O/0269/26

TRADE MARKS ACT 1994

IN THE MATTER OF INTERNATIONAL REGISTRATION NUMBER 1809531

DESIGNATING THE UK

IN THE NAME OF SETAQ INSTRUMENTS (SHANDONG) CO., LTD.

TO REGISTER THE FOLLOWING TRADE MARK:

SeTAQ

IN CLASS 9

AND

IN THE OPPOSITION THERETO

UNDER NUMBER 451646

BY STANHOPE-SETA LIMITED

BACKGROUND & PLEADINGS

1. SeTAQ Instruments (Shandong) Co., Ltd. ("the holder") is the holder of the International Registration shown on the cover page of this decision ("the IR"). The IR was registered on 28 May 2024 and, with effect from the same date, the holder designated the UK as a territory in which it seeks to protect the IR under the terms of the Protocol of the Madrid Agreement ("the relevant date"). The IR was accepted and published in the Trade Marks Journal for opposition purposes on 27 September 2024, and the holder seeks protection in the UK for the following goods:

   Class 9: Weighing machines; measures; measuring instruments; measuring devices, electric; transducers; automatic measuring instruments; meters; balances [steelyards].

2. On 27 December 2024, the IR was opposed by Stanhope-Seta Limited ("the opponent"). The opposition was initially brought under sections 5(2)(b) and 5(4)(a) of the Trade Marks Act 1994 ("the Act"). However, by way of official letter dated 6 June 2025 the Tribunal confirmed that, as the opponent had failed to file any evidence or request additional time to file evidence, the opposition would proceed in respect of section 5(2)(b) only.

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

   SETA

   Trade mark number: UK00900029538
   Filing Date: 1 April 1996
   Date of entry in register: 19 December 1997

4. The opponent relies upon all of the goods for which its earlier mark is protected, namely:

   Class 9: Scientific apparatus and instruments for measuring and testing.

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

"(6)(1) In this Act an "earlier trade mark" means –
(a) a registered trade mark or international trade mark (UK) which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks.

6. The mark identified in paragraph 3 qualifies as an earlier trade mark under the above provisions. It is noted that the earlier mark has been protected for more than five years at the relevant date and so, in accordance with section 6A of the Act, the holder could have requested proof of use of the earlier mark from the opponent. However, no such request has been made by the holder. I am not therefore required to consider this issue and, consequently, the opponent may rely on all of the goods highlighted in paragraph 4 of this decision for the purposes of this opposition.

7. The opponent submits that the marks in issue are "highly similar visually and phonetically, and overall highly similar", and that the goods that the marks are applied/registered for are "identical" or "similar". Consequently, the opponent submits that "there exists a likelihood of confusion" between the marks.

8. The holder filed a counterstatement denying the claims made against it. Specifically, the holder submits that the marks are "visually, phonetically, and conceptually distinct", and that the holder's goods are "specialized industrial weighing control instruments" which "target professional buyers who exercise a high degree of care, further reducing any risk of confusion". Consequently, the holder submits that the opposition should be dismissed, and the IR should proceed to registration.

9. The opponent is represented by Venner Shipley LLP, and the holder is represented by Pablo Albert Catala. In this case, neither party filed evidence. No hearing was requested, and only the opponent filed written submissions in lieu

of a hearing. This decision is therefore taken following a careful consideration of the papers that have been filed by the parties, which will not be summarised but will be referred to as and where appropriate during this decision.

10. 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)

11. This opposition is based upon section 5(2)(b) of the Act which stipulates the following:

> "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".

12. Section 5A of the Act stipulates that 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."

13. 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*:[1]

(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 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 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;

[1] [2025] UKSC 25

(g) a lesser degree of similarity between the goods 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

14. The competing goods are as follows:

The opponent's goods	**The holder's goods**
Class 9: Scientific apparatus and instruments for measuring and testing.	Class 9: Weighing machines; measures; measuring instruments; measuring devices, electric; transducers; automatic measuring instruments; meters; balances [steelyards].

15. As a preliminary point, it should be noted that section 60A of the Act provides that goods and services 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,[2] or

[2] "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.

dissimilar on the ground that they appear in different classes under the Nice Classification."

16. In *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*,[3] the Court of Justice of the European Union ("CJEU") stated (at paragraph 23) that, when making the comparison, "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,[4] for assessing similarity were:

    a. The uses of the respective goods;

    b. The users of the respective goods;

    c. The physical nature of the goods;

    d. The respective trade channels through which the goods 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 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 in the same or different sectors.

