O/0432/26

TRADE MARKS ACT 1994

CONSOLIDATED PROCEEDINGS
IN THE MATTER OF TRADE MARK APPLICATION NO. 4025610 BY DONAL O'DWYER TO REGISTER THE TRADE MARK:
(SERIES OF TWO)

RENEW®

RENEW

IN CLASSES 6, 9 AND 11

AND

OPPOSITION THERETO UNDER NO. 448422 BY RENEW ENERGY GLOBAL PLC

AND

IN THE MATTER OF REGISTRATION NO. 3823222 IN THE NAME OF DONAL O'DWYER FOR THE REGISTERED MARK:

RENEW

IN CLASSES 6, 9 AND 11

AN APPLICATION FOR DECLARATION OF INVALIDITY THERETO UNDER NO. 507529 BY RENEW ENERGY GLOBAL PLC

BACKGROUND & PLEADINGS

1. These consolidated proceedings concern:

   a. the UK application no. 4025610 by Donal O'Dwyer to register the series of trade marks shown on the cover page of this decision. The application was filed on 13 March 2024 and was published on 5 April 2024. Registration is sought for the following goods:

      Class 6: Metal bird mesh for use with solar panels.

      Class 9: Solar panels for the production of electricity; parts, fittings and fixings for solar panels.

      Class 11: Solar panels for heating; ground source heat pumps; parts, fittings and fixings for all of the aforesaid goods.

   b. and the UK trade mark no. 3823222 shown on the front page of this decision, which stands registered in the name of Donal O'Dwyer. The mark was applied for on 24 August 2022 in the UK and completed its registration procedure on 7 July 2023 for the same goods in Classes 6, 9 and 11 as above.

2. On 3 July 2024, ReNew Energy Global PLC opposed the application no. 4025610 (as shown in paragraph '1.a.') by filing an opposition on the basis of Section 5(2)(b) of the Trade Marks Act 1994 ("the Act")[1]. In conjunction with the Section 5(2)(b) ground, this opposition was also initially based on Section 5(3) of the Act. However, on 4 December 2025, the Registry confirmed that the opponent did not file evidence in support of its Section 5(3) ground, and as a result, this ground was removed from the opposition.

[1] 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.

3. On 10 July 2024, ReNew Energy Global PLC filed an application to have the trade mark no. 3823222 (as shown in paragraph '1.b.') declared invalid under the provisions of Section 5(2)(b) and Section 5(3) of the Act, which are relevant in cancellation proceedings under Section 47 of the Act. Again, in this case, no evidence was filed, and Section 5(3) ground was removed from the cancellation proceedings.

4. For ease of reference, I will refer to ReNew Energy Global PLC as the "opponent", Mr O'Dwyer as "the applicant", and the series of the marks no. 4025610 as the "contested mark", unless it becomes necessary to differentiate between the marks which comprise the series.

5. For both the opposition and cancellation proceedings, the opponent relies upon its UK trade mark registrations for the following marks and all goods and services (shown in Annex 1 at the end of this decision) for which they are registered:

Trade Mark no.	UK00003686316 ('316)
Trade Mark	
Good & Services for which the mark is registered	Classes 4, 7, 9, 11, 35, 37, 39, 40 and 42
Filing date	25 August 2021
Date of entry in register	4 February 2022

Trade Mark no.	UK00003714401 ('401)
Trade Mark	Renew
Good & Services for which the mark is registered	Classes 1, 4, 7, 9, 11, 35, 36, 37, 39, 40 and 42
Filing date	26 October 2021
Date of entry in register	4 March 2022

6. Under Section 6(1) of the Act, the opponent's trade marks clearly qualify as earlier trade marks. However, as registration of the opponent's earlier

marks was completed less than five years before the filling date of the contested marks, proof of use is not relevant in these proceedings as per Section 6A of the Act.

The Opponent's Statement of Grounds

7. In its statement of grounds, in respect of both the opposition and cancellation proceedings, the opponent claims that the marks are highly similar. In addition, it asserts that the competing goods and services are identical and/or similar.

The Applicant's Defences

8. The applicant filed notices of defence in each case.

9. In terms of the cancellation proceedings, the applicant made a blanket denial of the opponent's claims.

10. Regarding the opposition proceedings, the applicant in its counterstatement[2] made lengthy claims, which I will not reproduce in full here. In summary, the applicant:

    a. denied that the use of sans-serif font renders the contested mark and the earlier mark '316 visually similar or identical, while highlighting the differences in the logo structure, device placement, styling and colour. The applicant also denied that there is oral confusion between the marks, while asserting that both marks could co-exist and that, due to the distinctiveness of the contested mark, there is no risk of confusion;

[2] I note that as per the direction given in my post-CMC letter dated 10 July 2025 the original counterstatement dated 30 August 2024 together with the amended counterstatement dated 14 October 2024 were consolidated and admitted into the proceedings.

b. denied that the earlier mark '401 is distinctive in the solar energy sector due to the generic use and descriptive nature of the term "Renew", without acquiring a secondary meaning;

c. denied the opponent's claim regarding the similarity of goods and services due to the differences, for example, in markets, customer bases, and business models and focus.

