

O-014-11

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION 2479845
IN THE NAME OF HIPP.COM.AU PTY LTD
IN RESPECT OF THE TRADE MARK:**

HIPP.COM.AU

AND

**OPPOSITION THERETO (NO 97920) BY
HIPP & CO**

TRADE MARKS ACT 1994

**In the matter of application 2479845 in the name of HIPP.COM.AU Pty Ltd
in respect of the trade mark: HIPP.COM.AU**

and

opposition thereto (no 97920) by HIPP & Co

The background and the pleadings

1) HIPP.COM.AU Pty Ltd (“AU”) applied for the above trade mark on 15 February 2008. The application was published in the Trade Marks Journal on 13 June 2008. Registration is sought in relation to the following goods:

Class 16: Paper and cardboard and articles made from paper and/or cardboard, including wrapping paper, cartons, boxes, bags, containers, cartons; bags and other containers of plastics material; containers of all kinds in this class; plastic materials for packaging (not included in other classes); stationery items; books, album pages, book covers and book jackets.

2) On 12 September 2008 Hipp & Co (“Co”) opposed the prospective registration of the above application. The opposition is against all the goods sought to be registered. The grounds of opposition are under sections 5(2)(b) and 5(3) of the Trade Marks Act 1994 (“the Act”). Co relies on three trade marks of which it is the proprietor, namely: Community trade mark (“CTM”) 2578003 for the mark HiPP, CTM 4535001 for a stylized version of the word HiPP and CTM 4529517 for the word HIPP. Full details of these trade marks can be seen in the annex to this decision. As can be seen from that annex, all three of the marks were filed before AU’s application and they all, therefore, constitute “earlier marks” as defined by section 6 of the Act. However, earlier marks which were registered more than five years prior to the publication of the application the subject of the opposition may only be relied upon to the extent to which they have been used. Of the three earlier marks only CTM 2578003 falls into this category; earlier marks 4535001 & 4529517 are not subject to proof of use and may, therefore, be taken into account for their specifications as registered. In relation to CTM 2578003, Co made a statement of use that it has used its mark for all of the goods and services for which it is registered.

3) AU filed a counterstatement denying the grounds of opposition. It did not ask Co to provide proof of use in relation to CTM 2578003 (the consequence of this is that this earlier mark may be taken into account for its statement of use which corresponds to all of its registered goods and services). In its counterstatement AU highlights the differences between the marks and it argues that the goods do not conflict as AU produces high end stationery and packaging whereas Co

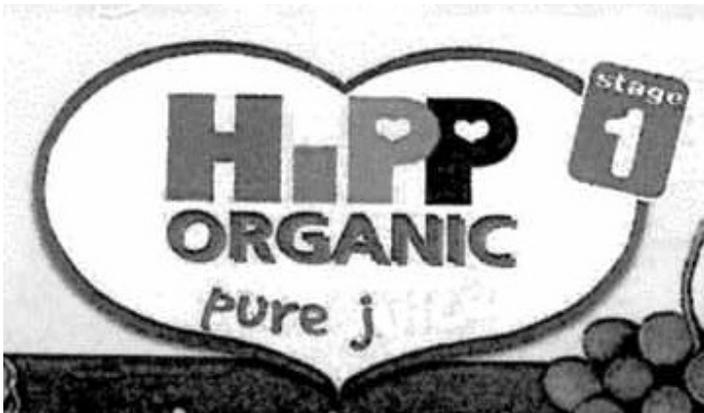
produces baby food. In relation to section 5(3), AU argues that any reputation Co may have is limited and that the heads of damage envisaged under section 5(3) are not present.

4) Both sides filed evidence. Neither party asked to be heard. Co filed written submissions in lieu of a hearing, AU did not.

