

**BL O/0201/26**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF  
TRADE MARK APPLICATION NUMBER 3974533  
BY MOBEEN FAROOQ  
TO REGISTER THE TRADE MARKS:**

**HANSON AND LANGFORD**

**AND**

**Hanson and Langford**

**(SERIES OF TWO)**

**IN CLASS 17**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NUMBER 444345  
BY MR SARFRAZ MUNEER**

## BACKGROUND AND PLEADINGS

1. On 1 November 2023, Mobeen Farooq (“the applicant”) applied to register in the UK the trade mark series shown on the cover page of this decision, under number 3974533 (“the contested mark”). The contested mark was published in the Trade Marks Journal for opposition purposes on 17 November 2023 in respect of the following goods:

Class 17: Flexible foam; flexible polyurethane foam; flexible foam materials; cut to size foam; foam materials cut to size; foam materials for use in manufacture; foam materials in the form of blocks, sheets, rolls, blanks; shredded polyurethane foams; ether foams; closed cell foams; closed cell polyethylene foams; closed cell cross-linked polyethylene foam; closed cell cross-linked polyethene foam; Flower arrangements (Foam supports for -) [semi-finished products]; Foam for use as heat insulation; Foam for use as heat shields; Foam for use as motor compartment linings; Foam for use in sound absorption; Foam for use in sound insulation; Foam glass for use as an insulating materials; Foam in the form of blocks for use as heat insulation; Foam insulation for use in building and construction; Foam insulation materials for use in building and construction; Foam rubber; Foam sheeting for use as a building insulation; Foam supports for floral arrangements; Foam supports for flower arrangements [semi-finished products].

2. On 27 November 2023, Faiza Adnan filed a notice of opposition, opposing the application in full. However, during the proceedings an assignment took place dated 13 May 2024, transferring the ownership of the earlier mark owned by Faiza Adnan to Mr Sarfraz Muneer. The relevant undertakings were agreed to by Mr Sarfraz Muneer (“the opponent”) on 6 June 2024 for the proceedings to continue. The opposition was originally brought under section 5(1), 5(2)(a) and 5(2)(b) of the Trade Marks Act 1994 (“the Act”), however in their written submissions in lieu of a hearing, the opponent stated that the opposition was based on s5(2)(b) only. I will

therefore proceed on that basis. The opponent relies upon the following UK trade mark:

UK registration number: 3822111

## **HANSON AND LANGFORD**

Filing date: 21 August 2022

Registration date: 27 January 2023

For the purposes of these proceedings, the opponent relies upon on all the goods for which the mark is registered, as laid out below:

Class 20: Kids and baby mattresses; cushions and pillows.

Class 24: Bedding, Curtains, Textile Goods and substitutes for textile goods, Bed Linen and blankets; Duvets, throws, cushion covers, coverings for furniture; Adhesive fabric; Adhesive fabric for application by heat; Adhesive fabrics for application by heat; Adhesive labels (Textile - );Adhesive materials in the form of stickers [textile];Aeronautical balloons (Fabric impervious to gases for -);Afghans; Afghans [knitted covers];Apparel fabrics; Artificial silk; Baby blankets; Baby buntings; Badges made of fabric material; Bags for sleeping bags [specifically adapted];Ballistic resistant fabrics; Balloons (Fabric impervious to gases for aeronautical -);Banners; Banners of textile; Banners of textile or plastic; Banners textile; Bar cloths; Bath linen; Bath linen, except clothing; Bath mitts; Bath sheets; Bath sheets (towels);Bath towels; Bath wrap towels; Bathroom towels; Beach towels; Bean bag covers; Bed blankets; Bed blankets made of cotton; Bed blankets made of man-made fibres; Bed canopies; Bed clothes; Bed clothes and blankets; Bed coverings; Bed covers; Bed covers of paper; Bed linen; Bed linen and blankets; Bed linen and table linen; Bed linen made of non-woven textile material; Bed linen of paper; Bed pads; Bed quilts; Bed sheets; Bed