11. Neither party filed evidence in these proceedings.

12. No hearing was requested. Only the opponent filed written submissions in lieu, which will not be summarised but will be referred to as and where appropriate during this decision. Thus, this decision is taken following a careful perusal of the papers.

13. In these proceedings, the applicant is unrepresented, and the opponent is represented by Bristows LLP.

PRELIMINARY ISSUE

14. In its defence for the opposition proceedings, the applicant contends that the "*distinct logo with a leaf and plug symbol positioned before the wording*" in the contested mark "*can be used as a separate logo in itself which represents our business*".[3] I note that I must determine the matter based on the trade marks before me. Thus, it is irrelevant to my assessment whether the device in the contested mark represents the applicant's business or if it could function independently as a logo.

[3] See counterstatement paragraph 1a.

DECISION

Legislation

15. Section 47 of the Act states that:

> "[…]
>
> (2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-
>
> > (a) that there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or
> >
> > […]
>
> unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.
>
> […]
>
> (2A) The registration of a trade mark may not be declared invalid on the ground that there is an earlier trade mark unless –
>
> > (a) the registration procedure for the earlier trade mark was completed within the period of five years ending with the date of the application for the declaration,
> >
> > (b) the registration procedure for the earlier trade mark was not completed before that date, or
> >
> > (c) the use conditions are met.
> >
> > […]
>
> (5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

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

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made: Provided that this shall not affect transactions past and closed."

16. Section 5(2)(b) of the Act states:

> "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".

17. 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 the Goods and Services at issue

18. 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 1975."

19. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account. In *Canon Kabushiki Kaisha*, the Court of Justice of the European Union (CJEU) stated that:

> "23. In assessing the similarity of the goods or services concerned […], 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 complementary."

20. Guidance on this issue was also given by Jacob J (as he then was) in *British Sugar Plc v James Robertson & Sons Limited ("Treat")* [1996] RPC 281. At [296], he identified the following relevant factors:

"(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. The General Court ("GC") confirmed in *Gérard Meric v OHIM*, Case T-133/05, paragraph 29, that, even if goods or services are not worded identically, they can still be considered identical if one term falls within the scope of another, or vice versa:

> "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".

22. In *YouView TV Ltd v Total Ltd,* [2012] EWHC 3158 (Ch), paragraph 12, Floyd J (as he then was) gave the following guidance on construing the words used in specifications:

> "[…] Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the

observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless, the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of 'dessert sauce' did not include jam, or because the ordinary and natural description of jam was not 'a dessert sauce'. Each involved a straining of the relevant language, which is incorrect. Where words of phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question."

23. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU held that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods or services. The GC clarified the meaning of "complementary" goods or services in *Boston Scientific Ltd v OHIM*, Case T-325/06, at paragraph 82:

> "[…] 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."

24. The GC confirmed in *Gérard Meric v OHIM*, Case T-133/05, paragraph 29, that, even if goods or services are not worded identically, they can still be considered identical if one term falls within the scope of another, or vice versa:

> "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."

25. The earlier goods and services (annexed to this decision) to be compared are voluminous, and I will refrain from reproducing them here. I will only reproduce the contested goods, which are as follows:

Contested goods
Class 6: Metal bird mesh for use with solar panels. **Class 9:** Solar panels for the production of electricity; parts, fittings and fixings for solar panels. **Class 11:** Solar panels for heating; ground source heat pumps; parts, fittings and fixings for all of the aforesaid goods.

26. Within its submissions, the opponent has set out examples where similarity or identity lies between the competing terms. Although some comparisons have been made, the opponent has not provided particularised submissions or explanations in every case as to *why* it considers the competing terms to be similar based on the relevant factors. Therefore, I will proceed to the assessment of the competing terms by taking into consideration the comparisons offered by the opponent, while considering the respective terms' ordinary meaning and context.

27. The applicant ultimately denied any similarity between the competing terms by referring to factors, such as the nature and focus of the respective businesses, business models, market sectors, geographic markets, and customer bases.[4] Whilst I have considered the applicant's claims, I note that differences, for example, between the market sectors or the business models of the respective parties, are irrelevant, except to the extent that

[4] In particular, the applicant states: "*Renew Energy specializes in manufacturing products and mounting systems specifically designed for the UK market, whereas Renew focuses on large-scale commercial renewable energy projects in Asia*."

those differences are apparent from each party's specification. Thus, the assessment I must make is based on a notional and fair consideration of the terms as registered against all the potential or intended uses of those goods and services.[5]

28. Pursuant to section 60A of the Act, I am mindful of the fact that the goods and 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.

