O/0203/26

TRADE MARKS ACT 1994

IN THE MATTER OF INTERNATIONAL REGISTRATION NO. WO0000001814618 DESIGNATING THE UK BY RAKET 17, BESLOTEN VENNOOTSCHAP

YOU & ME

IN CLASS 33 & 43

AND

IN THE MATTER OF OPPOSITION THERETO UNDER NO. OP600003659 BY HYVA KALA LTD

Background and pleadings

1. Raket 17, Besloten Vennootschap (the "Holder") is the holder of the International Registration shown on the cover page of this decision ("the IR").The IR was registered on 13 September 2024, but claims priority from the 21 May 2024.[1] With effect from 13 September 2024, the Holder designated the UK as a territory in which it seeks to protect the IR under the terms of the Protocol to the Madrid Agreement. The IR was accepted and published in the Trade Marks Journal for opposition purposes on 10 January 2025.The Holder seeks protection for the IR in relation to the following goods and services:

   Class 33: Vodka.

   Class 43: Services for providing food and drink; bar services; café services.

2. On 10 April 2025, Hyva Kala Ltd ("the Opponent") opposed the IR under the fast-track opposition scheme. The opposition is brought under section 5(2)(b) of the Trade Marks Act 1994 ("the Act"), and is directed at all of the goods and services in the IR.

3. The Opponent relies upon the following trade mark ("the earlier mark"):

YOU ME

Trade mark no. UK00003646064
Filing date: 24 May 2021
Registration date: 27 October 2023
Relying upon the following services:

[1] This is claimed from Benelux Office For Intellectual Property (BOIP) trade mark no. 1504813

Class 43: Bars; lounge services (cocktail); wine bars; wine bar services; wine tasting services (provision of beverages); provision of information relating to the preparation of food and drink; temporary accommodation; restaurant information services; restaurant reservation services.

4. By virtue of its earlier filing date, the above registration constitutes an earlier mark within the meaning of section 6 of the Act. As the earlier mark had not completed its registration process more than five years before the priority date of the designation in issue, it is not subject to the use provisions contained in section 6A of the Act. The Opponent can, therefore, rely upon all of the services within its specification without having to demonstrate proof of use.

5. The Opponent submits that the marks at issue are highly similar, and that the services in class 43 are similar. I note that the opposition is directed against all of the Holder's goods and services.

6. The Holder filed a counterstatement in which it denies the grounds of opposition, save for "services for providing food and drink" and "bar services" which it admits are similar to the Opponent's services. It also specifically states that its goods in class 33 can be distinguished from the Opponent's services in class 43.

7. Rule 6 of the Trade Marks (Fast Track Opposition) (Amendment) Rules 2013, S.I. 2013 2235, disapplies paragraphs 1-3 of Rule 20 of the Trade Mark Rules 2008, but provides that Rule 20(4) shall continue to apply. Rule 20(4) states that:

> "(4) The registrar may, at any time, give leave to either party to file evidence upon such terms as the registrar thinks fit."

8. The net effect of these changes is to require the parties to seek leave in order to file evidence in fast track oppositions. Further, Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if (i)

the Office requests it or (ii) either party to the proceedings requests it and the registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost; otherwise, written arguments will be taken.

9. A hearing was neither requested nor considered necessary; neither party filed written submissions in lieu. This decision is taken following a careful consideration of the papers.

10. The Holder is represented by Albright IP Limited; the Opponent is represented by Trade Mark Wizards Limited.

RELEVANCE OF EU LAW

11. 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.

DECISION

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

12. The opposition is based upon section 5(2)(b) of the Act which reads as follows:

> "5(2) A trade mark shall not be registered if because –
>
> […]

(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"

13. Section 5A of the Act states as follows:

"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."

14. 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.

Comparison of goods and services

15. Section 60A of the Act provides:

> "(1) For the purpose of this Act goods and services-
>
> (a) are not to be regarded as being similar to each other on the ground that they appear in the same class under the Nice Classification.
>
> (b) are not to be regarded as being dissimilar from each other on the ground that they appear in different classes under the Nice Classification.
>
> (2) In subsection (1), the "Nice Classification" means the system of classification under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, which was last amended on 28 September 1979."

16. In the judgment of the Court of Justice of the European Union ("CJEU") in *Canon*, Case C-39/97, the court stated at paragraph 23 of its judgment that:

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

17. 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.

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

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

19. In *Gérard Meric v OHIM,* Case T- 133/05, the General Court ("GC") stated that:

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

application are included in a more general category designated by the earlier mark."