[3] Case C-39/97
[4] [1996] R.P.C. 281

18. In *Gérard Meric v OHIM*, the General Court ("GC") confirmed that even if goods are not worded identically, they can still be considered identical if one term falls within the scope of another (or vice versa):[5]

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

19. As per the case of *Separode,*[6] I also bear in mind that it is permissible to group the goods together, for the purpose of comparison, where they are sufficiently comparable to be assessable in essentially the same way for the same reasons.

20. The opponent submits that all of the goods in issue are "used for the purpose of taking measurements of physical attributes, which includes measuring the weight of something" and that all those "processes can be classed as basic scientific exercises". Consequently, the opponent submits that all of the holder's goods fall within the opponent's term "scientific apparatus and instruments for measuring and testing", and that they are therefore identical.

21. The holder's submissions regarding the similarity, or lack thereof, between the parties' goods appears to be based on the fact that the parties' goods/marks are used in different markets. The holder does not provide any specific submissions comparing any of the goods contained in each of the parties' specifications. Instead, the holder submits that the IR is "primarily associated with industrial checkweighers and weighing control technologies", whereas the opponent's goods relate to "scientific measuring and testing instruments".

22. As a preliminary point, I must undertake a goods comparison based on the 'notional' coverage of the goods listed in the specifications. Any differences

[5] Case T-133/05
[6] BL O/399/10, Mr Geoffrey Hobbs QC, sitting as the Appointed Person

between the actual goods offered by the parties or the parties' marketing/trading styles will, as a matter of law, have no bearing on the outcome of this opposition, unless those perceived differences are apparent from the specifications and, in this instance, there is nothing within the holder's specification that would indicate that its goods are limited in the manner in which the holder has proposed in its submissions.

Measures; measuring instruments; measuring devices, electric; automatic measuring instruments;

23. The opponent submits that the holder's above referenced goods are all apparatus or instruments for the purpose of measuring, and that measuring a physical attribute is a form of testing. Consequently, the opponent submits that all of the above reference goods fall within the opponent's "scientific apparatus and instruments for measuring and testing", and that they are therefore identical.

24. I note that all of the holder's above referenced goods are identified in their name as types of measuring instruments/devices. Consequently, I agree that they would all fall within the opponent's broad term "scientific apparatus and instruments for measuring and testing", and that they are therefore identical in line with the principle established in *Meric.*

Weighing machines; balances [steelyards];

25. The opponent submits that both of the above reference goods are types of apparatus used to measure the weight of objects and things. Consequently, the opponent submits that both of the above referenced goods would fall within the opponent's wider term "scientific apparatus and instruments for measuring and testing", and that they are therefore identical.

26. I agree that the ordinary definition of "weighing" is to measure something's weight, and both of the above referenced goods are instruments/apparatus used to measure the weight of items/things. Consequently, I do agree that both of the

above reference terms would fall within the opponent's wider term, and that these goods are therefore identical in line with the principle establish in *Meric.*

Meters

27. I note that a meter is a device that measures something (for example, gas, water or electricity meters are used to measure your gas, water or electricity usage). Consequently, I do also find that the holder's "meters" would fall within the opponent's wider term "scientific apparatus and instruments for measuring and testing", and that these terms are therefore identical in line with the principle established in *Meric.*

Transducers;

28. The opponent submits that a transducer is a device used to convert physical quantities such as pressure, motion and energy into electrical signals for the purpose of being able to take a measurement of that physical quantity. I also note that a transducer is defined as an electronic device that converts energy from one form into another.[7] I understand that transducers can form a component within a measurement system. However, without being provided with any evidence to the contrary, I do not consider them to be a standalone instrument for measuring and testing, and I do not therefore agree that "transducers" can be considered identical to "scientific apparatus and instruments for measuring and testing".

29. I also note in that in *Les Éditions Albert René v OHIM*,[8] the GC found that:

> "61... The mere fact that a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar since, in particular, their nature,

[7] https://www.collinsdictionary.com/dictionary/english/transducer
[8] Case T-336/03

intended purpose and the customers for those goods may be completely different."

30. In this instance, I consider there to be an overlap in the general purpose of these goods, being to assist in measuring something. However, their specific purpose differs, with the specific purpose of the opponent's goods being to measure or test something, and the specific purpose of the holder's goods being to convert energy from one form into another, which may then be readable, testable or measurable. The method of use of these goods also differs, and consequently, I can see no basis for finding that you would purchase one of the goods in the place of another. I do not therefore consider these goods to be competitive.