29. For the purpose of considering the issue of similarity of goods, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way for the same reasons.[6]

Preferred Approach

30. Both the cancellation and the opposition rely on the same earlier trade marks. Although both earlier specifications contain lengthy lists of terms, they overlap in Classes 9 and 11. Additionally, I note that the comparisons provided by the opponent reference terms in these same Classes from both earlier specifications. Thus, I will adhere to the opponent's comparisons and conduct a single comparison, in which my analysis will be based on terms that both of the earlier specifications cover for the purposes of both proceedings. As a result, the findings below will apply to both proceedings.

---

[5] See *Compass Publishing BV v Compass Logistics Ltd* [2004] RPC 41 at paragraph 22 and *Roger Maier v ASOS* [2015] EWCA Civ 220 at paragraphs 78 and 84.

[6] *Separode Trade Mark* BL O-399-10 and *BVBA Management, Training en Consultancy v BeneluxMerkenbureau* [2007] ETMR 35 at paragraphs 30 to 38.

Class 6

Metal bird mesh for use with solar panels

31. The opponent submits that "*the function of these [contested] goods is a protective barrier for solar panels. Therefore the goods are fittings or parts designed to be used with solar panels*." The opponent also claims that the contested goods are identical or at least highly similar to "*structural parts and fittings*" for solar panels in Class 9 and complementary to "*solar panels*" in Class 11 of the earlier specifications.

32. The contested term is "*metal bird mesh for use with solar panels*" in Class 6, whereas the earlier term in Class 9 is "*solar panels for electricity generation*". The contested term will be understood as a protective mesh intended to prevent birds from accessing solar panels. The earlier goods are the photovoltaic apparatus used to convert solar energy into electricity. Given that the contested goods are designed for use with solar panels, and in the absence of evidence to the contrary, it is my view that there is some degree of complementarity between the goods. This is because the competing goods may be important to each other, and the consumer would believe that the responsibility for them lies with the same undertaking. Further, there may also be some overlap in trade channels because the competing goods could be sold through specialist outlets. Thus, there will be some overlap in users, such as specialist solar installers and maintenance contractors. However, the competing goods differ in nature, purpose, method of use, and there is no competitive relationship. Overall, I find that the competing goods are similar to a low degree. For completeness, I consider that a comparison between the contested goods and the earlier term "*structural parts and fittings for all the aforesaid goods*" for "*solar panels*" would not place the opponent in any better position.

Class 9

Solar panels for the production of electricity; parts, fittings and fixings for solar panels

33. Even though the earlier terms in Class 9 "*solar panels for electricity generation; solar panels […] for electricity*" and "*structural parts and fittings for all the aforesaid goods*" are termed slightly differently compared to the contested terms, I agree with the opponent that the competing terms are identical.

Class 11

Solar panels for heating

34. I consider the earlier term "*solar energy powered heating apparatus*" in Class 11 to be a broad term that would readily cover the contested goods. Therefore, I find them to be identical as per the principles set out in *Meric*.

Ground source heat pumps

35. I agree with the opponent that the contested goods will be encapsulated by the broad earlier term "*heat pumps for energy processing*". I find them to be identical as per *Meric*.

Parts, fittings and fixings for all of the aforesaid goods

36. I keep in mind the case of *Les Éditions Albert René v OHIM*, Case T-336/03, where the General Court 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, intended purpose and the customers for those goods may be completely different."

However, this does not mean that there can never be similarity between such goods where there is overlap in the factors identified in *Treat*.

37. I consider the contested goods to be similar to the earlier goods "*solar energy powered heating apparatus; heat pumps for energy processing*" in Class 11. The competing goods share the same trade channels as they would be sold by the same specialists. In this regard, I consider that they also share the same users. The method of use, nature and purpose of the goods may differ. However, there is a degree of complementarity between the contested goods and the earlier goods, as they may be important or indispensable to the operation and proper functionality of the earlier goods such that the average consumer would consider that they come from the same or economically linked undertakings. However, there is no competitive relationship between the competing goods. Overall, I consider these goods to be similar to between a low to medium degree.

Average Consumer and the Purchasing Act

38. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purposes 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: *Lloyd Schuhfabrik Meyer,* Case C-342/97.

39. In *Lidl Great Britain Limited & anor v Tesco Stores Limited & anor [2024]* EWCA Civ 262, Lord Justice Arnold explained:

> "16. First, the average consumer is both a legal construct and a normative benchmark. They are a legal construct in that consumers who are ill-informed or careless and consumers with specialised knowledge or who are excessively careful are excluded from consideration. They are a normative benchmark in that they provide a standard which enables the courts to strike a balance between the various competing interests involved, including the interests of trade mark owners, their competitors and consumers.

