. Similarly, as discussed previously, *machine tools; power-operated tools; machine coupling and transmission components, except for land vehicles* are far removed from the scope of Party B's goodwill. Based on their ordinary meaning, such goods are not in the same field of activity as Party B's business and unlikely to be encountered by customers of Party B. I find that there is no likelihood of misrepresentation.

72. For the same reasons as set out in paragraph 54, above, I find that these goods are in a different field of activity to the goods and services provided by Party B and are far removed from the area in which Party B operates. I find that there is no likelihood of misrepresentation.

Class 9

73. As previously stated, I consider that Party A's *navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments* are terms that cover goods unrelated to Party B's field of activity. Again, I find that the fields of activity are too far apart for misrepresentation to occur.

Class 11

74. As I have already found that Party A's *map lights; trailer lights; motorcycle lights; electric indicating lights for vehicles; lights, electric, for Christmas trees* are for specific purposes that would make it very unlikely that they would be installed at the same time or on the same sites as Party B's goods and that Party B's customers are unlikely to encounter such goods. I concluded that there would be no misrepresentation.

Class 35

75. I have already found that misrepresentation will not occur in respect of the following of Party A's services:

online and offline wholesale and retail services relating to ... ores, ... machine coupling and transmission components, except for land vehicles, ... navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments, ... apparatus for recording, ..., map lights, ..., motorcycle lights, ...electric indicating lights for vehicles, lights, electric, for Christmas trees

as well as:

online and offline wholesale and retail services relating to ... agricultural implements, other than hand-operated hand tools ... mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers ..., [and] parts and fittings [for such goods].

76. In addition, and as previously considered, in light of Party B not maintaining its opposition against *agricultural implements, other than hand-operated hand tools* in Class 7 and *mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers* in Class 20, I also found that misrepresentation is not likely when considering the use of Party A's mark in respect of the retail or wholesale of the same. Further, my finding also extends to the *wholesale and retail of safes and parts and fittings* for such goods.

Class 42

77. Finally, in respect of Party A's *design and development of computer ... hardware*, such services fall outside the field of activity of Party B. The customers in respect of such design and development services are different to customers of Party B's goods and services and, consequently, I consider that misrepresentation is unlikely.

Summary regarding misrepresentation

78. I have found that in respect of many of the goods and services for which Party A's marks are registered that misrepresentation is likely. Use of the contested marks will clearly lead to a strong likelihood that a substantial number of Party B's customers or potential customers will be deceived into believing that use of the contested marks is use by Party B.

79. Party B claims that Party A would have been aware of its business and its long-standing use of its signs in relation to goods and services relating to earthing, lighting, welding, surge protection and electricity. Ms Blythe pointed to the absence of a response to this claim and submitted that the only reasonable inference that can be drawn from this deemed knowledge, the identity of the marks/signs in issue and the absence of a defence is that Party A's marks were registered with the specific and deliberate intention of passing off as Party B in the UK. I agree with this submission. The circumstances identified by Ms Blythe, absent an explanation from Party A, lead me to conclude that there is a deliberate attempt by Party A to misrepresent it as Party B. As already noted, if the intention is to deceive, it will be readily inferred that deception will result (as per *Office Cleaning*).

Damage

80. In *Harrods Limited v Harrodian School Limited* [1996] RPC 697, Millett L.J. described the requirements for damage in passing off cases like this:

“In the classic case of passing off, where the defendant represents his goods or business as the goods or business of the plaintiff, there is an obvious risk of damage to the plaintiff's business by substitution. Customers and potential customers will be lost to the plaintiff if they transfer their custom to the defendant in the belief that they are dealing with the plaintiff. But this is not the only kind of damage which may be

caused to the plaintiff's goodwill by the deception of the public. Where the parties are not in competition with each other, the plaintiff's reputation and goodwill may be damaged without any corresponding gain to the defendant. In the *Lego* case, for example, a customer who was dissatisfied with the defendant's plastic irrigation equipment might be dissuaded from buying one of the plaintiff's plastic toy construction kits for his children if he believed that it was made by the defendant. The danger in such a case is that the plaintiff loses control over his own reputation."

81. In *Ewing v Buttercup Margarine Company, Limited*, [1917] 2 Ch. 1 (COA), Warrington L.J. stated that:

"To induce the belief that my business is a branch of another man's business may do that other man damage in various ways. The quality of goods I sell, the kind of business I do, the credit or otherwise which I enjoy are all things which may injure the other man who is assumed wrongly to be associated with me."

82. In the current circumstances where the contested marks are the same as the signs that identify Party B's goodwill and are in respect of identical or similar goods, it is very easy to infer that use of the contested marks will result in damage to Party B's business in any or all of the ways envisaged in *Ewing v Buttercup*. In circumstances where the goods and services are in the same or related fields or where goods and services are in a different field but may be used in the same environment as where Party B's goods and services are deployed, I conclude that there is a real likelihood that its customers, upon encountering Party A's marks in use, will believe that its goods or services are provided by Party B or a linked undertaking. In such circumstances, Party B's goodwill may be damaged in a number of ways such as by a diversion of sales away from Party B or reputational damage.

83. In summary, I find that Party B's applications for invalidation, based upon its claims of passing off, succeed in respect of the majority of Party A's goods and services. When taking account of this together with the goods and services that Party B does not challenge, Party A's registrations survive these applications only to the following extent:

Party A's 3479342 mark

Class 6: *ores, safes*

Class 7: *machine tools; power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools; non-pressure washers*

Class 9

navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments

Class 11

map lights; trailer lights; motorcycle lights; electric indicating lights for vehicles; lights, electric, for Christmas trees

Class 20: *Furniture, mirrors, picture frames; mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers*

Class 35

online and offline wholesale and retail services relating to...ores...safes...machine coupling and transmission components, except for land vehicles, ... agricultural implements, other than hand-operated hand tools ... navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments, ... map lights, ..., trailer lights ... motorcycle lights, ...electric indicating lights for vehicles, lights, electric, for Christmas trees ... mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of

plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, ... parts and fittings for all the aforesaid goods

Party A's 3479344 mark

Class 6: *ores, safes*

Class 7: *machine tools; power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools; non-pressure washers*

Class 9

navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments

Class 11

map lights; trailer lights; motorcycle lights; electric indicating lights for vehicles; lights, electric, for Christmas trees

Class 20: *Furniture, mirrors, picture frames; mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers*

Class 35: *online and offline wholesale and retail services relating to...ores...safes...machine coupling and transmission components, except for land vehicles, ... agricultural implements, other than hand-operated hand tools ... navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments, ... map lights, ..., trailer lights ... motorcycle lights, ...electric indicating lights for vehicles, lights, electric, for*

Christmas trees ... mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, ... parts and fittings for all the aforesaid goods

Party A's 918250338 mark

Class 6: *safes*

Class 7: *machine tools; power-operated tools; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; non-pressure washers*

Class 17: *Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture*

Class 19: *monuments, not of metal*

Class 35: *business advisory services relating to franchising; online and offline wholesale and retail services relating to...ores...safes...machine coupling and transmission components, except for land vehicles, ... agricultural implements, other than hand-operated hand tools ... navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments, ... map lights, ..., trailer lights ... motorcycle lights, ...electric indicating lights for vehicles, lights, electric, for Christmas trees ... mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, ... parts and fittings for all the aforesaid goods*

Party A's 3491676 mark

Class 17: *Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; ... plastics and resins in extruded form for use in manufacture*

84. The underlined goods and services in the above list were no longer challenged as per Ms Blythe's comments at the hearing (see paragraph 20).

Party A's Oppositions

85. The relevant sections of the Act are as follows:

"5(1) A trade mark shall not be registered if it is identical with an earlier trade mark and the goods and services for which the trade mark is applied for are identical with the goods or services for which the earlier trade mark is protected.

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

(a) it is identical with an earlier trade mark and is to be registered for goods or services 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". When can goods and services be considered identical? Identical marks Use of word mark in stylised form not identical to word-only mark How to construe words in specifications

(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".

86. The following standard summary of the principles applicable to the assessment of the likelihood of confusion was approved by the Supreme Court in *Iconix Luxembourg Holdings SARL v Dream Paris Europe Inc & Anor*, [2025] UKSC 25:

(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, in certain circumstances, be dominated by one or more of its components;

(f) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite 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 greater 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; and

(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.

87. I found that the only surviving goods and services of Party A's registrations are in different fields of activity to the goods and services for which Party B had demonstrated goodwill. This may provide a pointer to the level of similarity (or lack of) of the respective goods, but I recognise that the test for assessing similarity is different to consideration of field of activity. When considering these oppositions brought variously under section 5(1), 5(2)(a) and 5(2)(b) of the Act, I must consider similarity of Party A's surviving goods and services with a list of goods and services listed in Party B's four challenged marks that are broader than the goods and services it relied upon for the purposes of its invalidation actions against Party A's marks.

88. In the judgment of the Court of Justice of the European Union 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.”

89. Additionally, the criteria identified in *British Sugar Plc v James Robertson & Sons Limited* (“*Treat*”) [1996] R.P.C. 281 for assessing similarity between goods and services also include an assessment of the channels of trade of the respective goods or services.

90. In so far as this is relevant to the grounds relied upon by Party A, it is necessary that the parties' respective goods and services share at least some similarity. In *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, Lady Justice Arden stated that:

“49..... I do not find any threshold condition in the jurisprudence of the Court of Justice cited to us. Moreover I consider that no useful purpose is served by holding that there is some minimum threshold level of similarity that has to be shown. If there is no similarity at all, there is no likelihood of confusion to be considered. If there is some similarity, then the likelihood of confusion has to be considered but it is unnecessary to interpose a need to find a minimum level of similarity.

91. Therefore, the oppositions cannot succeed in circumstances where the respective goods and services share no similarity. Consequently, I will begin by considering the level of similarity between Party B's goods and services and Party A's surviving goods and services (listed in paragraph 83, above).

92. All four of Party B's contested applications is in respect of the near identical list of goods and services. I will, therefore, conduct a single analysis as to what degree, if any, Party B's goods and services share similarity to Party A's surviving goods and services.

Class 1: *Bentonite; welding powder.*

93. Party A's 3479342 and 3479344 marks include the term *ores* in class 6. In the absence of any specific submissions from Party A, I consider that comparison with these goods provides it with its best case. Whilst both *ores* and *bentonite* appear to be raw materials, that is where any similarity ends. There is nothing before me, nor is it obvious that the goods are similar in any way. I conclude that the mere fact that both goods are raw materials is insufficient reason to conclude that they share any similarity.

94. In respect to Party B's *welding powder*, there is nothing in Party A's remaining goods and services that strike me as having any similarity to this. I conclude that there is no similarity with Party A surviving goods or services.

Class 6: *Clamps; couplings for use in connection with earthing products; DC clips [metal]; driving spikes for use in connection with earthing products; exothermic welding clamps; fasteners of common metal; junction clamp [metal]; lattice mat [metal]; lock nuts of metal; metal B bonds; metal clamps; metal clips; metal DC clips; metal junction clamp; metal lattice mat; metal lattices; metal latticework; metal nuts; metal rods; metal screws; metal screws, bolts and dowels for use in connection with earthing products; metal tape clamp; metal 'U' bolt clamps; metal washers; nuts of metal; nuts, bolts and fasteners, of metal; rebar clamps; screw bolts of metal; screw nuts of metal; screws of metal; stainless steel rods; threaded nuts of metal; welding and soldering materials; welding and soldering metals; wood screws made of metal; parts and fittings for the aforesaid goods.*

95. Party A's arguments are restricted to its comments on the Form TM7s, namely, that the respective "goods and services are identical/similar." Party A's 3479342 and 3479344 both survive in respect of the following Class 7 goods: *machine tools; power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools; non-pressure washers.* I consider that the term *machine coupling and transmission components, except for land vehicles* provides Party A with its best case here, but the problem with this is that such goods are reasonably specialised and it is not obvious to me if they are similar.