The evidence

Co's evidence – witness statement of Alexander Maier dated 19 October 2009

5) Mr Maier is a lawyer and in-house counsel working for Hipp & Co, part of the HIPP group. It is fair to say from his evidence that HIPP is a well-known brand of baby food. Sales began in the UK in 1995 although, it is not clear who sold the products in the UK at this point because, from 2002, a company called Hipp UK Limited (“UK”) distributed and promoted the products. I say that the brand is well known because sales in the UK have ranged from £20 million in 2005 to £45 million in 2008. It has a 1/3 share of the market in the UK in respect of wet baby food. Sales figures from France, Italy, Sweden, Denmark and Finland are also provided which also seem significant. Various exhibits are provided showing the actual products, its labeling and packaging etc. One of the UK labels is depicted below:



6) Reference is made to the running of a baby club in the UK which provides information and materials to mothers (and fathers) and mothers-to-be. It is operated online but members receive various items including: free samples, discount coupons, pregnancy and baby development calendars, pregnancy and child health guides, downloadable birth plans, online baby record facilities, access to a chat forum, online newsletters, offers and competitions. A photograph of the welcome pack is provided. The print is very unclear. I can see that it contains a bib and a spoon and some printed materials. The bib appears to

have the word HIPP on it in a similar format to that above. Mr Maier has been informed that the club has 400,000 members. He says that since 2005 UK has produced and distributed a range of printed material and related products including: baby height charts, card based nursery thermometers, pregnancy record books, a leaflet on how to feed babies, the baby club application card, a good sleeping chart, a feeding your toddler guide and a wipe clean feeding guide. Examples of these items are provided in AM-7.

7) Advertising takes place through print advertising in magazines and through television (details are provided for television advertising in Italy and France). Some UK magazine titles where advertising has occurred are given as: *Mother & Baby*, *Pregnancy* and *Practical Parenting*. Example advertisements are also provided. Advertisements are also provided from other EU Member States as well as spreadsheets showing the advertising schedule etc. In the UK the advertising and promotion is said to cost around 15% of annual turnover so, in 2007, this would have been over £5 million. Details of advertising spend in other EU Member States is also provided which also seems significant.

8) Co or its related companies own the websites at www.hipp.co.uk and equivalents in Austria, Belgian, Germany, Denmark, France and Italy. Archive prints are provided from December 2007. The pages promote HIPP products (the stylized version is predominant) but references without stylization also appear.

9) In relation to AU, Mr Maier says that they became of them due to a watch notice in 2008. The first actual use in the UK that they are aware of was in February 2009 when AU attended a trade fair. A brochure showing AU's goods is provided in AM-13. It shows a range of gift stationery such as invitation cards, cards for birthdays, thanks, well wishes, announcements etc. It shows gift boxes, gift boxes for certain products (wine, books, chocolates etc.), gift tags, ribbons, tissues, gift bags, journals and albums (which appear to be photo albums), notecards and invitation kits. Mr Maier says that such products are often sold in retail outlets such as supermarkets and that Co's goods are also sold in such places.

AU's evidence – witness statement of Steven Jennings dated 19 May 2010

10) Mr Jennings is a trade mark attorney at Lewis Silkin LLP, the firm with conduct of these proceedings on behalf of AU. The majority of his evidence is submission as opposed to evidence of fact. I will bear all of it in mind but will provide only a brief summary of what is said:

- ❖ That the marks are dissimilar due to the addition of “.com.au” which is memorable to the average consumer and that this creates a different concept (a url as opposed to a surname or acronym);
- ❖ That most of Co’s use is in a particular form which creates an even clearer difference;
- ❖ That there is little evidence to support use on class 16 goods, the only uses being incidental to baby food;
- ❖ That AU’s website has been active since 2001 and there has been no evidence of confusion;
- ❖ That there will be no confusion between AU’s designer office and home stationery with Co’s wet baby food;
- ❖ That there are differences between the average consumers of the goods in question and that whilst there may be an overlap as some average consumers of AU’s goods may be parents, such persons would not believe that AU is related to a producer of baby food;
- ❖ That the materials provided as part of the baby club are not relevant as it does not constitute use or it constitutes only ancillary use for the purpose of increasing the sale of its baby food. A reference to the judgment of the European Court of Justice (“ECJ”) in case C-495/07, *Silberquelle GmbH v Maselli-Strickmode GmbH* is made.