17. Secondly, the average consumer is neither a single hypothetical person nor some form of mathematical average, nor does assessment from the perspective of the average consumer involve a statistical test. They represent consumers who have a spectrum of attributes such as age, gender, ethnicity and social group.

18. Thirdly, assessment from the perspective of the average consumer is designed to facilitate adjudication of trade mark disputes by providing an objective criterion, by promoting consistency of assessment and by enabling courts and tribunals to determine such issues so far as possible without the need for evidence. [...]

19. Fourthly, the average consumer's level of attention varies according to the category of goods or services in question.

20. Fifthly, 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."[7]

40. The average consumer for the goods will most likely be business consumers with a specialist knowledge of the goods, such as installers of solar systems, although I do not discount the general public as consumers. The goods are sold through a range of channels, including physical premises as well as via the internet, and may be sourced through specialist providers or from more general builders' merchants and home improvement stores. Although I consider this purchasing act to be primarily visual, aural considerations will not be ignored in the assessment. The goods will range in price, from relatively less expensive goods, such as parts and fittings, to relatively expensive for solar panels or heat pumps. When selecting the goods prior to purchase, the consumer will want to ensure that the goods are appropriate to their own specific needs, taking into account technical reviews, quality, compatibility, product suitability and

[7] Approved by the Supreme Court in *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc and anor* [2025] UKSC 25, at paragraph 30.

the reputation of the provider. Thus, I consider that the average consumer will pay between a medium and high level of attention depending on the goods.

Distinctive Character of the Earlier Trade Marks

41. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97, paragraph 22 and 23, the CJEU stated that:

> "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).
>
> 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)."

42. Registered trade marks possess varying degrees of inherent distinctive character from the very low, because they are suggestive of, or allude to, a characteristic of the goods or services, to those with high inherent

distinctive character, such as invented words which have no allusive qualities.

43. The applicant made lengthy claims about the descriptiveness of the word "renew" and leaves and arrows in the marks. In summary, the applicant puts forward that the term "Renew" is descriptive and lacks distinctiveness in the solar energy sector[8] because it directly refers to the renewable nature of the products and services, is widely used across the industry, and would be understood by consumers as a generic or descriptive term rather than a brand identifier. The applicant also contends that granting the term trade mark protection would unfairly limit competitors' ability to describe their products, and there is no evidence of acquired secondary meaning associated with a single entity. Similarly, he posits that common symbols such as leaves and arrows are generic and descriptive within the renewable energy field, as they are widely recognised representations of sustainability and energy transformation and therefore are not suitable for exclusive trade mark protection.

44. The opponent has not shown use of its marks and thus cannot benefit from any enhanced distinctiveness. In this respect, I have only the inherent distinctiveness of the earlier marks to consider. As I will come to discuss later in this decision, both of the earlier marks contain the ordinary and dictionary word element "RENEW", which conveys the concept of making something new or like new. However, I note that there is no evidence provided by the applicant to support its argument that the term "RENEW" solus will be seen as descriptive by a significant proportion of consumers, associating it with "*a key characteristic of solar energy products and services - the renewable aspect of the energy source.*"[9] Instead, I consider that the term "RENEW" may be seen as mildly suggestive of renewable energy goods and services in the earlier specifications, for example, for

[8] The applicant states that: "*The word "renew" is commonly employed across the solar energy field in various contexts, such as "renewable energy," "renew your power," or "energy renewal*."

[9] See TM8 for the opposition in paragraph 5.

"*solar panels for electricity generation*" in Class 9 and "*solar energy powered heating apparatus*" in Class 11. In addition, the leaf device in the earlier mark '316 will likely be seen as highly suggestive of environmentally friendly or sustainable goods and services. Considering the above, I find that the degree of inherent distinctiveness will be between low and medium for the earlier mark '401. As to the earlier mark '316, I find that the combination of the word element coupled with the presentation and the device, nevertheless, results in the same finding, rendering the mark as a whole inherently distinctive to between a low and medium degree.

Comparison of the Trade Marks

45. 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."

46. It would be wrong, therefore, to artificially dissect the trade marks, 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.

47. The marks to be compared are:

Contested Marks	Earlier Marks
Opposition proceedings **(Series of two)**   **Cancellation proceedings**  	**Earlier mark '316**  **Earlier mark '401** Renew

Overall Impression

48. The earlier mark '316 consists of the word element "ReNew" with a leaf device embedded within the first 'e' letter (ReNew) of the word element, which will be understood as such. Even though the word element is presented in two different shades of green and in a mixed case, it will still be seen as the single word 'renew'. I consider that the word element will have the greatest weight in the overall impression, with the leaf device and the presentation of the mark making a much lesser contribution.