96. The closest of Party B's goods appear to be *metal screws; fasteners of common metal; junction clamp [metal], lock nuts of metal; metal clips; metal junction clamp; metal nuts; metal rods; metal screws; metal screws, metal washers; nuts of metal; nuts, bolts and fasteners, of metal; screw bolts of metal; screw nuts of metal; screws of metal; stainless steel rods; threaded nuts of metal; parts and fittings for the aforesaid goods.* Such goods are common parts and components of a broad array of goods, but I would be guessing as to whether they are (a) parts of Party A's goods and (b) even if they could be, whether it is common in the field for such goods to use own branded parts or whether third party products are used. As a result, in the absence of further information from Party A, I conclude that there is no similarity.

97. Having considered the rest of Party A's goods and services, I am of the view that no other of these place it in a stronger position. In reaching this finding, I keep in mind that

where specialist goods are involved, evidence is required to illustrate similarity.⁴² For the avoidance of doubt, I consider all of the other of Party A's surviving goods and services to be dissimilar to Party B's goods and services.

Class 9: *Aluminium bars for use as lightning conductors; aluminium tapes for use as lightning conductors; apparatus and instruments for earthing protection; apparatus and instruments for lightning protection; apparatus and instruments for protecting electrical and electronic apparatus and instruments against lightning; cables for earthing; computer software and hardware for electrical earthing systems, namely current distribution, electromagnetic interference, grounding and soil structure analysis; computer software and hardware relating to current distribution, electromagnetic interference, grounding and soil structure analysis; conductor bars; copper bars for use as lightning conductors; copper tapes for use as lightning conductors; drivers for earth rods; earth bars; earth connections; earth rods; earth terminals; earthing apparatus; earthing apparatus, instruments and devices; earthing clamps; earthing conductors; earthing devices; electric conductors; electric connectors; electrical conductors; electrical conductors and conduction materials for earthing and lightning protection apparatus and instruments; electrical connector housings; electrical connectors and connections; electrical extension leads; electrical surge and spike protection units; electrical surge arresters; electrical surge protectors; electrical terminals; electromagnetic interference filter; exothermic welding apparatus; extension leads; housings for electrical connectors; inspection housing for earthing equipment and apparatus; lightning arrester equipment; lightning arresters; lightning conductors; lightning conductors made of aluminium; lightning conductors made of copper; lightning interception terminals; lightning protection equipment; lightning rods; seals for earth rods; shielding and earthing devices; short circuiting devices; software for control, regulation and monitoring of lightning and electrical earthing systems; software relating to current distribution, electromagnetic interference, grounding and soil structure analysis; soil composition analysis software; strike pad (lightning -); surge arresters; surge boards; surge current meter; surge diverters; surge monitoring device; surge protection apparatus; surge protectors; surge suppressors; tape guards to protect lightning conductors; voltage surge protectors; voltage surge suppressors; parts and fittings for the aforesaid goods.*

⁴² See *Raleigh International trade mark* [2001] R.P.C. 11, § 20 and 21.

98. All of these goods are related to conducting lightening, earthing, electric surges, soil structure analysis and welding apparatus. These are all clearly very different to Party A's surviving goods and services in classes 6, 7, 9, 11, 20 and 35. I find that the respective goods and services share no similarity.

Class 19: *Clips, junctions for pipes and staples for lightning conductors [rods], all made from plastics or ceramics; earth rod inspection pit covers made of plastics, concrete or ceramics, with or without metal or plastics reinforcement; earth-rod inspection pits made from plastics, mounting devices, joining devices and fastening devices for lightning conductors in rod, strip or tape form, all made from plastics or ceramics; earth inspection pits made from concrete; parts and fittings for the aforesaid goods*

99. There is nothing in any of Party A's surviving goods and services that can be considered to be identical or similar to Party B's Class 19 goods. All of Party A's surviving goods and services are different in nature, purpose, method of use and trade channels. Further they are not in competition with any of Party B's goods and neither would they be considered complementary in the sense set out in *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06.⁴³ I conclude that the respective goods and services do not share any similarity.

Class 20: *Clamps for pipes; clips made of plastic; DC clips made of plastic; fixings not of metal; non-metallic fasteners; nuts of plastic; nuts, bolts and fasteners, of plastic; plastic clamps; plastic clips; plastic fasteners; plastic fasteners, bolts, screws, nuts, and poles; plastic junction clamps; plastic lock nuts; plastic nuts; plastic screws; plastic screws, bolts and dowels for use in connection with earthing products; plastic tape clamp; plastic 'U' bolt clamps; plastic wall plugs; plastic washers; screw bolts of plastic; screw nuts of plastic; screws of plastic; threaded nuts of plastic; wall plugs, not of metal; parts and fittings for the aforesaid goods.*

100. My observations here are the same as for Party B's Class 6 goods and I conclude that Party B's goods do not share any similarity to Party A's surviving goods and services.

⁴³ The court defined "complementary" as "...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."

Class 35: *Advertising and marketing services; franchising; online retail services connected with the sale of common metals and their alloys, ores, small items of metal hardware, semi-processed materials of metal, fasteners, bolts, screws, nuts, poles, and poles of metal for electric power lines, clips of metal for cables and pipes, clamps, metal rods, stainless steel rods, welding and soldering metals, non-metallic fasteners, non-metallic hardware for use in lightning and earthing systems, non-metallic fasteners, non-metallic pipes, lightning arresters, lightning arrester equipment, lightning rods, lightning conductors, surge protector strips, electrical surge protectors, earthing apparatus, earthing instruments, earthing devices, apparatus for recording, data processing equipment, software relating to current distribution, software relating to electromagnetic interference, software relating to grounding and soil structure analysis; retail services connected with the sale of bentonite, welding powder, clamps, couplings for use in connection with earthing products, DC clips [metal], driving spikes for use in connection with earthing products, exothermic welding clamps, fasteners of common metal, junction clamp [metal], lattice mat [metal], lock nuts of metal, metal B bonds, metal clamps, metal clips, metal DC clips, metal junction clamp, metal lattice mat, metal lattices, metal latticework, metal nuts, metal rods, metal screws, metal screws for use in connection with earthing products, metal bolts and dowels for use in connection with earthing products, metal tape clamp, metal 'U' bolt clamps, metal washers, nuts of metal, bolts of metal, fasteners of metal, rebar clamps, screw bolts of metal, screw nuts of metal, screws of metal, stainless steel rods, threaded nuts of metal, welding and soldering materials, welding and soldering metals, wood screws made of metal, aluminium bars for use as lightning conductors, aluminium tapes for use as lightning conductors, apparatus and instruments for earthing protection, apparatus and instruments for lightning protection, apparatus and instruments for protecting electrical and electronic apparatus and instruments against lightning, cables for earthing, computer software and hardware for electrical earthing systems, computer software and hardware for current distribution, computer software and hardware for electromagnetic interference, computer software and hardware for grounding and soil structure analysis, computer software and hardware relating to current distribution, computer software and hardware relating to electromagnetic interference, computer software and hardware relating to grounding and soil structure analysis, conductor bars, copper bars for use as lightning conductors, copper tapes for use as lightning conductors, drivers for earth rods, earth bars, earth connections, earth rods, earth terminals, earthing apparatus, earthing instruments and devices, earthing clamps, earthing conductors, earthing devices, electric conductors, electric connectors, electrical*

conductors, electrical conductors and conduction materials for earthing and lightning protection apparatus and instruments, electrical connector housings, electrical connectors and connections, electrical extension leads, electrical surge and spike protection units, electrical surge arresters, electrical surge protectors, electrical terminals, electromagnetic interference filter, exothermic welding apparatus, extension leads, housings for electrical connectors, inspection housing for earthing equipment and apparatus, lightning arrester equipment, lightning arresters, lightning conductors, lightning conductors made of aluminium, lightning conductors made of copper, lightning interception terminals, lightning protection equipment, lightning rods, seals for earth rods, shielding and earthing devices, short circuiting devices, software for control of lightning and electrical earthing systems, software for regulation and monitoring of lightning and electrical earthing systems, software relating to current distribution, software relating to electromagnetic interference, software relating to grounding and soil structure analysis, soil composition analysis software, strike pad (lightning -), surge arresters, surge boards, surge current meter, surge diverters, surge monitoring device, surge protection apparatus, surge protectors, surge suppressors, tape guards to protect lightning conductors, voltage surge protectors, voltage surge suppressors, clips for lightning conductors [rods] made from plastics or ceramics, junctions for pipes and staples for lightning conductors [rods] made from plastics or ceramics, earth rod inspection pit covers made of plastics with or without metal or plastics reinforcement, earth rod inspection pit covers made of concrete with or without metal or plastics reinforcement, earth rod inspection pit covers made of ceramics with or without metal or plastics reinforcement, earth-rod inspection pits made from plastics for lightning conductors in rod form made from plastics or ceramics, earth-rod inspection pits made from plastics for lightning conductors in strip or tape form made from plastics or ceramics, mounting devices for lightning conductors in rod form made from plastics or ceramics, mounting devices for lightning conductors in strip or tape form made from plastics or ceramics, joining devices for lightning conductors in rod form made from plastics or ceramics, joining devices for lightning conductors in strip or tape form made from plastics or ceramics, fastening devices for lightning conductors in rod form made from plastics or ceramics, fastening devices for lightning conductors in strip or tape form made from plastics or ceramics, plastic earth inspection pits, concrete earth inspection pits, earth rod inspection pits made from concrete, clamps for pipes, clips made of plastic, DC clips made of plastic, fixings not of metal, lightning and earthing machines, non-metallic fasteners, nuts of plastic, bolts and fasteners of plastic, plastic clamps, plastic clips, plastic fasteners, plastic bolts, plastic screws, plastic

nuts, plastic poles, plastic junction clamps, plastic lock nuts, plastic screws for use in connection with earthing products, plastic bolts and dowels for use in connection with earthing products, plastic tape clamp, plastic 'U' bolt clamps, plastic wall plugs, plastic washers, screw bolts of plastic, screw nuts of plastic, screws of plastic, threaded nuts of plastic, wall plugs not of metal, parts and fittings for all the aforesaid goods; wholesale services and retail services connected with the sale of common metals and their alloys, ores, small items of metal hardware, semi-processed materials of metal, fasteners, bolts, screws, nuts, poles, and poles of metal for electric power lines, clips of metal for cables and pipes, clamps, metal rods, stainless steel rods, welding and soldering metals, non-metallic fasteners, non-metallic hardware for use in lightning and earthing systems, non-metallic fasteners, non-metallic pipes, lightning arresters, lightning arrester equipment, lightning rods, lightning conductors, surge protector strips, electrical surge protectors, earthing apparatus, earthing instruments, earthing devices, apparatus for recording, data processing equipment, software relating to current distribution, software relating to electromagnetic interference, software relating to grounding and soil structure analysis.