20. In *Sanco SA v OHIM,* Case T-249/11, the GC indicated that goods and services may be regarded as 'complementary' and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken against transport services for chickens*. The purpose of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amalia Mary Elliot v LRC Holdings Limited* BL O/255/13:

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

Whilst on the other hand:

> ".....it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together."

21. The goods and services to be compared are:

Opponent's services	**Holder's goods and services**
	Class 33: Vodka.

Class 43: Bars; lounge services (cocktail); wine bars; wine bar services; wine tasting services (provision of beverages); provision of information relating to the preparation of food and drink; temporary accommodation; restaurant information services; restaurant reservation services.	**Class 43:** Services for providing food and drink; bar services; café services.

22. The Opponent submits that both trade marks cover similar services in class 43 as they have the same nature and purpose and they are offered in identical or similar premises. They also target the same public and they are complementary to each other. The Opponent makes no submissions relating to the Holder's goods in class 33 but, as stated above, the opposition has been directed against all of the Holder's goods and services and therefore I will consider this below.

23. The Holder admits that its "Services for providing food and drink" and "bar services" are similar to some of the services in class 43 covered by the Opponent's registration, however it does not state to what degree. The Holder makes no submissions regarding its "café services". Further, as stated above, the Holder submits that its goods in class 33 can be distinguished from the Opponent's services in class 43.

Class 43

Services for providing food and drink.

24. I consider the Holder's term above is broad enough to cover a number of the services in the Opponent's specification, including *Bars; lounge services (cocktail); wine bars; wine bar services; wine tasting services (provision of beverages)*. It is my view that the Opponent's terms would be included in the more general category contained within the Holder's specification. The above

services of the Holder are all those that provide food and drink and therefore, bearing in mind the principles of *Meric*, are considered identical.

Bar services.

25. These services of the Holder are self-evidently identical to the Opponent's "bars" listed in class 43 of its registration.

Café services

26. I will compare the above services of the Holder against the Opponent's "*Bars*" as it is my view that this represents the closest comparison. These services share the same nature and intended purpose, as well as the same user. Both sets of services are considered a type of hospitality service that will be used by the general public. They both involve the preparation and serving of beverages for consumption by the consumer, and while cafés typically focus on non-alcoholic beverages and light meals, and bars primarily on alcoholic beverages, the essential nature and purpose of both remains the provision of refreshment services. Further, it is considered that in today's society it has become common for cafés to sell alcoholic beverages and bars to serve a range of non-alcoholic offerings, including tea and coffee, and therefore there will be an element of competition between the services. There is also an overlap in the method of use of both services in that consumers attend the premises to purchase and consume beverages and food. However, I do not consider the services to be complementary as neither is dependent on the other for its use. Finally, I consider there to be an overlap in trade channels in that both services are typically provided from dedicated retail premises open to the general public, including standalone high-street locations, premises within shopping centres, transport hubs, leisure districts, or mixed-use commercial areas. Taking all of this into consideration I find there to be a high degree of similarity between these services.

Class 33

Vodka.

27. The Holder's "Vodka" is a spirit drink that can be consumed either neat or mixed with other beverages. The Opponent's registration includes "Bars" wherein the above goods will be provided to the consumer. Whilst it is clear that the nature and method of use differ, I am of the view that the above goods will be sought from the same trade channels as the Opponent's services. Further, the users will overlap as people who consume vodka are also likely to seek bar services. There is also a degree of complementarity as the Holder's goods are indispensable for the provision of the Opponent's services and consumers might think that the responsibility for both lies with the same undertakings. Further, in *Group Lottus Corp., SL v OHIM*, Case T-161/07, the GC held that there is a low degree of similarity between beer, cocktail bars, entertainment and discotheques on account of the complementarity, target audience and overlapping points of sale. I see no reason why this logic should not extend to the Holder's goods above when compared with the Opponent's "Bars". Taking all of this into account, I find that these goods and services are similar to a low degree.