31. Having said that, I do consider there to be an overlap in trade channels and users, as the goods will be sold to, for example, engineering companies or laboratories, and purchased from, for example, scientific equipment suppliers or industrial electronics distributors. I also consider these goods to be complementary as transducers are an important and indispensable part of scientific apparatus for measuring and testing energy.[9] I do also consider that consumers would believe that the responsibility for these goods lies with the same or an economically connected undertaking.[10]

32. Overall, I consider the holder's "transducers" to have a medium degree of similarity to the opponent's "scientific apparatus and instruments for measuring and testing".

Average consumer and the purchasing act

33. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods and services. I must then determine the manner in which the goods and services are likely to be selected by the average consumer. The average consumer is deemed to be reasonably

[9] Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM), Case T-325/06
[10] *Sanco SA v OHIM,* Case T-249/11

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 and services in question (see *Lloyd Schuhfabrik Meyer*[11]).

34. In *Iconix Luxembourg Holdings SARL v Dream Paris Europe Inc & Anor*,[12] 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;

[11] Case C-342/97
[12] [2025] UKSC 25

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.

35. Due to the broad nature of the terms in issue in the parties' specification, these would undoubtedly cover a wide variety of goods. Consequently, I consider that there will be a variety of average consumers, such as the general public and specialist business users (such as engineering companies or laboratories).

36. As a result of the wide variety of goods in issue, the cost and the frequency of purchase of those goods is likely to vary considerably. The goods will range from lower price weighing scales/measuring apparatus (such as measuring tapes), which may be purchased more frequently by the average consumers, to much more specialised equipment (which may be more expensive and is likely to be purchased less frequently). For the lower price goods, I consider that the average consumer will consider factors such as price and suitability of the goods during the purchasing process. In addition to these, the average consumers will also consider factors such as customer reviews and the reputation of the provider during the purchasing process of the higher price goods. For the lower price goods, I consider that a low level of attention is likely to be paid by the various types of consumers. However, for the more expensive goods, I consider that between a medium and high level of attention is likely to be paid by the average consumer.

37. The goods are likely to be purchased from retail stores, or from those retailers' online websites or catalogues. Visual considerations are likely to dominate the selection process. However, I do not discount that there will be an aural component to the selection process, from word-of-mouth recommendations or meeting with sales representatives.

Comparison of marks

38. 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.[13] 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 *Bimbo SA v OHIM*,[14] 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."

39. 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.

40. The respective trade marks are shown below:

Earlier mark	**IR**
SETA	**SeTAQ**

[13] Case C-251/95
[14] Case C-591/12P

41. As discussed above, the opponent submits that the marks in issue are highly visually and phonetically similar. However, the holder submits that the marks are visually and phonetically distinct, “due to the inclusion of the letter “Q” at the end of the IR.

Overall Impression

42. The earlier mark is a word only mark. There are no other elements in the mark which contribute to its overall impression, so the overall impression lies in the word “SETA” itself.

43. The IR is a figurative mark consisting of the word “SeTAQ”. The letters “S”, “T”, “A”, and “Q” are all presented in uppercase, whereas the “e” is presented in lower case. The earlier mark is presented in an unremarkable bold black font, and for that reason, I consider that the stylisation plays a very limited role in the overall impression of the mark, with the word “SeTAQ” being the dominant element.

Visual Comparison

44. As a preliminary point, whilst the IR is presented in upper and lower case, and in an unremarkable black bold font, it is important to note that the earlier mark is a word mark, which covers its use of the word “SETA” in any normal font, including upper and lower-case letters, or any customary combination of the two. Consequently, I do not consider the IR’s stylisation (i.e. the unremarkable bold typeface) or the fact that it is presented in upper and lower case to amount to be a significant point of visual difference between the marks for the purposes of these proceedings.

45. Visually, the marks overlap in their first 4 letters (“SETA”). However, the IR also has an additional “Q” at the end, which is not present in the earlier mark. Whilst I note that the marks in issue are both relatively short marks (being 4 or 5 letters in length) and that small differences can indeed make a striking difference in

short marks, I also note that there is no special test for short marks.[15] I am also conscious that the GC noted in *El Corte Inglés, SA v OHIM* that the beginnings of words tend to have more visual and aural impact,[16] and that the only point of visual difference between these marks is located at the end of the IR. Consequently, weighing up all of the above, I find the marks to be visually similar to a high degree.