101. Party B's *online retail services connected with the sale of ..., ores and wholesale services and retail services connected with the sale of ..., ores* are self-evidently identical to Party A's *online and offline wholesale and retail services relating to ores*.

102. In respect of Party B's *online retail services connected with the sale of common metals and their alloys and wholesale services and retail services connected with the sale of common metals and their alloys*, once again, I do not have the benefit of submissions from Party A and I am left to approach the question of similarity through the eyes of a general member of the public who is not likely to have any detailed knowledge of how the industry operates or sells its products. I consider *metals and their alloys* to be processed or extracted from the raw material and can, therefore, be differentiated from the services relating to *ores* listed in Party A's surviving Class 35 specification. Such goods are likely to be purchased from a trader that undertakes such processing, unlike in respect of *ores* that all likely to be purchased from the trader who extracts the *ores* from the ground. Therefore, the trade channels are likely to be different. However, the methods of use of the services are likely to be the same and the respective services' purpose is similar because they both involve the selling of bulk products for onward processing. I conclude that the respective services share at least a low degree of similarity.

103. No other of Party B's Class 35 services appear to share any similarity to Party A's surviving goods and services and in the absence of any submissions to the contrary, I find that they are not similar.

Class 37: *Installation of earth electrode systems; installation of electrical earthing; installation of electrical earthing systems; installation of lightning conductors; installation of lightning defence systems; installation, maintenance and repair of electrical earthing systems; installation, maintenance and repair of lighting systems and systems for calculating the energy efficiency of lighting installations; installation, maintenance and repair of lightning defence systems; maintenance and repair of earth electrode systems; maintenance and repair of electrical earthing systems; maintenance and repair of lightning defence systems; maintenance and repair of lightning rods; information, consultancy and advisory services in relation to the foregoing services.*

104. Party B's specifications include the term *maintenance and repair of lighting systems*. Party A's 3479342 A. N. WALLIS and 3479344 WALLIS both include the following surviving Class 11 goods: *map lights; trailer lights; motorcycle lights; electric indicating lights for vehicles; lights, electric, for Christmas trees*. I remind myself that terms should be given their ordinary and natural meaning.⁴⁴ The term *map lights* are likely to be singular and independent lights and not part of a system. On the other hand, both trailer and vehicle lights and Christmas lights could be described as lighting systems and could, therefore, be the subject of Party B's maintenance and repair services. A consumer may expect that the provider of Party B services to also provide the goods subject to its maintenance and repair services or vice versa. Consequently, the respective goods are likely to share trade channels and share the same consumers. They will be complementary in the sense expressed in *Boston Scientific*. I conclude that they share at least a medium degree of similarity.

105. As with my findings in respect of Party B's Class 19 goods, none of the remaining Class 37 services share any similarity to Party A's surviving goods and services. I conclude that they are dissimilar.

⁴⁴ *YouView Ltd v Total Ltd* [2012] EWHC 3158 (Ch) at [12]

Class 42: *Design and development of apparatus, instruments and devices relating to lightning and earthing; design and development of apparatus, instruments and devices relating to lightning protection; design and development of computer software and hardware relating to current distribution, electromagnetic interference, grounding and soil structure analysis; design and development of computer software relating to electrical earthing, lightning protection, and surge protection; design and development of earth electrode systems; design and development of electrical earthing systems; design and development of electrical earthing, lightning protection and surge protection systems; design and development of software for control, regulation and monitoring of lightning and electrical earthing systems; design and technical planning of lightning installations; design services; development, programming and implementation of computer software and hardware for electrical earthing systems, namely current distribution, electromagnetic interference, grounding and soil structure analysis; soil analysis; soil resistivity analysis services; soil sampling for analysis purposes; information, consultancy and advisory services in relation to the foregoing services.*

106. Again, as with my findings and reasoning in respect of Party B's Class 19 goods, none of these services share any similarity to Party A's surviving goods and services. I find that they do not share any similarity

Conclusion in respect of similarity of goods and services

107. The following of Party B's services are identical to some of Party A's surviving services:

Class 35: *online retail services connected with the sale of ..., ores and wholesale services and retail services connected with the sale of ..., ores*

108. In addition, Party B's *online retail services connected with the sale of common metals and their alloys and wholesale services and retail services connected with the sale of common metals and their alloys* share at least a low degree of similarity to some of Party A's goods.

109. Party B's *maintenance and repair of lighting systems* in Class 37 shares a medium level of similarity to some of Party A's Class 11 goods.

110. All of the remaining goods and services listed in Party B's four applications share no similarity to any of Party A's goods and services.

111. At the hearing, Ms Blythe stated that insofar that Party B was unsuccessful in its invalidations applications, it does not contest the oppositions other than in respect of certain goods listed in its Class 1 and 19. I have not found any similarity between Party A's surviving services and Party B's goods in Classes 1 and 19, therefore, my finding and Ms Blythe's submission in respect of these classes is the same.

112. My conclusion in Party B's invalidations is that there is only a limited list of surviving services in Party A's earlier marks. I now consider the impact of this when briefly considering Party A's oppositions to Party B's marks and keeping in mind the global appreciation test to be applied.

(i) Party B's contested mark 3918100 WALLIS

113. In respect of Party B's *online retail services connected with the sale of ..., ores*, the following points are determinative:

- (a) the contested mark and Party A's earlier mark 3479344 are identical;
- (b) Party B's services are identical to the surviving services in Party A's Class 35 specification, namely *online and offline wholesale and retail services relating to...ores*;
- (c) As these respective services are identical, it follows that the average consumers are identical. Such services are likely to involve bulk buying by businesses who process the ores. The level of care and attention is, therefore, likely to be higher than average;

114. Taking these points into account, I conclude that in respect of Party B's *online retail services connected with the sale of ..., ores*, Party A succeeds under section 5(1) of the Act because the marks and services are identical.

115. In respect of Party B's services *online retail services connected with the sale of common metals and their alloys* and *wholesale services and retail services connected with the sale of common metals and their alloys* I have found that they share at least a low degree of similarity to Party A's *online and offline wholesale and retail services relating to*

ores. In doing so, I identified differences in trade channels and the difference in nature between ores and common metals and their alloys. However, I consider that the average consumer, encountering an identical mark used in respect of Party A's services, will be likely to consider that Party B's services are provided by the same or linked undertaking and that Party B had expanded their service offering. I conclude that there exists a likelihood of confusion and Party A succeeds in its opposition under section 5(2)(a) of the Act for these services.

116. In respect of Party B's *maintenance and repair of lighting systems* in Class 37, I have found these services to share a medium degree of similarity to Party A's *trailer lights; motorcycle lights; electric indicating lights for vehicles; lights, electric, for Christmas trees*. One of Party A's marks (3479344) covering these goods is in respect of the word WALLIS, being identical to Party B's mark. I consider that there is a likelihood of confusion in respect of these goods and services. Party A's opposition succeeds against these services under section 5(2)(a) of the Act.

(ii) Party B's contested mark 3918085 

117. The considerations in respect of this applied for mark are very similar to those in respect of 3918100 WALLIS. They differ in that the respective marks are not identical. Party B's mark consists of the word WALLIS presented in the colour blue and with the letter "I" being shorter than the other letters and with an electricity spark logo appearing above the "I". However, the word still clearly presents as the word WALLIS. I conclude that there exists a likelihood of confusion to the same extent as I found with Party B's contested mark 3918100.

(iii) Party B's contested mark 3918099 A. N. WALLIS

118. Party A relies upon four earlier marks including 918250338, 3491676 and 3479342 that are all in respect of the mark A. N. WALLIS, a mark that is identical to Party B's contested mark. I consider that the scope of Party A's success mirrors that as in respect of Party B's 3918100 WALLIS. In reaching this conclusion I keep in mind that Party A's earlier mark 3479342 is in respect of an identical mark to Party B's mark and that earlier mark 3479342 also includes in its surviving Class 11 goods, the same lighting goods discussed in paragraph 104, above.

(iv) Party B's contested mark 4005637 WALLIS SURGE PROTECTION

119. Here, Party B's mark consists of the word WILLIS and the descriptive words SURGE PROTECTION. Party A relies on all four earlier marks, but I consider its best case lies with its earlier mark 3479344 WALLIS. This is because it consists of the same word that comprises the distinctive and dominant part of Party B's mark. Therefore, notwithstanding that Party B's mark also has additional words to the word WALLIS, this difference does not produce a different outcome in respect of likelihood of confusion because both marks will still identify as WALLIS marks. Even if the consumer observes that the respective marks are not the same, because of the descriptive nature of the additional words in Party B's mark, they are likely to assume that the goods and services provided under the respective marks originate from the same or linked undertaking (so called "indirect confusion").

120. Taking account of this, I conclude that Party A's success in this opposition mirrors that of the other three.

Conclusions

Party B's four invalidations

121. Party A's registrations survive these applications only to the following extent:

Party A's 3479342 mark

Class 6: *ores, safes*

Class 7: *machine tools; power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools; non-pressure washers*

Class 9

navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments

Class 11

map lights; trailer lights; motorcycle lights; electric indicating lights for vehicles; lights, electric, for Christmas trees

Class 20: *Furniture, mirrors, picture frames; mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers*

Class 35

online and offline wholesale and retail services relating to...ores...safes...machine coupling and transmission components, except for land vehicles, ... agricultural implements, other than hand-operated hand tools ... navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments, ... map lights, ..., trailer lights ... motorcycle lights, ...electric indicating lights for vehicles, lights, electric, for Christmas trees ... mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, ... parts and fittings for all the aforesaid goods

Party A's 3479344 mark

Class 6: *ores, safes*

Class 7: *machine tools; power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools; non-pressure washers*

Class 9

navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments

Class 11

map lights; trailer lights; motorcycle lights; electric indicating lights for vehicles; lights, electric, for Christmas trees

Class 20: *Furniture, mirrors, picture frames; mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers*

Class 35: *online and offline wholesale and retail services relating to...ores...safes...machine coupling and transmission components, except for land vehicles, ... agricultural implements, other than hand-operated hand tools ... navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments, ... map lights, ..., trailer lights ... motorcycle lights, ...electric indicating lights for vehicles, lights, electric, for Christmas trees ... mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, ... parts and fittings for all the aforesaid goods*

Party A's 918250338 mark

Class 6: *safes*

Class 7: *machine tools; power-operated tools; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; non-pressure washers*

Class 17: *Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture*

Class 19: *monuments, not of metal*

Class 35: *business advisory services relating to franchising; online and offline wholesale and retail services relating to...ores...safes...machine coupling and transmission components, except for land vehicles, ... agricultural implements, other than hand-operated hand tools ... navigation, photographic, cinematographic, audiovisual, optical, weighing, life-saving and teaching apparatus and instruments, ... map lights, ..., trailer lights ... motorcycle lights, ...electric indicating lights for vehicles, lights, electric, for Christmas trees ... mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, ... parts and fittings for all the aforesaid goods*

Party A's 3491676 mark

Class 17: *Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; ... plastics and resins in extruded form for use in manufacture*

122. The underlined goods and services in the above list were no longer challenged as per Ms Blythe's comments at the hearing.

123. Party A's four registrations are invalidated in respect of all of the goods and services listed except for those identified in paragraph 121, above.