sheets of paper; Bed sheets of plastic [not being incontinence sheets]; Bed sheets of plastic, not being incontinence sheets; Bed skirts; Bed spreads; Bed throws; Bed valances; Bed warmer covers; Bedroom textile fabrics; Bedsheets; Bedspreads; Billiard cloth; Billiard table baize; Bivouac sacks being covers for sleeping bags; Blackout curtains; Blanket throws; Blankets (Bed -); Blankets for household pets; Blankets for outdoor use; Bolting cloth; Borders (textile wall hangings); Breathable piece goods made of textile materials bonded with plastics; Breathable piece goods made of textile materials bonded with rubber; Breathable waterproof fabrics; Broad woven industrial fabrics; Brocade; Brocade flags; Brocades; Buckram; Bunting; Bunting flags; Bunting of textile or plastic; Calico; Calico cloth (Printed -); Canopies (bed linen); Canopies [covers for beds]; Canopy covers; Canvas; Canvas for embroidery; Canvas for tapestry or embroidery; Chair backs [textile articles]; Chair covers; Cheese cloth; Chemical fiber base mixed fabrics; Chemical fiber fabrics; Chemical fibre loop knit fabrics; Chemical fibre mixed fabrics; Chenille fabric; Chenille fabric; Cheviot fabric; Adhesive fabric; Adhesive fabric for application by heat; Adhesive fabrics for application by heat; Adhesive labels (Textile -); Adhesive materials in the form of stickers [textile]; Aeronautical balloons (Fabric impervious to gases for -); Afghans; Afghans [knitted covers]; Apparel fabrics; Artificial silk; Baby blankets; Baby buntings; Badges made of fabric material; Bags for sleeping bags [specifically adapted]; Ballistic resistant fabrics; Balloons (Fabric impervious to gases for aeronautical -); Banners; Banners of textile; Banners of textile or plastic; Banners textile; Bar cloths; Bath linen; Bath linen, except clothing; Bath mitts; Bath sheets; Bath sheets (towels); Bath towels; Bath wrap towels; Bathroom towels; Beach towels; Bean bag covers; Bed blankets; Bed blankets made of cotton; Bed blankets made of man-made fibres; Bed canopies; Bed clothes; Bed clothes and blankets; Bed coverings; Bed covers; Bed covers of paper; Bed linen; Bed linen and blankets; Bed linen and table linen; Bed linen made of non-woven textile material; Bed linen of paper; Bed pads; Bed quilts; Bed sheets; Bed sheets of paper; Bed sheets of plastic [not being incontinence sheets]; Bed sheets of plastic, not being incontinence