The average consumer and the nature of the purchasing act

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

29. In *Iconix Luxembourg Holdings SARL v Dream Paris Europe Inc & Anor*, [2025] UKSC 25, the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)* [2024] EWCA Civ 262, where he pointed out that:

> (a) Consumers who are ill-informed or careless, or consumers with specialised knowledge or who are excessively careful are excluded from consideration;

(b) The average consumer provides a standard which enables the courts to strike a balance between the competing interests involved, such as trade mark owners, their competitors and consumers;

(c) The average consumer is neither a single hypothetical person nor a mathematical average; assessment from the perspective of the average consumer does not involve a statistical test. There is no single meaning rule and if, having regard to the perceptions and expectations of the average consumer, the court considers that a significant proportion of the relevant public is likely to be confused, a finding of infringement may properly be made;

(d) Assessment from the perspective of the average consumer is intended to facilitate adjudication of trade mark disputes by providing an objective criterion, by promoting consistency of assessment and by and enabling courts and tribunals to determine such issues so far as possible without the need for evidence;

(e) The average consumer's level of attention varies according to the category of goods or services in question; and

(f) the average consumer rarely has the opportunity to make direct comparisons between trade marks (or between trade marks and signs) and must instead rely upon the imperfect picture of the trade mark they have kept in their mind.

30. Neither party made any submissions regarding the identity of the average consumer or the nature of the purchasing act.

31. The goods and services in question are intended for selection by the general public, with products such as vodka and services such as bar services, cocktail lounge services, wine bar services, and wine-tasting services (involving the provision of beverages) being specifically targeted at consumers aged 18 and over. The goods will be available through general retail outlets and their online counterparts, as well as through food and drink venues such as restaurants and

bars. In physical stores, the goods will typically be displayed on shelves and chosen directly by consumers. A comparable process applies online, where consumers will make their selection after viewing images of the products on websites. In food and drink establishments, selection is likely to involve an aural element, for example, ordering verbally. However, this will generally follow some form of visual assessment, whether through display cabinets, menus, or lists presented behind a counter. As for the services, consumers will select them after viewing signage on the high street, promotional materials, conducting online searches, or relying on word-of-mouth recommendations. Overall, in my assessment, the selection process for both the goods and the services will be primarily visual, though an aural component will also play a role for the reasons outlined above.

32. The goods and services are likely to be purchased relatively frequently and will vary in price from low-cost to moderately expensive. For instance, vodka may range from inexpensive bottles to more premium options. The same applies to the services: a fast-food outlet may be relatively cheap, whereas a high-end, fine dining restaurant will be significantly more expensive. However, regardless of price, the factors influencing the consumer's decision-making will remain fairly routine. When selecting goods, consumers will typically consider aspects such as flavour, ingredients, and nutritional or alcohol content. For services, they are likely to take into account the range of food and drink offered, dietary requirements, customer reviews, and hygiene ratings. Overall, I consider that the level of attention paid during the selection of both the goods and the services will be medium.

Comparison of marks

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

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

34. It would be wrong, therefore, to dissect the trade marks artificially, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

35. The trade marks to be compared are as follows:

The Opponent's mark	The Holder's mark
YOU ME	**YOU & ME**

36. The Opponent's submissions relating to the similarity of the marks are relatively brief and therefore I will reproduce them in full below:

"The Earlier Trade Mark and the Applicant's Trade Mark are highly similar from a visual, verbal and conceptual perspective. Both trade marks share the words 'YOU' and 'ME'. The Applicant's Trade Mark also contains the symbol '&' which reads 'and', however, the position of the word makes it to go unnoticed. The average consumer in the UK reads from left to right and emphasis is being placed on the first elements of the trade marks that being 'YOU' in both trade marks. Similarly, the respective endings are also identical. Therefore, the trade marks are aurally similar. The symbol '&' adds little value to the pronunciation of the

Applicant's trade mark. The respective trade marks are also conceptually similar since 'YOU' and 'ME' are English dictionary words."

37. Similarly, the Holder's submissions are also fairly brief so I will again reproduce them in full:

"It is denied that the addition of "&" between the words "YOU" and "ME" will go unnoticed and "adds little value ... ". The Opponent's Earlier Mark will be pronounced "YOU ME", this is an incomplete sentence, which creates an overall different impression than the Mark Applied for, namely, "YOU & ME"."

Overall Impression

38. The Opponent's mark consists of two words, namely, "YOU ME". There are no other elements in the mark to contribute to its overall impression, which lies in the words themselves.

39. The Holder's mark consists of two words separated by an ampersand, namely, "YOU & ME". There are no other elements in the mark to contribute to its overall impression, which lies in the words themselves.

Visual Comparison

40. From a visual perspective, the words "YOU" and "ME" appear in the same positions in both marks, i.e., "YOU" followed by ME". The inclusion of the "&" symbol in the Holder's mark is a visual point of difference; however, I do not consider that it alters the visual appearance of the mark significantly. I therefore find the marks to be visually similar to a high degree.