Party A's four oppositions

124. Party A's four oppositions have been successful to a very limited extent and only in respect of those of Party B's goods and services listed below. Therefore, Party B's four applications may proceed to registration in respect of all the goods and services listed in the applications except:

Class 35: *online retail services connected with the sale of .., ores... online retail services connected with the sale of common metals and their alloys ... wholesale services and retail services connected with the sale of common metals and their alloys*

Class 37: *maintenance and repair of lighting systems*

COSTS

125. Party B has been substantially successful and is entitled to a contribution towards its costs. In the circumstances, I award Party B a contribution towards the cost of all eight proceedings. The sum is calculated as follows:

Official fees x 4:	£800
Preparing and filing TM26(I)s x 4 and considering the counterstatements and considering other side's TM7s x 4 and preparing counterstatements:	£2400
Preparing and filing evidence:	£1000
Hearing	£1000
Total:	£5200

126. I therefore order Voltage Tech E.L.S.P. Limited to pay A N Wallis & Company Limited the sum of £5200. 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 17th day of February 2026

Mark Bryant

For the Registrar

ANNEX 1

Party B's list of goods and services

3918100 WALLIS

Class 1: *Bentonite; welding powder.*

Class 6: *Clamps; couplings for use in connection with earthing products; DC clips [metal]; driving spikes for use in connection with earthing products; exothermic welding clamps; fasteners of common metal; junction clamp [metal]; lattice mat [metal]; lock nuts of metal; metal B bonds; metal clamps; metal clips; metal DC clips; metal junction clamp; metal lattice mat; metal lattices; metal latticework; metal nuts; metal rods; metal screws; metal screws, bolts and dowels for use in connection with earthing products; metal tape clamp; metal 'U' bolt clamps; metal washers; nuts of metal; nuts, bolts and fasteners, of metal; rebar clamps; screw bolts of metal; screw nuts of metal; screws of metal; stainless steel rods; threaded nuts of metal; welding and soldering materials; welding and soldering metals; wood screws made of metal; parts and fittings for the aforesaid goods.*

Class 9: *Aluminium bars for use as lightning conductors; aluminium tapes for use as lightning conductors; apparatus and instruments for earthing protection; apparatus and instruments for lightning protection; apparatus and instruments for protecting electrical and electronic apparatus and instruments against lightning; cables for earthing; computer software and hardware for electrical earthing systems, namely current distribution, electromagnetic interference, grounding and soil structure analysis; computer software and hardware relating to current distribution, electromagnetic interference, grounding and soil structure analysis; conductor bars; copper bars for use as lightning conductors; copper tapes for use as lightning conductors; drivers for earth rods; earth bars; earth connections; earth rods; earth terminals; earthing apparatus; earthing apparatus, instruments and devices; earthing clamps; earthing conductors; earthing devices; electric conductors; electric connectors; electrical conductors; electrical conductors and conduction materials for earthing and lightning protection apparatus and instruments; electrical connector housings; electrical connectors and connections; electrical extension leads; electrical surge and spike protection units; electrical surge arresters; electrical surge protectors; electrical terminals; electromagnetic interference filter; exothermic welding apparatus; extension leads; housings for electrical connectors;*

inspection housing for earthing equipment and apparatus; lightning arrester equipment; lightning arresters; lightning conductors; lightning conductors made of aluminium; lightning conductors made of copper; lightning interception terminals; lightning protection equipment; lightning rods; seals for earth rods; shielding and earthing devices; short circuiting devices; software for control, regulation and monitoring of lightning and electrical earthing systems; software relating to current distribution, electromagnetic interference, grounding and soil structure analysis; soil composition analysis software; strike pad (lightning -); surge arresters; surge boards; surge current meter; surge diverters; surge monitoring device; surge protection apparatus; surge protectors; surge suppressors; tape guards to protect lightning conductors; voltage surge protectors; voltage surge suppressors; parts and fittings for the aforesaid goods.

Class 19: *Clips, junctions for pipes and staples for lightning conductors [rods], all made from plastics or ceramics; earth rod inspection pit covers made of plastics, concrete or ceramics, with or without metal or plastics reinforcement; earth-rod inspection pits made from plastics, mounting devices, joining devices and fastening devices for lightning conductors in rod, strip or tape form, all made from plastics or ceramics; earth inspection pits made from concrete; parts and fittings for the aforesaid goods*

Class 20: *Clamps for pipes; clips made of plastic; DC clips made of plastic; fixings not of metal; non-metallic fasteners; nuts of plastic; nuts, bolts and fasteners, of plastic; plastic clamps; plastic clips; plastic fasteners; plastic fasteners, bolts, screws, nuts, and poles; plastic junction clamps; plastic lock nuts; plastic nuts; plastic screws; plastic screws, bolts and dowels for use in connection with earthing products; plastic tape clamp; plastic 'U' bolt clamps; plastic wall plugs; plastic washers; screw bolts of plastic; screw nuts of plastic; screws of plastic; threaded nuts of plastic; wall plugs, not of metal; parts and fittings for the aforesaid goods.*

Class 35: *Advertising and marketing services; franchising; online retail services connected with the sale of common metals and their alloys, ores, small items of metal hardware, semi-processed materials of metal, fasteners, bolts, screws, nuts, poles, and poles of metal for electric power lines, clips of metal for cables and pipes, clamps, metal rods, stainless steel rods, welding and soldering metals, non-metallic fasteners, non-metallic hardware for use in lightning and earthing systems, non-metallic fasteners, non-metallic pipes, lightning*

arresters, lightning arrester equipment, lightning rods, lightning conductors, surge protector strips, electrical surge protectors, earthing apparatus, earthing instruments, earthing devices, apparatus for recording, data processing equipment, software relating to current distribution, software relating to electromagnetic interference, software relating to grounding and soil structure analysis; retail services connected with the sale of bentonite, welding powder, clamps, couplings for use in connection with earthing products, DC clips [metal], driving spikes for use in connection with earthing products, exothermic welding clamps, fasteners of common metal, junction clamp [metal], lattice mat [metal], lock nuts of metal, metal B bonds, metal clamps, metal clips, metal DC clips, metal junction clamp, metal lattice mat, metal lattices, metal latticework, metal nuts, metal rods, metal screws, metal screws for use in connection with earthing products, metal bolts and dowels for use in connection with earthing products, metal tape clamp, metal 'U' bolt clamps, metal washers, nuts of metal, bolts of metal, fasteners of metal, rebar clamps, screw bolts of metal, screw nuts of metal, screws of metal, stainless steel rods, threaded nuts of metal, welding and soldering materials, welding and soldering metals, wood screws made of metal, aluminium bars for use as lightning conductors, aluminium tapes for use as lightning conductors, apparatus and instruments for earthing protection, apparatus and instruments for lightning protection, apparatus and instruments for protecting electrical and electronic apparatus and instruments against lightning, cables for earthing, computer software and hardware for electrical earthing systems, computer software and hardware for current distribution, computer software and hardware for electromagnetic interference, computer software and hardware for grounding and soil structure analysis, computer software and hardware relating to current distribution, computer software and hardware relating to electromagnetic interference, computer software and hardware relating to grounding and soil structure analysis, conductor bars, copper bars for use as lightning conductors, copper tapes for use as lightning conductors, drivers for earth rods, earth bars, earth connections, earth rods, earth terminals, earthing apparatus, earthing instruments and devices, earthing clamps, earthing conductors, earthing devices, electric conductors, electric connectors, electrical conductors, electrical conductors and conduction materials for earthing and lightning protection apparatus and instruments, electrical connector housings, electrical connectors and connections, electrical extension leads, electrical surge and spike protection units, electrical surge arresters, electrical surge protectors, electrical terminals, electromagnetic interference filter, exothermic welding apparatus, extension leads, housings for electrical connectors, inspection housing for

earthing equipment and apparatus, lightning arrester equipment, lightning arresters, lightning conductors, lightning conductors made of aluminium, lightning conductors made of copper, lightning interception terminals, lightning protection equipment, lightning rods, seals for earth rods, shielding and earthing devices, short circuiting devices, software for control of lighting and electrical earthing systems, software for regulation and monitoring of lighting and electrical earthing systems, software relating to current distribution, software relating to electromagnetic interference, software relating to grounding and soil structure analysis, soil composition analysis software, strike pad (lightning -), surge arresters, surge boards, surge current meter, surge diverters, surge monitoring device, surge protection apparatus, surge protectors, surge suppressors, tape guards to protect lightning conductors, voltage surge protectors, voltage surge suppressors, clips for lightning conductors [rods] made from plastics or ceramics, junctions for pipes and staples for lightning conductors [rods] made from plastics or ceramics, earth rod inspection pit covers made of plastics with or without metal or plastics reinforcement, earth rod inspection pit covers made of concrete with or without metal or plastics reinforcement, earth rod inspection pit covers made of ceramics with or without metal or plastics reinforcement, earth-rod inspection pits made from plastics for lightning conductors in rod form made from plastics or ceramics, earth-rod inspection pits made from plastics for lightning conductors in strip or tape form made from plastics or ceramics, mounting devices for lightning conductors in rod form made from plastics or ceramics, mounting devices for lightning conductors in strip or tape form made from plastics or ceramics, joining devices for lightning conductors in rod form made from plastics or ceramics, joining devices for lightning conductors in strip or tape form made from plastics or ceramics, fastening devices for lightning conductors in rod form made from plastics or ceramics, fastening devices for lightning conductors in strip or tape form made from plastics or ceramics, plastic earth inspection pits, concrete earth inspection pits, earth rod inspection pits made from concrete, clamps for pipes, clips made of plastic, DC clips made of plastic, fixings not of metal, lightning and earthing machines, non-metallic fasteners, nuts of plastic, bolts and fasteners of plastic, plastic clamps, plastic clips, plastic fasteners, plastic bolts, plastic screws, plastic nuts, plastic poles, plastic junction clamps, plastic lock nuts, plastic screws for use in connection with earthing products, plastic bolts and dowels for use in connection with earthing products, plastic tape clamp, plastic 'U' bolt clamps, plastic wall plugs, plastic washers, screw bolts of plastic, screw nuts of plastic, screws of plastic, threaded nuts of plastic, wall plugs not of metal, parts and fittings for all the aforesaid goods;

wholesale services and retail services connected with the sale of common metals and their alloys, ores, small items of metal hardware, semi-processed materials of metal, fasteners, bolts, screws, nuts, poles, and poles of metal for electric power lines, clips of metal for cables and pipes, clamps, metal rods, stainless steel rods, welding and soldering metals, non-metallic fasteners, non-metallic hardware for use in lightning and earthing systems, non-metallic fasteners, non-metallic pipes, lightning arresters, lightning arrester equipment, lightning rods, lightning conductors, surge protector strips, electrical surge protectors, earthing apparatus, earthing instruments, earthing devices, apparatus for recording, data processing equipment, software relating to current distribution, software relating to electromagnetic interference, software relating to grounding and soil structure analysis.

Class 37: *Installation of earth electrode systems; installation of electrical earthing; installation of electrical earthing systems; installation of lightning conductors; installation of lightning defence systems; installation, maintenance and repair of electrical earthing systems; installation, maintenance and repair of lighting systems and systems for calculating the energy efficiency of lighting installations; installation, maintenance and repair of lightning defence systems; maintenance and repair of earth electrode systems; maintenance and repair of electrical earthing systems; maintenance and repair of lightning defence systems; maintenance and repair of lightning rods; information, consultancy and advisory services in relation to the foregoing services.*

Class 42: *Design and development of apparatus, instruments and devices relating to lightning and earthing; design and development of apparatus, instruments and devices relating to lightning protection; design and development of computer software and hardware relating to current distribution, electromagnetic interference, grounding and soil structure analysis; design and development of computer software relating to electrical earthing, lightning protection, and surge protection; design and development of earth electrode systems; design and development of electrical earthing systems; design and development of electrical earthing, lightning protection and surge protection systems; design and development of software for control, regulation and monitoring of lightning and electrical earthing systems; design and technical planning of lightning installations; design services; development, programming and implementation of computer software and hardware for electrical earthing systems, namely current distribution, electromagnetic interference, grounding and soil structure analysis; soil analysis; soil resistivity analysis services; soil*

sampling for analysis purposes; information, consultancy and advisory services in relation to the foregoing services.