sheets; Bed skirts; Bed spreads; Bed throws; Bed valances; Bed warmer covers; Bedroom textile fabrics; Bedsheets; Bedspreads; Billiard cloth; Billiard cloth [baize];Billiard table baize; Bivouac sacks being covers for sleeping bags; Blackout curtains; Blanket throws; Blankets (Bed -);Blankets for household pets; Blankets for outdoor use; Bolting cloth; Borders (textile wall hangings);Breathable piece goods made of textile materials bonded with plastics; Breathable piece goods made of textile materials bonded with rubber; Breathable waterproof fabrics; Broad woven industrial fabrics; Brocade; Brocade flags; Brocades; Buckram; Bunting; Bunting flags; Bunting of textile or plastic; Calico; Calico cloth (Printed -);Canopies (bed linen);Canopies [covers for beds];Canopy covers; Canvas; Canvas for embroidery; Canvas for tapestry; Canvas for tapestry or embroidery; Chair backs [textile articles];Chair covers; Cheese cloth; Chemical fiber base mixed fabrics; Chemical fiber fabrics; Chemical fibre loop knit fabrics; Chemical fibre mixed fabrics; Chenille fabric; Chenille fabric; Baby blankets; Bath linen, except clothing; Bath sheets; Bath sheets (towels);Bath towels; Bath wrap towels; Bathroom towels; Beach towels; Bed blankets; Bed blankets made of cotton; Bed clothes; Bed clothes and blankets; Bed linen; Bed linen and blankets; Bed sheets; Bed spreads; Bed throws; Bed warmer covers; Bedroom textile fabrics; Bedsheets; Bedspreads; Blackout curtains; Blanket throws; Blankets (Bed -);Blankets for household pets; Blankets for outdoor use; Breathable waterproof fabrics; Curtain holders of cloth; Curtain holders or tiebacks of textile; Curtain holders (Textile -);Curtain material; Curtain valences; Curtains; Curtains and lace curtains of textiles or plastic; Curtains for showers; Curtains for windows; Curtains made from textile materials; Baby blankets; Bar cloths; Bath linen, except clothing; Bath mitts; Bath sheets; Bath sheets (towels);Bath towels; Bath wrap towels; Bathroom towels; Bed blankets; Bed blankets made of cotton; Bed clothes and blankets; Bed linen; Bed sheets; Bed throws; Bed valances; Bedsheets; Bedspreads; Blanket throws; Blankets (Bed -);Blankets for household pets.

3. By virtue of filing an opposition under section 5(2)(b), the opponent is claiming that the respective marks and respective goods are similar, giving rise to a likelihood of confusion
4. The applicant filed a defence and counterstatement denying the grounds of the opposition.<sup>1</sup> I note that the applicant has not provided any comments on the identity or similarity of the marks.
5. Given the filing dates, the opponent's mark is an earlier mark, in accordance with section 6 of the Act. However, as it had not been registered for five years or more at the filing date of the application, it is not subject to the proof of use requirements specified within section 6A of the Act. As a consequence, the opponent may rely upon all of the goods for which the earlier mark is registered without having to establish genuine use.
6. Neither party is represented and neither party chose to file evidence. Both parties were given the option of an oral hearing but neither requested to be heard on this matter, however, the opponent filed written submissions in lieu of a hearing. This decision is taken following a careful review of the papers before me, keeping all submissions in mind.

## **RELEVANCE OF EU LAW**

7. 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.

## **PRELIMINARY ISSUES**

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<sup>1</sup> Form TM8, paragraph 8

## Different classes & Marketing strategies

8. The applicant has raised points in its counterstatement which I intend to address before going any further into the merits of this opposition. This is because it is necessary to explain why, as a matter of law, these points will have no bearing on the outcome of this opposition.
9. In its counterstatement, the applicant submits that the respective classes are different, that being class 17 for the applicant's foam products. The applicant also submits that it is selling their products on Amazon with registered brands in the Amazon brand registry, using both styles and names in the applied for mark.<sup>2</sup>
10. In regard to the applicant's goods being in different classes, I refer to section 60A of the Act which states that goods and/or services are not to be automatically regarded as being similar to each other on the ground that they appear in the same class, nor automatically regarded as dissimilar from each other on the ground that they appear in different classes. I will make an assessment later in this decision when performing a comparison of the goods at issue.
11. Where the parties currently sell their goods in the market place is not relevant to my assessment. As parties' marketing strategies are transitional and can change with the passage of time, it would be inappropriate to take such factors into account when approaching the prospective analysis of a likelihood of confusion.<sup>3</sup> In short, I am required to make an assessment of the likelihood of confusion notionally and objectively, on the basis of the respective specifications (and marks) as they appear before me.

## Former opponent

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<sup>2</sup> Form TM8 filed 3 June 2024, section 8

<sup>3</sup> *Devinlec Développement Innovation Leclerc SA v OHIM*, Case C-171/06P

12. In its counterstatement, the applicant submits that the former opponent, Faiza Adana, has stepped back and no longer owns the trade mark and that the new opponent Mr Sarfraz Muneer has no rights to the earlier mark.<sup>4</sup>

13. For the reasons I have set out above in paragraph 2, the proceedings will continue in the name of Mr Sarfraz Muneer.

## **DECISION**

### **Section 5(2)(b): legislation and case law**

14. Sections 5(2)(b) and 5A of the Act read as follows:

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

(a)...