49. The earlier mark '401 "Renew" is a word mark. Registration of a word mark protects the word itself.[10]

50. The contested mark in the opposition proceedings is a series of two consisting of two versions of the word element "RENEW" and a device, one in green font on a white background and the other in white font on a

[10] See *LA Superquimica v EUIPO*, T-24/17, para 39; and *Bentley Motors Limited v Bentley 1962 Limited*, BL O/158/17, paragraph 16.

green background. I note that the word element appears in a standard typeface and in upper case. To the left of the word is a circular device consisting of a leaf encased within a looping cable with a plug at the end, which, as I will come to discuss in the conceptual comparison, would be highly suggestive of the goods. While the device is at the beginning of the mark, I find, in accordance with settled case law,[11] that the word element will be more distinctive than the figurative elements of a mark, as the relevant public is more likely to keep verbal elements in mind to identify and quote the mark instead of describing its figurative elements.[12] In my view, the word "RENEW" makes the greatest contribution to the overall impression of the mark, with the device playing a smaller role. In addition, the font colour and/or coloured background will play a minimal role in the overall impression. Lastly, the registered trade mark symbol '®' appearing at the end of the word in the first mark of the series will be afforded no trade mark significance.

51. The contested mark in the cancellation proceedings consists of the word element "RENEW" and a device. The word element and the device are presented in two different shades of green. I also note that the word element appears in a standard upper case typeface with a slim font. Even though the device, in this instance, appears to be slightly bigger in size, I consider that the word element "RENEW" will still make the greatest contribution to the overall impression for the same reasons provided in the preceding paragraph. Thus, the font colour and the device will play a lesser role to the overall impression.

[11] See for instance: *MigrosGenossenschafts-Bund v EUIPO*, T-68/17; and *Wassen International Ltd v OHIM (SELENIUM-ACE)*, Case T-312/03, paragraph 37.

[12] Ibid *Wassen*.

Preferred approach

52. Based on my findings above, I will conduct a single assessment between the competing marks and will differentiate between them only where this is deemed necessary.

Visual comparison

Earlier mark '316 and contested marks

53. The competing marks coincide in the common word element "RENEW", albeit in different cases. Even though the competing marks contain a leaf device, their representations[13] and positions will be a point of visual difference in the marks. In addition, the plug device has no counterpart in the earlier mark. Although the opponent claims that the marks overlap in colour, I note that the competing marks are presented in somewhat different shades of green. Bearing in mind my assessment of the overall impressions, the marks are visually similar to between a medium and high degree.

Earlier mark '401 and contested marks

54. The competing marks share the same word "RENEW". There are, though, visual differences between the marks, particularly the presence/absence of the device element in the competing marks. As the earlier mark is a word only mark, it may be notionally used in any standard typeface and colour, which may reduce differences arising from the contested marks in this instance.[14] Taking into account the above and the overall impressions of the marks, I find them to be visually similar to a high degree.

[13] See *The Royal Academy of Arts v Errea Sport S.p.A,* BL O/010/16.

[14] See *DREAMERS CLUB* [2019] RPC 505 in paragraphs 11 and 12.

Aural comparison

Earlier mark '316 and contested marks

55. The applicant claimed that:

> "**ReNew:**
>
> This brand has used capitalization of "N" emphasizing a distinct pronunciation. It may be pronounced as "ree-NYOO," with a slight pause or emphasis on the "N" to separate the two parts of the word, making it sound more like two distinct syllables: "Re" and "New".
>
> **RENEW:**
>
> Our logo version is the standard form of the verb "renew," typically pronounced as "ri-NYOO" or "ri-NOO" depending on the accent (British or American English). The pronunciation is more fluid and continuous, without emphasizing the separation between "re" and "new". Therefore, it is unlikely there could be any confusion caused."

56. I disagree with the applicant's approach. In the absence of any supporting evidence, I do not consider that the capitalisation of the letters 'R' and 'N' in the earlier mark will have an impact on the way the mark is pronounced. As a result, the common word element "RENEW" in the competing marks will be pronounced entirely conventionally. The devices in the competing marks will not be articulated. Therefore, the competing marks are aurally identical.

Earlier mark '401 and contested marks

57. Again, in this case, the word element of the competing marks will be pronounced entirely conventionally, and the device in the contested marks will not be verbalised. Therefore, the marks are aurally identical.

Conceptual comparison

Earlier mark '316 and contested marks

58. The common word element "RENEW" in the competing marks is a well-known dictionary word that the average consumer will understand immediately, with the meaning provided in paragraph 45 of this decision. In the context of the competing specifications, the term "RENEW" will likely be seen as mildly suggestive of renewable energy goods. In addition, the (leaf and plug) device in the contested marks and the leaf device in the earlier mark will be seen as highly allusive of sustainable or environmentally friendly goods. Taking all of this into account, I conclude that the respective marks share a high level of conceptual similarity based on the shared elements of the term "RENEW" and the leaf device.