3918085 WALLIS

Classes 1, 6, 9, 19, 20, 35, 37 and 42 are all identical to those classes in 3918100

3918099 A.N. WALLIS and 4005637 WALLIS SURGE PROTECTION

Classes 1, 6, 9, 19, 35, 37 and 42 are all identical to those classes in 3918100

Class 20 is as per 3918100 and 3918085 but with the addition of *lightning and earthing machines*

ANNEX 2

Lists of good and services of Party A's earlier marks

3479344 WALLIS.

Class 6: *Common metals and their alloys, ores; metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; elements of metal; unprocessed materials of metal; semi-processed materials of metal; goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines; clips of metal for cables and pipes; clamps; metal rods; stainless steel rods; welding and soldering metals; pipes of metal, for central heating installations; small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains); metal containers for storage or transport; safes.*

Class 7: *Lightning machines; earthing machines; machine tools; power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; pressure washers.*

Class 9: *Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting; lightning arresters; lightning arrester equipment; lightning rods; lightning conductors; batteries for lighting; electric cords; electric wire; electric conductors; electric connectors; electric transformers; electric accumulators; electric cells; electric plugs; sockets; plugs and other contacts [electric connections]; movement sensors; light detector sensors; surge protector strips; electrical surge protectors; electrical plugs including parts and fittings therefore; fuses; multi-socket extensions, namely, current taps; wire connectors and terminals; earthing apparatus, instruments and devices; apparatus for recording; data processing equipment; computers; computer software; computer hardware; software for control, regulation and monitoring of lighting and electrical earthing systems; software*

relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis software; energy management software.

Class 11: *Apparatus and installations for lighting; lighting devices and equipment; lights; loop filament light bulbs; loop filament light bulbs, namely, large quad loop light bulbs; miniature quad loop light bulbs; wall lights; garden lights; map lights; dome lights; trailer lights; search lights; gas lights; ceiling lights; motorcycle lights; electric lights; bulkhead lights; desk lights; fluorescent lights; emergency lights; solar lights; lights used on work sites; lights used on work sites, namely, LED work lights, LED rechargeable work lights; LED light sources; down-lights; commercial down-lights; residential down-lights; down-lights LED integrated; electric lights; electric light fittings; electric light bulbs; electric fairy lights; electric night lights; electrical light bulbs; fluorescent electric light bulbs; electric indicating lights for vehicles; lights, electric, for Christmas trees; lighting; electric lighting installations; electric indoor lighting installations; electric lighting apparatus; electric indoor lighting apparatus; electric fiber lighting apparatus; electric track lighting units; electric torches for lighting; electrical discharge lighting fixtures; electrical lighting fixtures for use in hazardous locations; decorative lighting; low level lights, namely, LED lights placed near or beneath the floor; luminaires with incandescent material; office lighting; track lighting systems and accessories; bathroom lighting; LED linear lighting; outdoor lighting; commercial lighting, namely, office lighting, stores lighting, institutional buildings; emergency lighting; floodlighting; plaster luminaires; lanterns; lanterns for lighting; lanterns made of ceramics; portable paper lanterns; standing paper lanterns; miniature spiral lanterns; large spiral lanterns; LED strip being flexible strips or ribbons containing LED lights lanterns; lighting tubes; lamp holders; lampshade holders; hook lamp holders; shades; lamp shades; light shades; shades for lanterns; grips and light grips, being parts and fittings for lights; reflectors and covers for lights; sockets for lights.*

Class 20: *Non-metallic hardware for use in lightning and earthing systems; Non-metallic fasteners; furniture, mirrors, picture frames; containers, not of metal, for storage or transport; fixings not of metal; non-metallic fasteners; non-metallic fasteners for pipes; plastic fasteners; collars for fastening pipes; clips made of plastics for pipes; collars of plastic for fastening pipes; water regulating valves (plastic) for water pipes; trunking (non-metallic); clamps, clips, collars, junctions, hinges, fasteners, support sleeves, and wrappings for trunking and pipes; clips, not of metal, for cables and pipes; hinges, not of*

metal, for cables and pipes; clamps for pipes; mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers; parts and fittings for all the aforesaid goods.

Class 35: *Advertising and marketing services; franchising; online and offline wholesale and retail services relating to common metals and their alloys, ores, metal materials for building and construction, transportable buildings of metal, non-electric cables and wires of common metal, small items of metal hardware, elements of metal, unprocessed materials of metal, semi-processed materials of metal, goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines, non-electric cables and wires of metal, clips of metal for cables and pipes, clamps, metal rods, stainless steel rods, welding and soldering metals, pipes of metal, for central heating installations, small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains), metal containers for storage or transport, safes machines, machine tools, power-operated tools, motors and engines, except for land vehicles, machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools, non-metallic hardware, non-metallic hardware for use in lightning and earthing systems, non-metallic fasteners, non-metallic pipes, non-metallic cables, pressure washers, Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting, lightning arresters, lightning arrester equipment, lightning rods, lightning conductors, batteries for lighting, electric cords, electric wire, electric conductors, electric connectors, electric transformers, electric accumulators, electric cells, electric plugs, sockets, plugs and other contacts [electric connections], movement sensors, light detector sensors, surge protector strips, electrical surge protectors, electrical plugs including parts and fittings therefore, fuses, multi-socket extensions, namely, current taps, wire connectors and terminals, earthing apparatus, instruments and devices, apparatus for recording, data processing*

equipment, computers, computer software, computer hardware, software for control, regulation and monitoring of lighting and electrical earthing systems, software relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis, energy management software, apparatus and installations for lighting, lighting devices and equipment, lights, loop filament light bulbs, loop filament light bulbs, namely, large quad loop light bulbs, miniature quad loop light bulbs, wall lights, garden lights, map lights, dome lights, trailer lights, search lights, gas lights, ceiling lights, motorcycle lights, electric lights, bulkhead lights, desk lights, fluorescent lights, emergency lights, solar lights, lights used on work sites, lights used on work sites, namely, LED work lights, LED rechargeable work lights, LED light sources, down-lights, commercial down-lights, residential down-lights, down-lights LED integrated, electric lights, electric light fittings, electric light bulbs, electric fairy lights, electric night lights, electrical light bulbs, fluorescent electric light bulbs, electric indicating lights for vehicles, lights, electric, for Christmas trees, lighting, electric lighting installations, electric indoor lighting installations, electric lighting apparatus, electric indoor lighting apparatus, electric fiber lighting apparatus, electric track lighting units, electric torches for lighting, electrical discharge lighting fixtures, electrical lighting fixtures for use in hazardous locations, decorative lighting, low level lights, namely, LED lights placed near or beneath the floor, luminaires with incandescent material, office lighting, track lighting systems and accessories, bathroom lighting, LED linear lighting, outdoor lighting, commercial lighting, namely, office lighting, stores lighting, institutional buildings, emergency lighting, floodlighting, plaster luminaires, lanterns, lanterns for lighting, lanterns made of ceramics, portable paper lanterns, standing paper lanterns, miniature spiral lanterns, large spiral lanterns, LED strip being flexible strips or ribbons containing LED lights lanterns, lighting tubes, lamp holders, lampshade holders, hook lamp holders, shades, lamp shades, light shades, shades for lanterns, grips and light grips, being parts and fittings for lights, reflectors and covers for lights, sockets for lights, furniture, mirrors, picture frames, containers, not of metal, for storage or transport, fixings not of metal, non-metallic fasteners, non-metallic fasteners for pipes, plastic fasteners, collars for fastening pipes, clips made of plastics for pipes, collars of plastic for fastening pipes, water regulating valves (plastic) for water pipes, trunking and pipes (non-metallic) clamps, clips, collars, junctions, hinges, fasteners, support sleeves, and wrappings for trunking and pipes, clips, not of metal, for cables and pipes, hinges, not of metal, for cables and pipes, clamps for pipes, mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers,

plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, parts and fittings for all the aforesaid goods.

Class 37: *Building construction, installation, maintenance & repair services; installation, maintenance and repair services for transformers; installation, maintenance and repair of apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; installation, maintenance and repair of electrical transformers, switchboards and wound components; installation, maintenance and repair of electrical apparatus; assembly, commissioning, maintenance, servicing and repair of apparatus and instruments for activating, controlling, regulating, monitoring, testing and checking (supervision) transformers, switching apparatus and multiple contact switches on transformers; installation, maintenance and repair of electrical earthing systems; installation, maintenance and repair of lightning defence systems; installation, maintenance and repair of lighting systems and systems for calculating the energy efficiency of lighting installations.*

Class 42: *Design services; design and development of apparatus, instruments and devices relating to lightning and earthing; design and technical planning of lightning installations; design and development of electrical earthing systems; design and development of computer software and hardware; design and development of software for control, regulation and monitoring of lightning and electrical earthing systems; design and development of energy management software; design and development of computer software and hardware relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis; creation of programs for electronic data processing apparatus; development, programming and implementation of software for planning lighting systems and installations; development, programming and implementation of computer software and hardware for electrical earthing systems, namely Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis; programming of energy management software.*

Class 6: *metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; building elements of metal; unprocessed materials of metal; semi-processed materials of metal; goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines; clips of metal for cables and pipes; clamps; metal rods; stainless steel rods; welding and soldering metals; pipes of metal, for central heating installations; small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains); metal containers for storage or transport; safes.*

Class 7: *Machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; pressure washers.*

Class 9: *apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting; lightning arresters; lightning arrester equipment; lightning rods; lightning conductors; batteries for lighting; electric cords; electric wire; electric conductors; electric connectors; electric transformers; electric accumulators; electric cells; electric plugs; sockets; plugs and other contacts [electric connections]; movement sensors; light detector sensors; surge protector strips; electrical surge protectors; electrical plugs including parts and fittings therefore; fuses; multi-socket extensions, namely, current taps; wire connectors and terminals; earthing apparatus, instruments and devices; apparatus for recording; data processing equipment; computers; computer software; computer hardware; software for control, regulation and monitoring of lighting and electrical earthing systems; software relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis software; energy management software.*

Class 17: *Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal; flexible plastic pipes; plastic pipe connectors; plastic pipe coupling devices and plastic pipe connectors; coupling devices for pipes and connectors for pipes, all made*

predominantly of plastics materials; plastic pipe connectors for lighting conductors; plastic fittings for pipes; seals and sealants for joints; ceramic pipe connectors; ceramic pipe connectors for lighting conductors; flexible pipes, tubes, pipe joints, jointing sleeves and fittings for all the aforesaid goods; valves of rubber; junctions of pipes, not of metal.