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

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

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

15. 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:

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<sup>4</sup> Form TM8 filed 3 June 2024, section 8

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. The average consumer is deemed to be reasonably well informed and reasonably circumspect and observant, but someone who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them they have kept in their mind, and whose attention varies according to the category of goods or services in question;

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

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

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

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

g) a lesser degree of similarity between the goods or services may be offset by a 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;

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

### **Comparison of the marks**

16. In *S.A. Société LTJ Diffusion v. Sadas Vertbaudet SA*, Case C-291/00, the CJEU held that:

“54... a sign is identical with the trade mark where it reproduces, without any modification or addition, all the elements constituting the trade mark or where, viewed as a whole, it contains differences so insignificant that they may go unnoticed by the average consumer.”

17. In its submissions in lieu, the opponent has indicated that the opposition is based on section 5(2)(b) only.<sup>5</sup> However, it is noted that later in the submissions, the opponent states that the marks are visually, phonetically and conceptually 100% the same.<sup>6</sup> On review of the marks, for the reasons I have set out below in paragraph [18], I consider the applicant’s series of two marks and the opponent’s earlier mark are identical.

18. The marks at issue are word only marks. The applicant’s mark is a series of two marks and consists of the words ‘HANSON AND LANGFORD’ and ‘Hanson and Langford’. The opponent’s mark is a word only mark and consists of the words ‘HANSON AND LANGFORD’. The applicant’s first mark in the series of two, HANSON AND LANGFORD, is the same as the opponent’s mark. As neither mark

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<sup>5</sup> Opponent’s submissions in lieu dated 29 July 2025, page 3.

<sup>6</sup> Opponent’s submissions in lieu dated 29 July 2025, page 6.

has any additional elements or changes which affect the visual, aural or conceptual identities of the marks, I find the competing marks to be identical. It is also considered that the second mark in the series, 'Hanson and Langford', is identical too. As the registration of a word-only mark protects the word itself, the marks are still identical, notwithstanding the difference in capitalisation. Accordingly, the marks are identical.

### **Comparison of goods**

19. In comparing the respective specifications, all relevant factors should be considered, as per *Canon*, where the CJEU stated at paragraph 23 of its judgment:

“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.”

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

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be, found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;

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

21. Further, in *Kurt Hesse v OHIM*,<sup>7</sup> the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v OHIM*,<sup>8</sup> the General Court (“GC”) stated that “complementary” means:

“...there is 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.”

22. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM), Case T-325/06*, the GC stated that “complementary” means:

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

23. The goods to be compared are set out at paragraphs 1 and 2 of this decision. Before I proceed to perform a comparison of the respective goods, I will address some of the comments provided by the opponent in its submissions in lieu<sup>9</sup>, in which the opponent states that all of their products in class 20 and 24 are made of foam and that the opponent’s goods and the applicant’s class 17 goods are all the same or highly similar.

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<sup>7</sup> Case C-50/15 P

<sup>8</sup> Case T-325/06

<sup>9</sup> Opponent’s submissions in lieu, page 5.

24. Absent of any evidence, I am inclined to disagree with the opponent's submission that "all of their products are made of foam" and are therefore the same or highly similar as the applicant's goods, as I find that many of the goods do not typically contain foam.

25. Furthermore, the opponent goes on to state that:

"In Applicant's class 17 specification, every item is a type of foam and is named as such. This renders all these items similar on the basis of the material they are made from; their physical nature. Indeed, even the main item, "Foam materials cut to size" is similar to the Opponent's goods because it contains polyurethane foam and can be used for cushions, mattresses, cribs also for furniture cushions (competitive item)."<sup>10</sup>

26. I will address the opponent's submissions at paragraph [25] when performing my goods comparison. However, I note that the opponent has referred to 'cribs' and 'furniture cushions' within its submissions, neither of which appear in the opponent's specification.