Earlier mark '401 and contested marks

59. Following the same reasoning in the preceding paragraph, I consider that the marks will still be highly similar based on the shared element of the term "RENEW".

LIKELIHOOD OF CONFUSION

60. In assessing the likelihood of confusion, I must adopt the global approach set out in the case law to which I have already referred above in this decision. Such a global assessment is not a mechanical exercise. I must also have regard to the interdependency principle, that 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.[15] It is essential to keep in mind the distinctive character of the opponent's trade mark since the more distinctive the trade mark, the greater the likelihood of confusion. I must also keep in mind that the average consumer rarely has the opportunity to

[15] See *Canon Kabushiki Kaisha*, paragraph 17.

make direct comparisons between trade marks and must instead rely upon imperfect recollection.[16]

61. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other. Indirect confusion is where the consumer notices the differences between the marks but concludes that the later mark is another brand of the owner of the earlier mark or a related undertaking.

62. In *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10, Mr Iain Purvis QC (as he then was), sitting as the Appointed Person, explained that:

> "16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: "The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.
>
> 17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:
>
> (a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer

[16] See *Lloyd Schuhfabrik Meyer*, paragraph 27.

would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right ('26 RED TESCO' would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as 'LITE', 'EXPRESS', 'WORLDWIDE', 'MINI' etc.)

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension ('FAT FACE' to 'BRAT FACE' for example)."

These examples are not exhaustive. Rather, they were intended to be illustrative of the general approach.[17]

63. In *Liverpool Gin Distillery*, the Court of Appeal dismissed an appeal against a ruling of the High Court that trade marks for the words EAGLE RARE registered for whisky and bourbon whiskey were infringed by the launch of a bourbon whiskey under the sign "American Eagle". In his decision, Lord Justice Arnold stated that:

"13. As James Mellor QC sitting as the Appointed Person pointed out in *Cheeky Italian Ltd v Sutaria* (O/219/16) at [16] "a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion". Mr Mellor went on to say that, if there is no likelihood of direct confusion, "one needs a reasonably special set of circumstances for a finding of a likelihood of indirect confusion". I would prefer to say that there must be a proper

[17] See *Liverpool Gin Distillery and others v Sazerac Brands, LLC and others* [2021] EWCA Civ 1207.

basis for concluding that there is a likelihood of indirect confusion given that there is no likelihood of direct confusion."

64. Earlier in this decision I have concluded that:

- the goods and services at issue range from identical to similar to a low degree;
- the average consumer for the goods and services are business consumers, without excluding members of the general public. The selection process is predominantly visual without discounting aural considerations. The level of attention paid will be between a medium and high;
- the earlier mark '316 and contested marks are visually similar to between a medium and high degree, aurally identical, and conceptually similar to a high level;
- the earlier mark '401 and contested marks are visually similar to a high degree, aurally identical, and conceptually similar to a high level;
- the earlier marks '316 and '401 are inherently distinctive to between a low and medium degree.

Preferred approach

65. Based on my analysis above, I am of the view that the earlier mark '401 is the closest in terms of similarity to the contested marks, and I do not find the earlier mark '316 to put the opponent in any better position. Therefore, my assessment on the likelihood of confusion will be based on the earlier mark '401. Considering that my findings above are consistent across both the opposition and cancellation proceedings for the respective marks, I will make a single determination of the likelihood of confusion below, which will apply to both cases.

66. Taking the above factors into account, I am persuaded that there is a likelihood of direct confusion for those goods that I have found to be

identical. Notwithstanding the fact that the average consumer will be paying between a medium and high degree of attention during the purchasing process, I consider that the shared word element “RENEW” would be retained in the mind of the average consumer. This is because the word element “RENEW”, which plays the greatest role in the overall impression, will act as a conceptual ‘hook’ in the mind of the average consumer. I also note that the earlier word mark could be used in the same standard typeface and font as that used for the contested marks. Further, the presence of the additional device element in the contested marks, which plays a lesser role in the overall impression, will likely be overlooked or forgotten by the average consumer. In light of the principle of imperfect recollection, the consumers may be directly confused and mistake the contested marks for the earlier, or vice versa.

67. For the sake of completeness, I will proceed to consider whether there exists a likelihood of indirect confusion. In particular, were the average consumer to recognise the differences between the marks, they will identify the common word element “RENEW” shared in the respective marks treating it as an indication that the marks originate from the same or economically linked undertakings. The use of the additional device element in the contested marks will merely be perceived as a brand extension or a sub-brand. Consequently, I find there to be a likelihood of indirect confusion between the marks.

68. The above findings (direct and indirect confusion) extend to the competing goods which I found to be similar at any degree.

Final remarks

69. Although I have determined that there is a likelihood of confusion based on the earlier mark ‘401, as a matter of completeness, I note that I would have also found a likelihood of confusion between the contested mark and the earlier mark ‘316, on much the same line of reasoning, particularly

when bearing in mind my findings on the similarity of those respective marks and the identity/similarity of the competing goods.