Co’s reply evidence – witness statement of John Colbourn dated 19 July 2010

11) Mr Colbourn is a solicitor with Redd Solicitors LLP, the firm with conduct of these proceedings on behalf of Co. His evidence is to introduce into the proceedings the results of various Internet searches conducted on *Google*, *Yahoo* and *Bing* for the term HIPP in the UK. The vast majority of results relate to Co’s products. Only the first page of each search is provided (although they print on multiple pages). On the various prints there is only one link to AU which can be found towards the end of the *Bing* search report.

DECISION

The ground under section 5(2)(b) of the Act

12) I will deal firstly with the opposition under section 5(2)(b) of the Act. I will do so on the basis of CTM 4529517 as this represents Co’s best prospect of success because it is for the plain word HIPP and it has the widest relevant

specification. Furthermore, as I observed earlier, this mark is not subject to the proof of use provisions.

The legislation and the relevant authorities

13) Section 5(2)(b) of the Act reads:

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

(a)

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

14) In reaching my decision I have taken into account the guidance provided by the ECJ in a number of judgments: *Sabel BV v. Puma AG* [1998] R.P.C. 199, *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer* [1999] R.P.C. 117, *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V* [2000] F.S.R. 77, *Marca Mode CV v. Adidas AG + Adidas Benelux BV* [2000] E.T.M.R. 723, *Medion AG V Thomson multimedia Sales Germany & Austria GmbH* (Case C-120/04) and *Shaker di L. Laudato & Co. Sas* (C-334/05).

15) The existence of a likelihood of confusion must be appreciated globally, taking into account all relevant factors (*Sabel BV v Puma AG*). As well as assessing whether the respective marks and the respective goods are similar (and to what degree), other factors are relevant including:

The nature of the average consumer of the goods in question and the nature of his or her purchasing act. This is relevant because it is through such a person's eyes that matters must be judged (*Sabel BV v Puma AG*);

That the average consumer rarely has the chance to make direct comparisons between trade marks and must, instead, rely upon the imperfect picture of them he or she has kept in mind (*Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel B.V.*) This is often referred to as the concept of “imperfect recollection”;

That the degree of distinctiveness of the earlier trade mark (due either to its inherent qualities or through the use made of it) is an important factor because confusion is more likely the more distinctive the earlier trade mark is (*Sabel BV v Puma AG*);

That there is interdependency between the various factors, for example, a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the respective goods, and vice versa (*Canon Kabushiki Kaisha v Metro- Goldwyn-Mayer Inc*).

Comparison of the goods

16) In assessing this factor I note the judgment in *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer* where the ECJ stated:

“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.”

17) Guidance on this issue can also be seen in the comments of Jacob J in *British Sugar Plc v James Robertson & Sons Limited* [1996] RPC 281 (“*British Sugar*”) where the following factors were highlighted as being relevant in the assessment of similarity of goods:

(a) The respective uses of the respective goods or services;

(b) The respective users of the respective goods or services;

(c) The physical nature of the goods or acts of service;

(d) The respective trade channels through which the goods or services reach the market;

(e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;

(f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.”

18) In construing a word used in a trade mark specification, one is concerned with how the product is, as a practical matter, regarded for the purposes of the trade¹. I must also bear in mind that words should be given their natural meaning

¹ See *British Sugar Plc v James Robertson & Sons Limited* [1996] RPC 281

within the context in which they are used; they cannot be given an unnaturally narrow meaning².

19) Finally, when comparing the respective goods, if a term clearly falls within the ambit of a term in the competing specification then identical goods must be held to be in play³ even if there may be other goods within the broader term that are not identical.