Aural Comparison

46. As outlined above, the marks share the same first four letters ("SETA"), but the IR has a "Q" at the end of the mark, which is not present in the earlier mark. I consider that the entirety of both marks will be pronounced, and the first four letters of both marks will be pronounced identically.

47. Whilst I appreciate that the "Q" in the IR will result in the marks having a different phonetical sound, that these are two relatively short marks, and the difference in short marks can be more striking, I once again appreciate there is no special test for short marks, and the beginnings of marks have more aural impact than the end of marks. Given that the first four letter of the IR (i.e., the majority of the IR) are identical to the earlier mark, I consider the marks to be aurally similar to a high degree.

Conceptual Comparison

48. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer. This is highlighted in numerous judgments of the GC and the CJEU, including *Ruiz Picasso v OHIM*.[17] The assessment must, therefore, be made from the point of view of the average consumer.

49. I consider that the average consumer would identify the words "SETA" and "SeTAQ" as invented words, with no clear conceptual meaning, and I note that

[15] *Bosco Brands UK Limited vs Robert Bosch GmbH*, BL O/301/20
[16] Cases T-183/02 and T-184/02
[17] [2006] ECR I-643; [2006] E.T.M.R

no conceptual meaning has been identified by either of the parties. I also do not consider that the very limited stylisation provides any conceptual meaning to the IR. As I do not consider that the marks in issue convey a concrete conceptual message to the average consumer, I consider them to be conceptually neutral.

Distinctive character of the earlier trade mark

50. In *Lloyd Schuhfabrik Meyer* 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 C108/97 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)."

51. Whilst the distinctiveness of a mark may be enhanced as a result of it being used in the market, in this instance, I have been provided with no evidence of use of the earlier mark. Consequently, I only have the inherent position to consider.

52. Distinctiveness is a scale along which marks of various types sit. A mark which is allusive of the goods will have less distinctive character than one that is not; dictionary words will also be less distinctive than words which are entirely fanciful. However, all will turn on the particular facts. For example, there are "invented" words which are really just composites of two allusive words and only distinctive as a result, and dictionary words which are more or less common than others.

53. In this instance, the earlier mark is made up of the word "SETA". As outlined above, I have found that the average UK consumer would identify "SETA" as an invented word with no relevance to the opponent's goods. Consequently, I find the earlier mark to have a high level of distinctive character.

Likelihood Of Confusion

54. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, whilst 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/services down to the responsible undertakings being the same or related.

55. 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 (see *Sabel*[18]). The first is the interdependency principle i.e., a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa (see *Canon*[19]). 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.

[18] C-251/95, para 22
[19] C-39/97, para 17

56. I have found the holder's goods to be identical or similar to a medium degree to the opponent's goods. I have also found that the marks are visually and aurally similar to a high degree, and conceptually neutral, and that the earlier mark has a high degree of inherent distinctive character.

57. I have identified that there will be a variety of average consumers of the goods in issue (including the general public and specialist business users), who will demonstrate either a low or between a medium and high level of attention during the purchasing process depending on the goods concerned. I have also identified that the purchasing process for the goods will be primarily visual in nature, though I do not discount that there will be an aural component to the selection process.

58. Weighing up all of the above, noting the principle of imperfect recollection, that consumers rarely have the opportunity to compare marks side by side, and that the beginnings of marks tend to have more visual and aural impact, I am satisfied that the similarities between the marks may result in the average consumer mistaking one mark for the other. This is particularly the case given the high level of distinctive character in the earlier mark in the word "SETA", which makes up the majority of the IR. Whilst I appreciate that the average consumer will pay between a medium and high degree of attention during the purchasing process for some of the goods in issue, I consider that this will be offset by the degree of similarity between the marks and the identity/degree of similarity between the goods in issue. As such, the presentational differences will be misremembered. Consequently, I consider there to be a likelihood of direct confusion between the marks.

CONCLUSION

59. Given my finding that there is a likelihood of direct confusion between the marks, the opposition succeeds in its entirety, and the IR is, subject to any successful appeal of my decision, refused protection in the UK.

COSTS

60. As the opponent has been successful it is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Note 1/2023. In the circumstances, I award the opponent the sum of £700 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Official fee:	£100
Preparing a notice of opposition & considering the other side's statement:	£250
Preparing submissions-in-lieu of a hearing:	£350
Total:	**£700**

61. I therefore order SeTAQ Instruments (Shandong) Co., Ltd. to pay Stanhope-Seta Limited the sum of £700. The above sum should 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 27th day of March 2026

B Hartland
For the Registrar