27. The opponent has referred to 'Similar services' within its submissions.<sup>11</sup> The proceedings before me require consideration of the similarity between the applicant's goods in classes 17 and the opponent's goods in classes 20 and 24. As the specifications do not relate to services, I will not take these submissions into account.

28. For the purpose of a comparison, it is appropriate to group related goods together, where they are sufficiently comparable to do so.<sup>12</sup>

Class 17

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<sup>10</sup> Opponent's submissions in lieu, page 5.

<sup>11</sup> Opponent's submissions in lieu, page 5

<sup>12</sup> *Separode* Trade Mark decision, BL O-399-10 (AP)

*Flexible foam; flexible polyurethane foam; flexible foam materials; cut to size foam; foam materials cut to size; foam materials for use in manufacture; foam materials in the form of blocks, sheets, rolls, blanks; shredded polyurethane foams; ether foams; closed cell foams; closed cell polyethylene foams; closed cell cross-linked polyethylene foam; closed cell cross-linked polyethene foam; foam rubber.*

29. I do not consider that the opponent's '*Kids and baby mattresses; cushions and pillows*' in class 20 to be similar to the applicant's '*foam materials cut to size*' because it contains polyurethane foam, as argued by the opponent in its written submissions and referred to above in paragraph [23]. Whilst I acknowledge that foam may be used in the opponent's goods as padding or a filler, as set out in *Les Éditions Albert René v OHIM*,<sup>13</sup> it is clear that just because a particular good is used as a part, element or component of another, this isn't sufficient in and of itself to result in a finding of identity/similarity between those goods. However, it does not mean that there can never be similarity between such goods where there is overlap in the factors identified in *Canon and Treat*.

30. The applicant's above goods are primarily materials for use in the manufacturing industry as components of finished products and the opponent's goods, being pillows, cushions and mattresses are home furnishings, that are used primarily to provide comfort and support. No evidence has been filed to show whether the opponent's mattresses, pillows or cushions contain materials such as the applicant's '*foam materials cut to size*', however, even if they do, I am mindful of the guidance set out above in *Les Éditions Albert René v OHIM*. I acknowledge that there may be a minor overlap in physical nature if they are manufactured from '*foam*', however, there is no overlap in nature if this is not the case. The users of the opponent's goods in class 20 will be the general public, whereas the users of the applicant's goods will be primarily professionals in the manufacturing industry. Any general and indirect overlap in users, in as much as both sets of goods may be purchased by members of the general public, is insufficient to establish similarity. The goods will be sold through different trade channels. The goods are not in competition with each other and I do not consider the respective goods to be

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<sup>13</sup> Case T-336/03

complementary to one another, even if the applicant's materials are used in the opponent's goods, as consumers are unlikely to think the responsibility lies with the same undertaking. Even if there is an overlap in nature, I consider this to be too limited to find any similarity between the goods. Taking all the above factors into account, I find the respective goods to be dissimilar.

31. I do not consider that the opponent's class 24 goods, which are generally household linens and textiles, to be similar to the applicant's 'foam' goods. This is because the opponent's goods will likely be sold by general retailers for the purpose of providing comfort, decoration and functional household use. In contrast, the applicant's goods are generally supplied through industrial, commercial and specialist trade channels as components of finished products. Therefore, trade channels, nature, method of use and purpose of these goods do not overlap with the applicant's 'foam' goods. The goods are also neither in competition, nor complementary, in the manner described by the case law cited above in paragraph [29]. While there may be a general and indirect overlap in users, in as much as both sets of goods may be purchased by members of the general public, this overlap is not sufficient on its own to establish similarity. I therefore find the goods to be dissimilar.