Class 19: *Materials, not of metal, for building and construction; rigid pipes, not of metal, for building; non-metallic building pipes; asphalt, pitch, tar and bitumen; transportable buildings, not of metal; monuments, not of metal; earth rod inspection pit covers made of plastics, concrete or ceramics, with or without metal or plastics reinforcement; earth-rod inspection pits made from plastics, mounting devices, joining devices and fastening devices for lightning conductors in rod, strip or tape form, all made from plastics or ceramics.*

Class 35: *Advertising and marketing services; business advisory services relating to franchising; online and offline wholesale and retail services relating to common metals and their alloys, ores, metal materials for building and construction, transportable buildings of metal, non-electric cables and wires of common metal, small items of metal hardware, building elements of metal, unprocessed materials of metal, semi-processed materials of metal, goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines, non-electric cables and wires of metal, clips of metal for cables and pipes, clamps, metal rods, stainless steel rods, welding and soldering metals, pipes of metal, for central heating installations, small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains), metal containers for storage or transport, safes machines, machine tools, power-operated tools, motors and engines, except for land vehicles, machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools, non-metallic hardware for use in lightning and earthing systems, non-metallic fasteners, non-metallic pipes, non-metallic cables, pressure washers, Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting, lightning arresters, lightning arrester equipment, lightning rods, lightning conductors, batteries for lighting, electric cords, electric wire, electric conductors, electric connectors, electric transformers, electric accumulators, electric cells, electric plugs,*

sockets, plugs and other contacts [electric connections], movement sensors, light detector sensors, surge protector strips, electrical surge protectors, electrical plugs including parts and fittings therefore, fuses, multi-socket extensions, namely, current taps, wire connectors and terminals, earthing apparatus, instruments and devices, apparatus for recording, data processing equipment, computers, computer software, computer hardware, software for control, regulation and monitoring of lighting and electrical earthing systems, software relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis, energy management software, apparatus and installations for lighting, lighting devices and equipment, lights, loop filament light bulbs, loop filament light bulbs, namely, large quad loop light bulbs, miniature quad loop light bulbs, wall lights, garden lights, map lights, dome lights, trailer lights, search lights, gas lights, ceiling lights, motorcycle lights, electric lights, bulkhead lights, desk lights, fluorescent lights, emergency lights, solar lights, lights used on work sites, lights used on work sites, namely, LED work lights, LED rechargeable work lights, LED light sources, down-lights, commercial down-lights, residential down-lights, down-lights LED integrated, electric lights, electric light fittings, electric light bulbs, electric fairy lights, electric night lights, electrical light bulbs, fluorescent electric light bulbs, electric indicating lights for vehicles, lights, electric, for Christmas trees, lighting, electric lighting installations, electric indoor lighting installations, electric lighting apparatus, electric indoor lighting apparatus, electric fiber lighting apparatus, electric track lighting units, electric torches for lighting, electrical discharge lighting fixtures, electrical lighting fixtures for use in hazardous locations, decorative lighting, low level lights, namely, LED lights placed near or beneath the floor, luminaires with incandescent material, office lighting, track lighting systems and accessories, bathroom lighting, LED linear lighting, outdoor lighting, commercial lighting, namely, office lighting, stores lighting, institutional buildings, emergency lighting, floodlighting, plaster luminaires, lanterns, lanterns for lighting, lanterns made of ceramics, portable paper lanterns, standing paper lanterns, miniature spiral lanterns, large spiral lanterns, LED strip being flexible strips or ribbons containing LED lights lanterns, lighting tubes, lamp holders, lampshade holders, hook lamp holders, shades, lamp shades, light shades, shades for lanterns, grips and light grips, being parts and fittings for lights, reflectors and covers for lights, sockets for lights, furniture, mirrors, picture frames, containers, not of metal, for storage or transport, fixings not of metal, non-metallic fasteners, non-metallic fasteners for pipes, plastic fasteners, collars for fastening pipes, clips made of plastics for pipes, collars of plastic for fastening pipes, water regulating valves (plastic) for water pipes, trunking and pipes (non-metallic) clamps, clips, collars,

junctions, hinges, fasteners, support sleeves, and wrappings for trunking and pipes, clips, not of metal, for cables and pipes, hinges, not of metal, for cables and pipes, clamps for pipes, mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, parts and fittings for all the aforesaid goods.

Class 37: *Building construction, installation, maintenance and repair services; installation, maintenance and repair services for transformers; installation, maintenance and repair of apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; installation, maintenance and repair of electrical transformers, switchboards and wound components; installation, maintenance and repair of electrical apparatus; assembly, commissioning, maintenance, servicing and repair of apparatus and instruments for activating, controlling, regulating, monitoring, testing and checking (supervision) transformers, switching apparatus and multiple contact switches on transformers; installation, maintenance and repair of electrical earthing systems; installation, maintenance and repair of lightning defence systems; installation, maintenance and repair of lighting systems and systems for calculating the energy efficiency of lighting installations.*

Class 42: *Design services; design and development of apparatus, instruments and devices relating to lightning and earthing; design and technical planning of lightning installations; design and development of electrical earthing systems; design and development of computer software and hardware; design and development of software for control, regulation and monitoring of lightning and electrical earthing systems; design and development of energy management software; design and development of computer software and hardware relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis; creation of programs for electronic data processing apparatus; development, programming and implementation of software for planning lighting systems and installations; development, programming and implementation of computer software and hardware for electrical earthing systems, namely Current Distribution,*

Electromagnetic Interference, Grounding and Soil Structure Analysis; programming of energy management software.

3491676 A. N. WALLIS

Class 17: *Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal; plastic pipes; plastic pipe connectors; plastic pipe coupling devices and plastic pipe connectors; coupling devices for pipes and connectors for pipes, all made predominantly of plastics materials; plastic pipe connectors for lightning conductors; plastic fittings for pipes; seals and sealants for joints; ceramic pipe connectors; ceramic pipe connectors for lightning conductors; flexible pipes, tubes, pipe joints, jointing sleeves and fittings for all the aforesaid goods; valves.*

Class 19: *Materials, not of metal, for building and construction; rigid pipes, not of metal, for building; non-metallic building pipes; asphalt, pitch, tar and bitumen; transportable buildings, not of metal; monuments, not of metal; earth rod inspection pit covers made of plastics, concrete or ceramics, with or without metal or plastics reinforcement; earth-rod inspection pits made from plastics, mounting devices, joining devices and fastening devices for lightning conductors in rod, strip or tape form, all made from plastics or ceramics; clips, junctions for pipes and staples for lightning conductors [rods], all made from plastics or ceramics.*

3479342 A. N. WALLIS

As per 3479344 WALLIS except it does not include *Lightning machines; earthing machines* in Class 7 and it has the following slightly different Class 20 specification:

Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; fixings not of metal; non-metallic fasteners; non-metallic fasteners for pipes; plastic fasteners; collars for fastening pipes; clips made of plastics for pipes; collars of plastic for fastening pipes; water regulating valves (plastic) for water pipes; trunking and pipes (non-metallic) clamps, clips, collars, junctions, hinges, fasteners, support sleeves, and wrappings for trunking and pipes; clips, not of metal, for cables and pipes; hinges, not of metal, for cables and pipes; clamps for pipes; mirrors; picture frames; products made of plastic, namely,

plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers; lightning and earthing machines; non-metallic hardware for use in lightning and earthing systems; parts and fittings for all the aforesaid goods.

ANNEX 3

Annex 1: Colour-coded goods and services covered by Party A's Marks

Code:

Black – goods/services that are identical / very close to Party B's business, as covered by sub-para (a) of paragraph 17 of the skeleton
 Orange – goods/services that are closely connected to Party B's business, as covered by sub-para (b) of paragraph 17 of the skeleton

Green – goods/services that are further removed from Party B's business but where a misrepresentation would still result, as covered by sub-para (c) of paragraph 17 of the skeleton

~~Red struck through~~ – goods/services which are no longer opposed

TM No. 3479342	
Class 6	Common metals and their alloys, ores; metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; elements of metal; unprocessed materials of metal; semi-processed materials of metal; goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines; clips of metal for cables and pipes; clamps; metal rods; stainless steel rods; welding and soldering metals; pipes of metal, for central heating installations; small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains); metal containers for storage or transport; safes.
Class 7	Machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; non-metallic hardware; non-pressure washers.
Class 9	Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting; lightning arresters; lightning arrester equipment; lightning rods; lightning conductors; batteries for lighting; electric cords; electric wire; electric conductors; electric connectors; electric transformers; electric accumulators; electric cells; electric plugs; sockets; plugs and other contacts [electric connections]; movement sensors; light detector sensors; surge protector strips; electrical surge protectors; electrical plugs including parts and fittings therefore; fuses; multi-socket extensions, namely, current taps; wire connectors and terminals; earthing apparatus, instruments and devices; apparatus for recording; data processing equipment; computers; computer software; computer hardware; software for control, regulation and monitoring of lighting and electrical earthing systems; software relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis software; energy management software.

Class 11	<p>Apparatus and installations for lighting; lighting devices and equipment; lights; loop filament light bulbs; loop filament light bulbs, namely, large quad loop light bulbs; miniature quad loop light bulbs; wall lights; garden lights; map lights; dome lights; trailer lights; search lights; gas lights; ceiling lights; motorcycle lights; electric lights; bulkhead lights; desk lights; fluorescent lights; emergency lights; solar lights; lights used on work sites; lights used on work sites, namely, LED work lights, LED rechargeable work lights; LED light sources; down-lights; commercial down-lights; residential down- lights; down-lights LED integrated; electric lights; electric light fittings; electric light bulbs; electric fairy lights; electric night lights; electrical light bulbs; fluorescent electric light bulbs; electric indicating lights for vehicles; lights, electric, for Christmas trees; lighting; electric lighting installations; electric indoor lighting installations; electric lighting apparatus; electric indoor lighting apparatus; electric fiber lighting apparatus; electric track lighting units; electric torches for lighting; electrical discharge lighting fixtures; electrical lighting fixtures for use in hazardous locations; decorative lighting; low level lights, namely, LED lights placed near or beneath the floor; luminaires with incandescent material; office lighting; track lighting systems and accessories; bathroom lighting; LED linear lighting; outdoor lighting;</p> <p>commercial lighting, namely, office lighting, stores lighting, institutional buildings; emergency lighting; floodlighting; plaster luminaires; lanterns; lanterns for lighting; lanterns made of ceramics; portable paper lanterns; standing paper lanterns; miniature spiral lanterns; large spiral lanterns; LED strip being flexible strips or ribbons containing LED lights lanterns; lighting tubes; lamp holders; lampshade holders; hook lamp holders; shades; lamp shades; light shades; shades for lanterns; grips and light grips, being parts and fittings for lights; reflectors and covers for lights; sockets for lights.</p>
Class 20	<p>Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; fixings not of metal; non-metallic fasteners; non-metallic fasteners for pipes; plastic fasteners; collars for fastening pipes; clips made of plastics for pipes; collars of plastic for fastening pipes; water regulating valves (plastic) for water pipes; trunking and pipes (non-metallic) clamps, clips, collars, junctions, hinges, fasteners, support sleeves, and wrappings for trunking and pipes; clips, not of metal, for cables and pipes; hinges, not of metal, for cables and pipes; clamps for pipes; mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price displays made of plastics</p> <p>materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers; lightning and earthing machines; non-metallic hardware for use in lightning and earthing systems; parts and fittings for all the aforesaid goods.</p>
Class 35	<p>Advertising and marketing services; franchising; online and offline wholesale and retail services relating to common metals and their alloys, ores, metal materials for building and construction, transportable buildings of metal, non-electric cables and wires of common metal, small items of metal hardware, elements of metal, unprocessed materials of metal, semi-processed materials of metal, goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines, non-electric cables and wires of metal, clips of metal for cables and pipes, clamps, metal rods,</p>