70. For completeness, I note that the applicant argued in its counterstatement for the opposition proceedings that:

> "There are many previous cases where trademarks with similar names or visual design elements were allowed to coexist. One such example is eggless cake shop vs. egg free cake box - https://serjeants.co.uk/case-study-trade-marks-and-conceptual-similarity/
> From the above example the verdict was decided by the UKIPO that both marks could co-exist on the register together. Taking this case study into account, our trademark combines unique visual and symbolic elements, as described above, creating a distinct identity that's unlikely to be confused with the oppositions mark. Its design, colours, and symbolism reflect our brand's values, forming a unique presence in our market. This distinctiveness significantly ensures no risk of confusion and justifies trademark protection." (sic)

71. The applicant has not provided me with a copy of the "*eggless cake shop vs. egg free cake box*" decision. As a result, I am unable to fully consider the specifics of that case. Regardless, all such cases are determined on their own facts and merits and are not binding or a strong precedent for other cases before the Tribunal.

72. I also keep in mind the recent decision BL O/0662/25 of Mr Phillip Johnson, sitting as the Appointed Person, where he stated that:

> "29. To establish co-existence it is necessary for there to be evidence that both the earlier and later mark are used in the same marketplace at the same time in a way which would (in the absence of evidence) be seen as giving rise to a likelihood of confusion.

30. Accordingly, it is not possible to establish peaceful co-existence with an earlier mark which has not been used (ie where it is less than 5 years old; and so attracts no requirement to prove use). […]"

73. Based on the above rationale and given that the earlier marks are not subject to proof of use requirements, such a defence does not assist or put the applicant in any better position, and I will say no more about it.

OUTCOME

Opposition proceedings

74. **The opposition has been successful**. Therefore, subject to any successful appeal, the application will be refused.

Cancellation proceedings

75. **The application for invalidation has been successful**. Therefore, subject to any successful appeal, the registration shall be deemed never to have been made pursuant to Section 47(6) of the Act.

COSTS

76. The opponent has been successful and is entitled to a contribution towards its costs. Awards of costs are governed by Annex A of Tribunal Practice Notice (TPN) 1/2023. I award costs as follows:

Official fees	**£300**
Preparing a statement and considering the counterstatement x2	**£500**
Preparing and filing submissions	**£350**
Preparation for and attendance at CMC	**£200**
Total	**£1,350**

77. I, therefore, order Donal O'Dwyer to pay to ReNew Energy Global PLC the sum of £1,350. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 20th day of May 2026

Dr Stylianos Alexandridis
For the Registrar,
The Comptroller General

ANNEX 1

Earlier mark '401

Class 1: Hydrogen; Dioxide of hydrogen; Hydrogen peroxide for industrial purposes; Methanol; Refined methanol; Refined methanol for industrial purposes; Chemical catalysts for use in methanol synthesis plant operation; Ammonia; Ammonia for industrial purposes; Chemicals for use in connection with solar cells.

Class 4: Electrical energy; fuels and illuminants; Renewable energy, namely, solar energy, wind energy and geothermal energy; Renewable fuels; Electrical energy from renewable sources; Methanol fuel; Fuels; petroleum; natural gas; lubricants and fuels, namely, oil, natural gas and liquefied natural gas, and industrial oils and greases; petroleum products, namely, oil, natural gas, mineral-based fuels, diesel fuels and other fuels; liquefied petroleum gases, including liquefied natural gas.

Class 7: Wind powered installations for generating electricity; hydroelectric powered installations for generating electricity; Wind turbines and their components, namely, nacelle, gearbox, generator, control system, hub, tower and blades; wind power plants, parts of wind turbine motors, namely, compact drive systems; Hydrogen fuelling pumps for home stations; Hydrogen dispensing pumps for service stations; Electrical generators using solar cells; Wind turbines; Wind mills, wind power plants and wind turbines; other wind-operated machines, namely, wind-powered electric generators; parts and accessories for the aforesaid goods, namely, mill towers and masts, blades, blade hubs, mill housings, machine beds, rotation devices, yaw rings and gears, devices for setting the pitch of the wings, brakes and brake devices, main shafts, universal joints, transmission devices, clutches and electric generators and reserve power supply plants; structural parts and fittings for all the aforesaid goods.