Aural Comparison

41. The Opponent's mark consists of two syllables derived from the dictionary words "YOU" and "ME", both of which will be pronounced in the usual manner.

The Holder's mark comprises three syllables and will be verbalised as "YOU AND ME". The "&" symbol is widely recognised as representing the word "AND", which will again be pronounced in the ordinary way. The words "YOU" and "ME" are articulated identically in both marks, with the pronunciation of "AND" in the Holder's mark being the only point of aural difference. Taking this into account, I consider the marks to be aurally similar to a high degree.

Conceptual Comparison

42. Conceptually, the Holder's mark communicates the idea of a relationship, connection, or interaction between two individuals, namely "you" and "me", and also implies collaboration between them. The message it conveys is immediate and straightforward. Although the Opponent's mark does not include the word "and" or the "&" symbol, I consider that it nonetheless expresses the same underlying concept, albeit in a slightly less explicit manner. In my view, the presence of the "&" symbol does not introduce any meaningful conceptual difference; it continues to denote a relationship or partnership between two people. I therefore conclude that the marks are highly similar from a conceptual perspective.

Distinctive character of the earlier trade mark

43. I have no submissions from the Opponent regarding the distinctiveness of its earlier mark. The Holder, on the other hand, submits that neither the Opponent's mark nor the Holder's mark are inherently highly distinctive, with both containing commonly understood dictionary words.

44. The distinctive character of a trade mark can be appraised only, first, by reference to the goods and services in respect of which registration is sought and, secondly, by reference to the way it is perceived by the relevant public – *Rewe Zentral AG v OHIM (LITE)* [2002] ETMR 91. In *Lloyd Schuhfabrik*, the CJEU stated that:

> "22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee* v *Huber and Attenberger* [1999] ECR I-0000, paragraph 49).
>
> 23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51)."

45. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods and services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use that has been made of it. However, as the Opponent has not filed any evidence of use of its mark, I only have the inherent position to consider.

46. As the Holder notes, the Opponent's mark consists of two commonly understood dictionary words, "YOU" and "ME". The combination of these words is not descriptive or suggestive of the relevant services, and therefore I consider the Opponent's mark to possess a medium level of inherent distinctive character.

Likelihood of Confusion

47. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related.

48. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The factors are interdependent, and, for instance, a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and vice versa. It is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the goods and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

49. Throughout the course of this decision, I have determined that:

- The goods and services range in similarity from low to identical.

- The average consumers are members of the general public, including those over 18 for the goods and services where the purchasing or consumption alcohol is involved, who will demonstrate a medium level of attention during the purchasing process.

- The purchasing process for the goods will be primarily visual in nature, though aural considerations have not been excluded.

- The level of inherent distinctive character of the Opponent's mark is considered to be medium.

- The marks at issue are visually, aurally, and conceptually similar to a high degree.

50. The Opponent's mark consists exclusively of the words 'YOU ME', with no additional stylisation or figurative elements. The Holder's mark contains the exact same words albeit separated by a "&" symbol. Considering the overall high levels of visual, aural and conceptual similarity between the competing marks, I am of the view that the minor differences created by the "&" symbol are likely to be overlooked by average consumers. Such differences are likely to be insufficient to distinguish the Holder's goods and services from the services of the Opponent, particularly given that the marks are unlikely to be compared side by side. Considering the principle of imperfect recollection, it is entirely foreseeable that the average consumer, even when demonstrating a medium level of attention during the purchasing process, will not recall the respective marks with sufficient accuracy in order to differentiate between them. Further, considering the interdependency principle, I find this to be the case even in relation to the goods that I consider to be similar to a low degree due to the high similarity between the respective marks. Consequently, I find that there is a likelihood of direct confusion.

Conclusion

51. The opposition under Section 5(2)(b) of the Act has succeeded in full. Subject to any successful appeal, the designation will be refused for all of the goods and services concerned.

Costs

52. The Opponent has been successful in its opposition and is entitled to a contribution towards its costs. The relevant Tribunal Practice Notice for these

proceedings is TPN 1/2023, which states that costs in an opposition brought under the fast-track procedure are capped at £600 (excluding official fees). Accordingly, I award costs to the Opponent on the following basis:

Official Fee	£100
Preparing the notice of opposition and considering the counter statement	£250
Total	£350

53. I therefore order **Raket 17, Besloten Vennootschap** to pay **Hyva Kala Ltd** the sum of £350. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 12th day of March 2026

Oliver Rose'Meyer
For the Registrar