stainless steel rods, welding and soldering metals, pipes of metal, for central heating installations, small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains), metal containers for storage or transport, safes machines, machine tools, power-operated tools, motors and engines, except for land vehicles, machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools, non-metallic hardware, non-metallic hardware for use in lightning and earthing systems, non-metallic fasteners, non-metallic pipes, non-metallic cables, pressure washers, Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting, lightning arresters, lightning arrester equipment, lightning rods, lightning conductors, batteries for lighting, electric cords, electric wire, electric conductors, electric connectors, electric transformers, electric accumulators, electric cells, electric plugs, sockets, plugs and other contacts [electric connections], movement sensors, light detector sensors, surge protector strips, electrical surge protectors, electrical plugs including parts and fittings therefore, fuses, multi-socket extensions, namely, current taps, wire connectors and terminals, earthing apparatus, instruments and devices, apparatus for recording, data processing equipment, computers, computer software, computer hardware, software for control, regulation and monitoring of lighting and electrical earthing systems, software relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis, energy management software, apparatus and installations for lighting, lighting devices and equipment, lights, loop filament light bulbs, loop filament light bulbs, namely, large quad loop light bulbs, miniature quad loop light bulbs, wall lights, garden lights, map lights, dome lights, trailer lights, search lights, gas lights, ceiling lights, motorcycle lights, electric lights, bulkhead lights, desk lights, fluorescent lights, emergency lights, solar lights, lights used on work sites, lights used on work sites, namely, LED work lights, LED rechargeable work lights, LED light sources, down-lights, commercial down-lights, residential down-lights, down-lights LED integrated, electric lights, electric light fittings, electric light bulbs, electric fairy lights, electric night lights, electrical light bulbs, fluorescent electric light bulbs, electric indicating lights for vehicles, lights, electric, for Christmas trees, lighting, electric lighting installations, electric indoor lighting installations, electric lighting apparatus, electric indoor lighting apparatus, electric fiber lighting apparatus, electric track lighting units, electric torches for lighting, electrical discharge lighting fixtures, electrical lighting fixtures for use in hazardous locations, decorative lighting, low level lights, namely, LED lights placed near or beneath the floor, luminaires with incandescent material, office lighting, track lighting systems and accessories, bathroom lighting, LED linear lighting, outdoor lighting, commercial lighting, namely, office lighting, stores lighting, institutional buildings, emergency lighting, floodlighting, plaster luminaires, lanterns, lanterns for lighting, lanterns made of ceramics, portable paper lanterns, standing paper lanterns, miniature spiral lanterns, large spiral lanterns, LED strip being flexible strips or ribbons containing LED lights lanterns, lighting tubes, lamp holders, lampshade holders, hook lamp holders, shades, lamp shades, light shades, shades for lanterns, grips and light grips, being parts and fittings for lights, reflectors and covers for lights, sockets for lights,

	furniture, mirrors, picture frames, containers, not of metal, for storage or transport, fixings not of metal, non-metallic fasteners, non-metallic fasteners for pipes, plastic fasteners, collars for fastening pipes, clips made of plastics for pipes, collars of plastic for fastening pipes, water regulating valves (plastic) for water pipes, trunking and pipes (non-metallic) clamps, clips, collars, junctions, hinges, fasteners, support sleeves, and wrappings for trunking and pipes, clips, not of metal, for cables and pipes, hinges, not of metal, for cables and pipes, clamps for pipes, mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, parts and fittings for all the aforesaid goods.
Class 37	Building construction, installation, maintenance & repair services; installation, maintenance and repair services for transformers; installation, maintenance and repair of apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; installation, maintenance and repair of electrical transformers, switchboards and wound components; installation, maintenance and repair of electrical apparatus; assembly, commissioning, maintenance, servicing and repair of apparatus and instruments for activating, controlling, regulating, monitoring, testing and checking (supervision) transformers, switching apparatus and multiple contact switches on transformers; installation, maintenance and repair of electrical earthing systems; installation, maintenance and repair of lightning defence systems; installation, maintenance and repair of lighting systems and systems for calculating the energy efficiency of lighting installations.
Class 42	Design services; design and development of apparatus, instruments and devices relating to lightning and earthing; design and technical planning of lightning installations; design and development of electrical earthing systems; design and development of computer software and hardware ; design and development of software for control, regulation and monitoring of lightning and electrical earthing systems; design and development of energy management software; design and development of computer software and hardware relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis; creation of programs for electronic data processing apparatus; development, programming and implementation of software for planning lighting systems and installations ; development, programming and implementation of computer software and hardware for electrical earthing systems, namely Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis; programming of energy management software.

TM No. 918250338

Class 6	metal materials for building and construction; transportable buildings of metal ; non-electric cables and wires of common metal; small items of metal hardware; building elements of metal; unprocessed materials of metal ; semi-processed materials of metal ; goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines; clips of metal for cables and pipes; clamps; metal rods; stainless steel rods; welding and soldering metals; pipes of metal, for central heating installations ; small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains); metal containers for storage or transport ; safes .
Class 7	Machine tools, power-operated tools; motors and engines, except for land vehicles ; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools ; pressure washers .
Class 9	apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting; lightning arresters; lightning arrester equipment; lightning rods; lightning conductors; batteries for lighting ; electric cords ; electric wire; electric conductors; electric connectors; electric transformers; electric accumulators; electric cells; electric plugs; sockets; plugs and other contacts [electric connections]; movement sensors ; light detector sensors ; surge protector strips; electrical surge protectors; electrical plugs including parts and fittings therefore; fuses ; multi-socket extensions, namely, current taps ; wire connectors and terminals; earthing apparatus, instruments and devices; apparatus for recording ; data processing equipment ; computers ; computer software ; computer hardware ; software for control, regulation and monitoring of lighting and electrical earthing systems; software relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis software; energy management software.
Class 17	Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials ; plastics and resins in extruded form for use in manufacture ; packing, stopping and insulating materials ; flexible pipes, tubes and hoses, not of metal ; flexible plastic pipes ; plastic pipe connectors; plastic pipe coupling devices and plastic pipe connectors; coupling devices for pipes and connectors for pipes, all made predominantly of plastics materials; plastic pipe connectors for lighting conductors; plastic fittings for pipes; seals and sealants for joints; ceramic pipe connectors; ceramic pipe connectors for lighting conductors; flexible pipes, tubes, pipe joints, jointing sleeves and fittings for all the aforesaid goods ; valves of rubber ; junctions of pipes, not of metal.
Class 19	Materials, not of metal, for building and construction; rigid pipes, not of metal, for building ; non-metallic building pipes ; asphalt, pitch, tar and bitumen ; transportable buildings, not of metal ; monuments, not of metal ; earth rod inspection pit covers made of plastics, concrete or ceramics, with or without metal or plastics reinforcement; earth-rod inspection pits made from plastics, mounting devices, joining devices and fastening devices for lightning conductors in rod, strip or tape form, all made from plastics or ceramics.

Class 35	<p>Advertising and marketing services; business advisory services relating to franchising; online and offline wholesale and retail services relating to common metals and their alloys, ores, metal materials for building and construction, transportable buildings of metal, non-electric cables and wires of common metal, small items of metal hardware, building elements of metal, unprocessed materials of metal, semi-processed materials of metal, goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines, non-electric cables and wires of metal, clips of metal for cables and pipes, clamps, metal rods, stainless steel rods, welding and soldering metals, pipes of metal, for central heating installations, small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains), metal containers for storage or transport, safes machines, machine tools, power-operated tools, motors and engines, except for land vehicles, machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools, non-metallic hardware for use in lightning and earthing systems, non-metallic fasteners, non-metallic pipes, non-metallic cables, pressure washers, Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting, lightning arresters, lightning arrester equipment, lightning rods, lightning conductors, batteries for lighting, electric cords, electric wire, electric conductors, electric connectors, electric transformers, electric accumulators, electric cells, electric plugs, sockets, plugs and other contacts [electric connections], movement sensors, light detector sensors, surge protector strips, electrical surge protectors, electrical plugs including parts and fittings therefore, fuses, multi-socket extensions, namely, current taps, wire connectors and terminals, earthing apparatus, instruments and devices, apparatus for recording, data processing equipment, computers, computer software, computer hardware, software for control, regulation and monitoring of lighting and electrical earthing systems, software relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis, energy management software, apparatus and installations for lighting, lighting devices and equipment, lights, loop filament light bulbs, loop filament light bulbs, namely, large quad loop light bulbs, miniature quad loop light bulbs, wall lights, garden lights, map lights, dome lights, trailer lights, search lights, gas lights, ceiling lights, motorcycle lights, electric lights, bulkhead lights, desk lights, fluorescent lights, emergency lights, solar lights, lights used on work sites, lights used on work sites, namely, LED work lights, LED rechargeable work lights, LED light sources, down-lights, commercial down-lights, residential down-lights, down-lights LED integrated, electric lights, electric light fittings, electric light bulbs, electric fairy lights, electric night lights, electrical light bulbs, fluorescent electric light bulbs, electric indicating lights for vehicles, lights, electric, for Christmas trees, lighting, electric lighting installations, electric indoor lighting installations, electric lighting apparatus, electric indoor lighting apparatus, electric fiber lighting apparatus, electric track lighting units, electric torches for lighting, electrical discharge lighting fixtures, electrical lighting fixtures for use in hazardous locations, decorative lighting, low level lights, namely, LED lights placed near or beneath the floor, luminaires with incandescent</p>
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	<p>material, office lighting, track lighting systems and accessories, bathroom lighting, LED linear lighting, outdoor lighting, commercial lighting, namely, office lighting, stores lighting, institutional buildings, emergency lighting, floodlighting, plaster luminaries, lanterns, lanterns for lighting, lanterns made of ceramics, portable paper lanterns, standing paper lanterns, miniature spiral lanterns, large spiral lanterns, LED strip being flexible strips or ribbons containing LED lights lanterns, lighting tubes, lamp holders, lampshade holders, hook lamp holders, shades, lamp shades, light shades, shades for lanterns, grips and light grips, being parts and fittings for lights, reflectors and covers for lights, sockets for lights,</p> <p>furniture, mirrors, picture frames, containers, not of metal, for storage or transport, fixings not of metal, non-metallic fasteners, non-metallic fasteners for pipes, plastic fasteners, collars for fastening pipes, clips made of plastics for pipes, collars of plastic for fastening pipes, water regulating valves (plastic) for water pipes, trunking and pipes (non-metallic) clamps, clips, collars, junctions, hinges, fasteners, support sleeves, and wrappings for trunking and pipes, clips, not of metal, for cables and pipes, hinges, not of metal, for cables and pipes, clamps for pipes, mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, parts and fittings for all the aforesaid goods.</p>
Class 37	<p>Building construction, installation, maintenance and repair services; installation, maintenance and repair services for transformers; installation, maintenance and repair of apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; installation, maintenance and repair of electrical transformers, switchboards and wound components; installation, maintenance and repair of electrical apparatus; assembly, commissioning, maintenance, servicing and repair of apparatus and instruments for activating, controlling, regulating, monitoring, testing and checking (supervision) transformers, switching apparatus and multiple contact switches on transformers; installation, maintenance and repair of electrical earthing systems; installation, maintenance and repair of lightning defence systems; installation, maintenance and repair of lighting systems and systems for calculating the energy efficiency of lighting installations.</p>
Class 42:	<p>Design services; design and development of apparatus, instruments and devices relating to lightning and earthing; design and technical planning of lightning installations; design and development of electrical earthing systems; design and development of computer software and hardware; design and development of software for control, regulation and monitoring of lightning and electrical earthing systems; design and development of energy management software; design and development of computer software and hardware relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis; creation of programs for electronic data processing apparatus; development, programming and implementation of software for planning lighting systems and installations; development, programming</p>

and implementation of computer software and hardware for electrical earthing systems, namely Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis; programming of energy management software.