*Foam for use as motor compartment linings.*

32. The applicant's above goods will be used to line motor compartments and therefore do not overlap in nature, method of use or purpose with the opponent's home furnishings in class 20 or general household linens and textiles in class 24. As the applicant's goods will be sold by foam specialists or automotive specialists, they will differ in trade channels. The goods will not be in competition with each other, nor complementary. The applicant's foam goods are likely to be used by automotive engineers so I do not consider they would overlap in user. However, if the goods did overlap in user, this would be at a fairly high level and is not enough on its own to establish similarity. I therefore find the goods to be dissimilar.

*Flower arrangements (Foam supports for -) [semi-finished products]; Foam supports for floral arrangements; Foam supports for flower arrangements [semi-finished products].*

33. The applicant's above goods are foam used for floral arrangements. These goods do not overlap in nature, method of use or purpose with the opponent's class 20 home furnishings which are used to provide comfort and support or its general household linens and textiles in class 24, which are used to provide comfort, decoration and functionality. The goods do not overlap in trade channels as the applicant's goods would likely be sold by florists or specialist craft suppliers, whereas the opponent's goods will be sold by general household retail stores and textile merchants. The goods are neither in competition, nor complementary. While there may be some overlap in users, insofar as the applicant's foam goods may be purchased by florists as well as by the general public, this overlap is limited and is not enough on its own to establish similarity. Accordingly, the goods are dissimilar.

*Foam for use as heat insulation; Foam for use as heat shields; Foam for use in sound absorption; Foam for use in sound insulation; Foam glass for use as an insulating materials; Foam in the form of blocks for use as heat insulation; Foam insulation for use in building and construction; Foam insulation materials for use in building and construction; Foam rubber; Foam sheeting for use as a building insulation.*

34. To my knowledge, the above foam goods are used in building and construction and will be manufactured by construction foam specialists. The goods are used to create, insulate and absorb sound in buildings. The above goods will therefore not overlap in nature, method of use, purpose or trade channels with the opponent's class 20 home furnishings or the class 24 general household linens and textiles. The goods are not in competition, nor will they be complementary. The applicant's foam goods are likely to be used by industrial and commercial buyers so I do not consider they would overlap in user. However, if the goods did overlap in user, this

would be at a fairly high level and is not enough on its own to establish similarity. I therefore find the goods to be dissimilar.

35. It is a prerequisite of section 5(2)(b) that the goods or services be similar.<sup>14</sup> As some degree of similarity between goods is necessary to engage the test for a likelihood of confusion, my findings above mean that the opposition aimed against those goods I have found to be dissimilar will fail. As I have found all the goods to be dissimilar, the opposition fails in its entirety.

## **Conclusion**

36. The opposition under Section 5(2)(b) of the Act has been unsuccessful. Subject to any successful appeal, the application will proceed to registration.

## **Costs**

37. As the applicant has been successful, it is, in principle, entitled to a contribution towards its costs. For parties without professional representation, such costs would be awarded at a rate of £19 per hour,<sup>15</sup> reflecting the number of hours spent on the different stages of the opposition. In a letter to the parties dated 3 July 2025, the Tribunal invited the unrepresented applicant to indicate whether it wished to make a request for an award of costs and, if so, to complete and return a costs pro-forma by **31 July 2025**. The letter stated that “If the pro-forma is not completed and returned, costs, other than official fees arising from the action (excluding extensions of time), may not be awarded. You must include a breakdown of the actual costs, including accurate estimates of the number of hours spent on each of the activities listed and any travel costs”. As the pro-forma was not returned, and as no official fees have been incurred in defence of the application, I make no order as to costs in this case.

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<sup>14</sup> eSure Insurance v Direct Line Insurance, [2008] ETMR 77 CA.

<sup>15</sup> As set out in The Litigants in Person (Costs and Expenses) Act 1975 (as amended).

**Dated this 12<sup>th</sup> day of March 2026**

**Mrs Joanne Roberts  
For the Registrar**