20) AU argues in its counterstatement that there has been no real use of Co's mark in relation to class 16 goods and that there is no conflict between AU's goods and Co's baby food. The difficulty with this argument is that it ignores the fact that Co has a registration in relation to class 16 goods which is not subject to the proof of use provisions (in any event, AU did not put Co to proof of use on the mark that is subject to the proof of use provisions). Co's goods in class 16 (which represent its best prospect of success under this ground) must therefore be taken into account as registered, namely:

Printed matter, books, picture books; nappy pants for babies; changing mats of absorbent cellulose; pre-moistened disposable flannels of cellulose; paper, paperboard and goods made from these materials, in particular serviettes, gift wrapping, sticky notes and stickers; car stickers; calendars; stationery, in particular notepads; ball-point pens.

21) This must be compared with AU's specification which reads:

Paper and cardboard and articles made from paper and/or cardboard, including wrapping paper, cartons, boxes, bags, containers, cartons; bags and other containers of plastics material; containers of all kinds in this class; plastic materials for packaging (not included in other classes); stationery items; books, album pages, book covers and book jackets.

22) It is, of course, necessary to break the goods down. In that respect I note that Co's specification includes the term "paper, paperboard and goods made from these materials". Whilst the term goes on to identify particular types of such goods, I do not consider that this limits the broader description to only those goods in the way that the use of a word such as "namely" would do. As such, this is broad term which would encompass a large range of goods including a number that are listed in AU's specification such as:

"Paper and cardboard and articles made from paper and/or cardboard, including wrapping paper, cartons, boxes, bags, containers, cartons; bags

² See *Beautimatic International Ltd v Mitchell International Pharmaceuticals Ltd and Another* [2000] FSR 267 ("Beautimatic").

³ See *Gérard Meric v Office for Harmonization in the Internal Market (Trade Marks and Designs)(OHIM)* Case T-133/05 ("Gérard Meric").

and other containers of plastics material; containers of all kinds in this class”

All of these would fall within the ambit of Co’s term as they could all be made from paper or paperboard and must, therefore, be considered as identical. Even if I am wrong on my assessment on the scope of Co’s term, the term, in any event, lists “gift wrapping” which is either identical (in terms of wrapping paper) or highly similar to those goods I have identified above from AU’s specification as gift wrapping shares a similar purpose to boxes, containers, bags etc. which may also be for the presentation of a gift. The users are likely to be the same and identical trade channels involved – the goods would also be competitive as a choice may be made between gift wrap or some other form of gift presentation material.

23) In relation to AU’s term “plastic materials for packaging (not included in other classes)”, such goods could also be used in relation to gift packaging and, so, would be reasonably similar to wrapping paper and would be very similar to the broad term “paper, paperboard and goods made from these materials” because such goods could be paper or paperboard based packaging.

24) AU’s term “stationery items” is clearly identical to stationery in Co’s specification. Even if the specification were to be construed with reference to the particularly listed stationery item in Co’s specification (notepads) then identity is still present because such goods would fall within AU’s specification.

25) AU’s term “books” clearly falls within the ambit of Co’s “printed matter” as would “book covers” and “book jackets”. If these two latter terms are not considered to be printed matter then they must be highly similar to it.

26) That leaves AU’s term “album pages”. Even if these are pages for including in a photo album there is no reason why they may not carry print and, as such, would fall within the ambit of printed matter. In reality, an album can be much more than just a photo album, many of which will be printed. These goods are also identical.

27) In summary, the goods are either identical or highly similar.

The average consumer

28) The case-law informs me that the average consumer is reasonably observant and circumspect (*Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V* paragraph 27). The degree of care and attention the average consumer uses when selecting goods can, however, vary depending on the particular goods in question (see, for example, the judgment of the General Court

in *Inter-Ikea Systems BV v OHIM* (Case T-112/06)). The goods in question, or at least the goods where I have identified overlap, are unlikely to be the most considered of purchases. They are, in the main, fairly low cost items. That being said, they are likely to be inspected to ensure that they meet the purpose required, so, in terms of wrapping materials etc., that they will fit the required object and that the colour and pattern suits the recipient. I think this all boils down to a purchasing act that is no more or no less a reasonably considered one. Although aural similarity will not be ignored completely from my analysis, I am conscious that the visual impression of the trade marks is likely to take on more significance as the purchase of the types of goods at issue strikes me as more of a visual act.