TM No. 3491676	
Class 17	Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal; plastic pipes; plastic pipe connectors; plastic pipe coupling devices and plastic pipe connectors; coupling devices for pipes and connectors for pipes, all made predominantly of plastics materials; plastic pipe connectors for lighting conductors; plastic fittings for pipes; seals and sealants for joints; ceramic pipe connectors; ceramic pipe connectors for lighting conductors; flexible pipes, tubes, pipe joints, jointing sleeves and fittings for all the aforesaid goods; valves.
Class 19	Materials, not of metal, for building and construction; rigid pipes, not of metal, for building; non-metallic building pipes; asphalt, pitch, tar and bitumen; transportable buildings, not of metal; monuments, not of metal; earth rod inspection pit covers made of plastics, concrete or ceramics, with or without metal or plastics reinforcement; earth-rod inspection pits made from plastics, mounting devices, joining devices and fastening devices for lightning conductors in rod, strip or tape form, all made from plastics or ceramics; clips, junctions for pipes and staples for lightning conductors [rods], all made from plastics or ceramics.

TM No. 3479344	
Class 6	Common metals and their alloys, ores; metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; elements of metal; unprocessed materials of metal; semi-processed materials of metal; goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines; clips of metal for cables and pipes; clamps; metal rods; stainless steel rods; welding and soldering metals; pipes of metal, for central heating installations; small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains); metal containers for storage or transport; safes.

Class 7	Lightning machines; earthing machines; machine tools; power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for land vehicles; agricultural implements, other than hand-operated hand tools; pressure washers.
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Class 9	<p>Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting; lightning arresters; lightning arrester equipment; lightning rods; lightning conductors; batteries for lighting; electric cords; electric wire; electric conductors; electric connectors; electric transformers; electric accumulators; electric cells; electric plugs; sockets; plugs and other contacts [electric connections]; movement sensors; light detector sensors; surge protector strips; electrical surge protectors; electrical plugs including parts and fittings therefore; fuses; multi-socket extensions, namely, current taps; wire connectors and terminals; earthing apparatus, instruments and devices; apparatus for recording; data processing equipment; computers; computer software; computer hardware; software for control, regulation and monitoring of lighting and electrical earthing systems; software relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis software; energy management software.</p>
Class 11	<p>Apparatus and installations for lighting; lighting devices and equipment; lights; loop filament light bulbs; loop filament light bulbs, namely, large quad loop light bulbs; miniature quad loop light bulbs; wall lights; garden lights; map lights; dome lights; trailer lights; search lights; gas lights; ceiling lights; motorcycle lights; electric lights; bulkhead lights; desk lights; fluorescent lights; emergency lights; solar lights; lights used on work sites; lights used on work sites, namely, LED work lights, LED rechargeable work lights; LED light sources; down-lights; commercial down-lights; residential down- lights; down-lights LED integrated; electric lights; electric light fittings; electric light bulbs; electric fairy lights; electric night lights; electrical light bulbs; fluorescent electric light bulbs; electric indicating lights for vehicles; lights, electric, for Christmas trees; lighting; electric lighting installations; electric indoor lighting installations; electric lighting apparatus; electric indoor lighting apparatus; electric fiber lighting apparatus; electric track lighting units; electric torches for lighting; electrical discharge lighting fixtures; electrical lighting fixtures for use in hazardous locations; decorative lighting; low level lights, namely, LED lights placed near or beneath the floor; luminaires with incandescent material; office lighting; track lighting systems and accessories; bathroom lighting; LED linear lighting; outdoor lighting; commercial lighting, namely, office lighting, stores lighting, institutional buildings; emergency lighting; floodlighting; plaster luminaries; lanterns; lanterns for lighting; lanterns made of ceramics; portable paper lanterns; standing paper lanterns; miniature spiral lanterns; large spiral lanterns; LED strip being flexible strips or ribbons containing LED lights lanterns; lighting tubes; lamp holders; lampshade holders; hook lamp holders; shades; lamp shades; light shades; shades for lanterns; grips and light grips, being parts and fittings for lights; reflectors and covers for lights; sockets for lights.</p>

Class 20	<p>Non-metallic hardware for use in lightning and earthing systems; Non-metallic fasteners; furniture, mirrors, picture frames; containers, not of metal, for storage or transport; fixings not of metal; non-metallic fasteners; non-metallic fasteners for pipes; plastic fasteners; collars for fastening pipes; clips made of plastics for pipes; collars of plastic for fastening pipes; water regulating valves (plastic) for water pipes; trunking (non-metallic); clamps, clips, collars, junctions, hinges, fasteners, support sleeves, and wrappings for trunking and pipes; clips, not of metal, for cables and pipes; hinges, not of metal, for cables and pipes; clamps for pipes; mirrors; picture frames; products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics; packaging containers; plastic closures for containers; point-of-sale price-displays made of plastics materials; storage boxes, cases and tubes made of polypropylene; container closures of plastic; advertising signboards of plastic; boxes made for storage; packaging containers made of plastic; flexible plastic containers; parts and fittings for all the aforesaid goods.</p>
Class 35	<p>Advertising and marketing services; franchising; online and offline wholesale and retail services relating to common metals and their alloys, ores, metal materials for building and construction, transportable buildings of metal, non-electric cables and wires of common metal, small items of metal hardware, elements of metal, unprocessed materials of metal, semi-processed materials of metal, goods of common metal namely fasteners, bolts, screws, nuts poles and poles of metal for electric power lines, non-electric cables and wires of metal, clips of metal for cables and pipes, clamps, metal rods, stainless steel rods, welding and soldering metals, pipes of metal, for central heating installations, small ironware (except chains), screws and screwed nuts, rivets, notched pins, clamps and similar connecting and locking elements made of wire and sheet metal (except chains), metal containers for storage or transport, safes machines, machine tools, power-operated tools, motors and engines, except for land vehicles, machine coupling and transmission components, except for land vehicles, agricultural implements, other than hand-operated hand tools, non-metallic hardware, non-metallic hardware for use in lightning and earthing systems, non-metallic fasteners, non-metallic pipes, non-metallic cables, pressure washers, Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity and lighting, lightning arresters, lightning arrester equipment, lightning rods, lightning conductors, batteries for lighting, electric cords, electric wire, electric conductors, electric connectors, electric transformers, electric accumulators, electric cells, electric plugs, sockets, plugs and other contacts [electric connections], movement sensors, light detector sensors, surge protector strips, electrical surge protectors, electrical plugs including parts and fittings therefore, fuses, multi-socket extensions, namely, current taps, wire connectors and terminals, earthing apparatus, instruments and devices, apparatus for recording, data processing equipment, computers, computer software, computer hardware, software for control, regulation and monitoring of lighting and electrical earthing systems, software relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis, energy management software, apparatus and installations for lighting, lighting devices and equipment, lights, loop filament light</p>

	bulbs, loop filament light bulbs,
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	<p>namely, large quad loop light bulbs, miniature quad loop light bulbs, wall lights, garden lights, map lights, dome lights, trailer lights, search lights, gas lights, ceiling lights, motorcycle lights, electric lights, bulkhead lights, desk lights, fluorescent lights, emergency lights, solar lights, lights used on work sites, lights used on work sites, namely, LED work lights, LED rechargeable work lights, LED light sources, down-lights, commercial down-lights, residential down-lights, down-lights LED integrated, electric lights, electric light fittings, electric light bulbs, electric fairy lights, electric night lights, electrical light bulbs, fluorescent electric light bulbs, electric indicating lights for vehicles, lights, electric, for Christmas trees, lighting, electric lighting installations, electric indoor lighting installations, electric lighting apparatus, electric indoor lighting apparatus, electric fiber lighting apparatus, electric track lighting units, electric torches for lighting, electrical discharge lighting fixtures, electrical lighting fixtures for use in hazardous locations, decorative lighting, low level lights, namely, LED lights placed near or beneath the floor, luminaires with incandescent material, office lighting, track lighting systems and accessories, bathroom lighting, LED linear lighting, outdoor lighting,</p> <p>commercial lighting, namely, office lighting, stores lighting, institutional buildings, emergency lighting, floodlighting, plaster luminaries, lanterns, lanterns for lighting, lanterns made of ceramics, portable paper lanterns, standing paper lanterns, miniature spiral lanterns, large spiral lanterns, LED strip being flexible strips or ribbons containing LED lights lanterns, lighting tubes, lamp holders, lampshade holders, hook lamp holders, shades, lamp shades, light shades, shades for lanterns, grips and light grips, being parts and fittings for lights, reflectors and covers for lights, sockets for lights,</p> <p>furniture, mirrors, picture frames, containers, not of metal, for storage or transport, fixings not of metal, non-metallic fasteners, non-metallic fasteners for pipes, plastic fasteners, collars for fastening pipes, clips made of plastics for pipes, collars of plastic</p>
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	<p>for fastening pipes, water regulating valves (plastic) for water pipes, trunking and pipes (non-metallic) clamps, clips, collars, junctions, hinges, fasteners, support sleeves, and wrappings for trunking and pipes, clips, not of metal, for cables and pipes, hinges, not of metal, for cables and pipes, clamps for pipes, mirrors, products made of plastic, namely, plastic bin liners, plastic display units, plastic portfolio boxes, plastic leaflet holders, boxes made of laminated plastics, packaging containers, plastic closures for containers, point-of-sale price displays made of plastics materials, storage boxes, cases and tubes made of polypropylene, container closures of plastic, advertising signboards of plastic, boxes made for storage, packaging containers made of plastic, flexible plastic containers, parts and fittings for all the aforesaid goods.</p>
<p>Class 37</p>	<p>Building construction, installation, maintenance & repair services; installation, maintenance and repair services for transformers; installation, maintenance and repair of apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; installation, maintenance and repair of electrical transformers, switchboards and wound components; installation, maintenance and repair of electrical apparatus; assembly, commissioning, maintenance, servicing and repair of apparatus and instruments for activating, controlling, regulating, monitoring, testing and checking (supervision) transformers, switching apparatus and multiple contact switches on transformers; installation, maintenance and repair of electrical earthing systems; installation, maintenance and repair of</p>

	lightning defence systems; installation, maintenance and repair of lighting systems and systems for calculating the energy efficiency of lighting installations.
Class 42	Design services; design and development of apparatus, instruments and devices relating to lightning and earthing; design and technical planning of lightning installations; design and development of electrical earthing systems; design and development of computer software and hardware ; design and development of software for control, regulation and monitoring of lightning and electrical earthing systems; design and development of energy management software; design and development of computer software and hardware relating to Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis; creation of programs for electronic data processing apparatus; development, programming and implementation of software for planning lighting systems and installations ; development, programming and implementation of computer software and hardware for electrical earthing systems, namely Current Distribution, Electromagnetic Interference, Grounding and Soil Structure Analysis; programming of energy management software.