Comparison of the marks

29) The competing marks, for ease of reference, are: HIPP v HIPP.COM.AU

30) It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. It would be wrong, therefore, to artificially dissect the trade marks, although, it is necessary to take into account any distinctive and dominant components.

31) Co's HIPP mark does not separate into dominant and distinctive components. It has one just one element which forms its only constituent part. In terms of AU's HIPP.COM.AU mark, whilst it forms a complete URL, I consider that the HIPP part of the URL will be the most memorable aspect of it given that ".COM.AU" merely serves to signify the relevant Internet domain. The HIPP element will be regarded by the average consumer as the part which is signifying to them the undertaking responsible for the goods. I consider HIPP to be the dominant and distinctive element of the mark.

32) Similar considerations apply to both the visual and aural comparisons in that there is a point of similarity in terms of the word HIPP, which constitutes the only or the dominant element in the respective marks, but that there is also a difference in terms of the addition of ".COM.AU" in Au's mark. Whilst I note the difference, I still consider there to be a reasonable degree of visual and aural similarity.

33) In terms of concept, the word HIPP is not a dictionary word per se. It may be a surname (the founder of Co was a Mr Hipp) but there is no evidence to suggest that it is a common one in the UK. I believe the average consumer will regard it as an invented word. Such significance will also relate to the word HIPP as it appears in HIPP.COM.AU. However, as AU pointed out in its counterstatement,

the mark as a whole will be perceived as a URL. Whilst this creates something of a difference in terms of overall concept, the HIPP element will still be seen as an invented word as it will in Co's mark. For this reason, I do not consider that such a difference in overall concept will have a significant effect on the degree of overall similarity. Overall, I consider there to be at least a reasonable degree of similarity.

Distinctiveness of the earlier mark

34) The degree of distinctiveness of the earlier mark is another important factor to consider. This is because the more distinctive it is (based either on its inherent qualities or because of the use made of it), the greater the likelihood of confusion (see *Sabel BV v. Puma AG*, paragraph 24). From an inherent starting point I have already found that the word HIPP is likely to be perceived as an invented word. It has no allusive or suggestive qualities to the relevant goods. As such, I consider that it possesses a high level of distinctiveness. In terms of the use made of the mark, the use relates, overwhelmingly, to baby food. As this is not where the goods overlap, I do not consider that such use is particularly relevant. It will not have any real effect on the likelihood of confusion.

Is there a likelihood of confusion?

35) It is clear that all the relevant factors have a degree of interdependency (*Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 17) and that a global assessment of them must be made when determining whether there exists a likelihood of confusion (*Sabel BV v. Puma AG*, paragraph 22). However, there is no scientific formula to apply. It is a matter of considering the relevant factors from the viewpoint of the average consumer and determining whether they are likely to be confused.

36) The marks are reasonably similar and the goods are either identical or similar to a high degree. The earlier mark has a high degree of distinctive character. In my view there is a clear likelihood of confusion. The differences between the two marks may not even be recalled when one bears in mind the concept of imperfect recollection, but even if they were, the use of a trade mark consisting of a URL containing as its dominant and distinctive element the word HIPP, will be believed by the average consumer to be a trade mark of the same or a related economic undertaking as the trade mark HIPP (or vice versa) when used on such identical or highly similar goods. I have not ignored in this finding AU's arguments in its evidence, but its arguments ignore, to a large extent, the notional assessment that must be undertaken. Similarly, the lack of any confusion so far is not telling given that it is not clear whether AU has even used its mark in the UK and even if it has, its use (in relation to gift stationery) does not overlap with Co's primary use. The opposition succeeds under section 5(2)(b) of the Act.

37) Given the above finding I do not see how Co can be any better position under section 5(3) of the Act (particularly having regard to where its reputation is prevalent) than it is under section 5(2)(b). For this reason there is little point in probing the matter further.

Costs

38) Co has been successful and is entitled to a contribution towards its costs⁴. I hereby order HIPPO.COM.AU Pty Ltd to pay Hipp & Co the sum of £1600. This sum is calculated as follows:

Preparing a statement and considering the other side's statement
£500

Expenses – opposition fee
£200

Filing evidence and considering the other side's evidence
£500

Filing written submissions
£400

39) The above sum should be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful

Dated this 21 day of January 2011

**Oliver Morris
For the Registrar,
The Comptroller-General**

⁴ Costs are normally awarded on the basis of the registrar's published scale in Tribunal Practice Notice 4/2007.

ANNEX – CO'S EARLIER MARKS

1) CTM 2578003

Mark text: HiPP

Filing date: 14 February 2002

Publication date: 07 July 2003

Registration date: 22 May 2003

List of goods or services

Class 03: Care products for babies, infants, toddlers and children (included in class 3).

Class 10: Baby bottles, baby bottle nipples.

Class 16: Printed matter, books.

Class 24: Bath linen, wash mitts;bed linen, in particular for babies, toddlers and children.

Class 25: Clothing, in particular for babies, toddlers and children;baby bibs.

Class 28: Toys.

Class 31: Fresh fruits and vegetables.

Class 43: Arranging temporary accommodation; providing of food and drink for guests; catering for foodstuffs and beverages;operating and supplying canteens and cafeterias with foodstuffs and beverages.

Class 44: Nutrional consultancy with regard to babies, infants, toddlers and children, baby, infant, toddler and child care consultancy.

2) CTM 4535001

Mark:



Filing date: 11 July 2005

Publication date: 28 August 2006

Registration date: 21 August 2006

Class 03: Body and beauty care products for babies, infants, toddlers and children, in particular essential oils, paper and textile tissues impregnated with oils, lotions and/or chemical preparations for general hygienic and body-care purposes, oils, lotions, creams, powders, soaps, skincare tissues impregnated with cosmetic lotions, bath preparations, shampoos, sunscreens; dentifrices, in particular tooth pastes; cotton sticks for cosmetic purposes.

Class 05: Protein preparations derived from vegetable and animal products for medical purposes, for human consumption; pharmaceutical products; dietetic substances for children and invalids, adapted for medical use; food for babies; lotions, creams, powders, soaps, shampoos and bath preparations for medical purposes, intended for babies and toddlers in particular; breast-nursing pads.

Class 08: Cutlery, in particular weaning cutlery and children's cutlery; nail scissors for babies.

Class 09: Bath thermometers, not for medical purposes; mouse pads; telephone cards; sound carriers, in particular CDs and cassettes.

Class 10: Baby bottles and drinking bottles for babies, baby-bottle teats, dummies and dummy chains; teething rings; infant bulb syringes; bath thermometers for medical purposes; heat-retaining cushions for medical purposes.

Class 12: Prams and buggies, and accessories therefor, in particular rain guards for prams and buggies, bottle holders for prams and buggies and suspended nets for prams; safety seats for children for vehicles, and accessories therefor, in particular protective covers for child seats.

Class 16: Printed matter, books, picture books; nappy pants for babies; changing mats of absorbent cellulose; pre-moistened disposable flannels of cellulose; paper, paperboard and goods made from these materials, in particular serviettes,

gift wrapping, sticky notes and stickers; car stickers; calendars; stationery, in particular notepads; ball-point pens.

Class 18: Cotton bags for carrying infants; backpacks, bags; umbrellas; travel beds.

Class 20: Keyboards for hanging keys; highstools for children; hoppers; wicker baskets; safety catches, protective devices, in particular drawer latches, drawer stops, corner protectors, door stops, protective devices for sockets, window locks and refrigerator safety latches; cupboard locks.

Class 21: Plates, in particular warming plates, sipper cups; heaters for feeding bottles, non-electric; bottle holders, bottle and teat brushes; brush accessories; combs; toothbrushes; hairbrushes; drinking glasses; vases; coffee cups.

Class 25: Clothing, in particular for infants, toddlers and children, in particular T-shirts, bodysuits and rompers; baby bibs; headgear, in particular caps; rainproof ponchos; footwear, in particular gym shoes.

Class 29: Protein preparations extracted from vegetable and animal products for human consumption; Meat, fish, poultry, game and meat products; meat extracts; meat, fish, fruit and vegetable jellies; jams; compotes; eggs, milk, dairy products, namely butter, cheese, cream, yoghurt, cottage cheese, milk powder and lactoprotein for food; fruit bars, mainly consisting of fruits and cereals, muesli, nuts and/or sugar; children's desserts, in particular desserts mainly consisting of milk and/or fruit; desserts and sweet dishes, mainly consisting of milk, including using binding agents of all kinds; desserts, mainly consisting of fruit; prepared and semi-prepared meals, mainly made from meat, poultry, game, fish, fruit, vegetables, eggs, milk products, pulses and/or potatoes; soups; meat, fish, poultry, game, vegetable, fruit and milk preserves; edible oils and fats; including all the aforesaid goods in frozen form; all the aforesaid goods also for dietetic purposes; dietetic foodstuffs or food supplements not adapted for medical use, with a base of proteins, fats, fatty acids, with added vitamins, minerals, trace elements, either singly or in combination, included in class 29.

Class 30: Tea, tea beverages, cocoa, sugar, glucose, rice, tapioca, sago, flour, semolina, cereal flakes and cereal preparations (except foodstuffs for animals), bread, biscuits, cakes, pastries, long-life pastries; snack products, confectionery, farinaceous food pastes, chocolate; glucose preparations, bee preparations; children's desserts, in particular sweet dishes, mainly consisting of sugar, cocoa, chocolate and/or starch; desserts and sweet dishes, mainly consisting of sugar and chocolate, including using binding agents of all kinds; prepared meals and semi-prepared meals, mainly made from cereal preparations, rice and/or pasta; spices; muesli, consisting predominantly of cereals, fruits, nuts and/or sugar; cereal bars, mainly consisting of cereals, muesli, nuts and fruits and/or sugar; ready-to-serve cereal food, prepared and semi-prepared food of bran, including

pastries; all the aforesaid goods also in frozen form; all the aforesaid goods also for dietetic purposes; dietetic foodstuffs or food supplements not adapted for medical use, with a base of carbohydrates, roughage, with added vitamins, minerals, trace elements, either singly or in combination, included in class 30.

Class 44: Nutritional consultancy with regard to babies, infants and children, baby, infant and child care consultancy.

3) CTM 4529517

Mark text:
HIPP

Filing date: 07 July 2005

Publication date: 24 July 2006

Registration date: 18 July 2006

Class 03: Body and beauty care products for babies, infants, toddlers and children, in particular essential oils, paper and textile tissues impregnated with oils, lotions and/or chemical preparations for general hygienic and body-care purposes, oils, lotions, creams, powders, soaps, skincare tissues impregnated with cosmetic lotions, bath preparations, shampoos, sunscreens; dentifrices, in particular tooth pastes; cotton sticks for cosmetic purposes.

Class 05: Protein preparations derived from vegetable and animal products for medical purposes, for human consumption; pharmaceutical products; dietetic substances for children and invalids, adapted for medical use; food for babies; lotions, creams, powders, soaps, shampoos and bath preparations for medical purposes, intended for babies and toddlers in particular; breast-nursing pads.

Class 08: Cutlery, in particular weaning cutlery and children's cutlery; nail scissors for babies.

Class 09: Bath thermometers, not for medical purposes; mouse pads; telephone cards; sound carriers, in particular CDs and cassettes.

Class 10: Baby bottles and drinking bottles for babies, baby-bottle teats, dummies and dummy chains; teething rings; infant bulb syringes; bath thermometers for medical purposes; heat-retaining cushions for medical purposes.

Class 12: Prams and buggies, and accessories therefor, in particular rain guards for prams and buggies; bottle holders for prams and buggies and hanging nets

for prams; safety seats for children for vehicles, and accessories therefor, in particular protective covers for child seats.

Class 16: Printed matter, books, picture books; nappy pants for babies; changing mats of absorbent cellulose; pre-moistened disposable flannels of cellulose; paper, paperboard and goods made from these materials, in particular serviettes, gift wrapping, sticky notes and stickers; car stickers; calendars; stationery, in particular notepads; ball-point pens.

Class 18: Cotton bags for carrying infants; rucksacks, bags; umbrellas; travel beds.

Class 20: Keyboards for hanging keys; highstools for children; hoppers; wicker baskets; safety catches, protective devices, in particular drawer latches, drawer stops, corner protectors, door stops, protective devices for sockets, window locks and refrigerator safety latches; cupboard locks.

Class 21: Plates, in particular warming plates, sipper cups; heaters for feeding bottles, non-electric; bottle holders, bottle and teat brushes; brush accessories; combs; toothbrushes; hairbrushes; drinking glasses; vases; coffee cups.

Class 25: Clothing, in particular for infants, toddlers and children, in particular T-shirts, bodysuits and rompers; baby bibs; headgear, in particular caps; rainproof ponchos; footwear, in particular gym shoes.

Class 29: Protein preparations extracted from vegetable and animal products for human consumption; Meat, fish, poultry, game and meat products; meat extracts; meat, fish, fruit and vegetable jellies; jams; compotes; eggs, milk, dairy products, namely butter, cheese, cream, yoghurt, cottage cheese, milk powder and lactoprotein for food; fruit bars, mainly consisting of fruits and cereals, muesli, nuts and/or sugar; children's desserts, in particular desserts mainly consisting of milk and/or fruit; desserts and sweet dishes, mainly consisting of milk, including using binding agents of all kinds; desserts, mainly consisting of fruit; prepared and semi-prepared meals, mainly made from meat, poultry, game, fish, fruit, vegetables, eggs, milk products, pulses and/or potatoes; soups; meat, fish, poultry, game, vegetable, fruit and milk preserves; edible oils and fats; including all the aforesaid goods in frozen form; all the aforesaid goods also for dietetic purposes; dietetic foodstuffs or food supplements not adapted for medical use, with a base of proteins, fats, fatty acids, with added vitamins, minerals, trace elements, either singly or in combination, included in class 29.

Class 30: Tea, tea beverages, cocoa, sugar, glucose, rice, tapioca, sago, flour, semolina, cereal flakes and cereal preparations (except foodstuffs for animals), bread, biscuits, cakes, pastries, long-life pastries; snack products, confectionery, farinaceous food pastes, chocolate; glucose preparations, bee preparations; children's desserts, in particular sweet dishes, mainly consisting of sugar, cocoa,

chocolate and/or starch; desserts and sweet dishes, mainly consisting of sugar and chocolate, including using binding agents of all kinds; prepared meals and semi-prepared meals, mainly made from cereal preparations, rice and/or pasta; spices; muesli, consisting predominantly of cereals, fruits, nuts and/or sugar; cereal bars, mainly consisting of cereals, muesli, nuts and fruits and/or sugar; ready-to-serve cereal food, prepared and semi-prepared food of bran, including pastries; all the aforesaid goods also in frozen form; all the aforesaid goods also for dietetic purposes; dietetic foodstuffs or food supplements not adapted for medical use, with a base of carbohydrates, roughage, with added vitamins, minerals, trace elements, either singly or in combination, included in class 30.

Class 44: Nutritional consultancy with regard to babies, infants and children, baby, infant and child care consultancy.