Class 9: Electric control devices for energy management; solar panels for electricity generation; power distribution system; electric power supply units; wires, cables & materials used in Electrical circuit, Electrical batteries, chargers, converters & inverters, Photo-voltaic cells, Solar panels & batteries for electricity; Electric and electronic equipment and computer equipment for wind turbines, wind power plants and other wind-powered machines; checking and monitoring equipment, including for the automatic power up and power down of generators, and for automatic starting after a general power failure, surge protection apparatus to protect against lightning strikes, microprocessor equipment for the checking and monitoring of voltage regulation, frequency, phase state, rotor speed, checking the efficiency and thickness of brake pads, temperature, wind direction and wind speed, vibration sensors for mounting on windmill housings, watt-hour meters; microprocessor equipment for controlling and monitoring constant voltage, frequency, phase conditions, rotor speed, efficiency and thickness of brake pads, temperature, wind direction and wind speed; Test stations for hydrogen generators; Solar cells; Solar cell plates; Solar cell panels; Wafers for solar cells; Crystalline silicon solar cells; Solar modules; Photovoltaic solar modules; Apparatus for converting electronic radiation to electrical energy, namely, photovoltaic solar hybrid modules; Wind turbine controller; Electrolysers; Power distribution panels; Power distribution systems; Electric power distribution apparatus; Electric power distribution machines; Electrical distribution systems, namely, power distribution panels; Charging stations for electric vehicles; Photovoltaic modules, namely, an assembly of photovoltaic cells; Electrical, electronic and computer equipment for wind mills, wind power plants, wind turbines and other wind-operated machines, namely, computers, computer hardware, and electrical controllers; electronic controllers and monitors for automatically turning on or off the generator and for automatic restarting after public power line break-downs; apparatus for overvoltage protection against strokes of lightning, namely, voltage surge protectors and arrestors for overvoltage protection against lighting strikes; microprocessors for controlling and monitoring constant voltage, frequency, phase conditions, rotor speed, efficiency and thickness of brake pads, temperature, wind direction and wind

speed; vibration sensors for use in mill housings; watt-hour meters; structural parts and fittings for all the aforesaid goods.

Class 11: Environmental control apparatus and installations; Renewable energy sources; Wind energy source; Hydro energy sources; Solar energy receivers; Energy storage plants; Alternative energy generation power plants; Solar energy based cooling apparatus; Solar energy collectors for heating; Solar energy powered heating installations; Solar energy powered heating apparatus; Heat pumps for energy processing. Energy storage instruments; Energy storage apparatus energy recovery ventilators; Solar energy powered heating apparatus; solar thermal collectors; battery powered incandescent emergency lighting units; Hydrogen generators; hydrogen-generation equipment and components, namely, hydrogen generators, hydrogen purifiers, hydrogen purification membranes, fuel processors, and steam reformers; Hydrogen generators for industrial purposes; Hydrogen generation plants using steam reforming; steam reformers for use in generating hydrogen gas; Solar cell lighting apparatus; solar thermal installations, namely, solar thermal modules; Power plants; Photovoltaic-based power plants; Solar-powered cooling units; Solar powered ventilation apparatus; Alternative energy generation power plants; Solar thermal-based power plants; Carbon monoxide generation plants for industrial purposes; Carbon dioxide generation plants for industrial purposes; Carbonizing furnaces for industrial purposes; Environmental control apparatus and installations for lighting, cooking, cooling and sanitizing purposes; Environmental control apparatus, namely, particle activators for use in soil remediation, drinking water treatment, municipal and industrial wastewater treatment; cooling machines, installations, apparatus and instruments, namely, water coolers, coolers based on other liquids than water in the nature of cooling units for industrial purposes and solar energy based cooling apparatus for wind turbines and for generators for wind turbines; heating machines, installations, apparatus and instruments, namely, heating instruments and apparatus in the nature of solar collectors for use with wind turbines; solar collectors for heating; air cooling apparatus and instruments, namely, evaporative charge air coolers for wind turbines and for generators for wind turbines; heat exchangers; heating

elements embedded in blades for wind mills, wind power plants, wind turbines and other wind-operated machines; Solar photovoltaic collector panels.

Class 35: Advertising and business services namely business management, business administration and general office functions in relation to energy production and energy recycling; Business venture development and formation consulting services for the renewable energy industry; Business consulting and advisory services in the field of energy efficiency; Energy management services, namely, providing a service that allows customers to purchase energy, namely, electricity, natural gas and renewable energy; Energy usage management information services; Retail service connected with the sale of renewable electrical energy; Consultation in the field of energy efficiency; Business venture development and formation consulting services for the renewable energy industry; Energy management services, namely, providing a service that allows customers to purchase energy, namely, electricity, natural gas and renewable energy, at a fixed price; Energy management services, namely, providing a service that allows customers to purchase energy from various energy providers; Import-export business services in the field of energy; Energy usage management information services; Consulting services in the field of energy usage management and energy efficiency; Energy usage management information services; Consulting services in the field of energy usage management and energy efficiency; providing on-line and on-location home energy assessment services for the purpose of determining energy efficiency or usage management through the use of energy audits and consulting services in the field of business customer energy usage management and providing information regarding methods for reducing energy usage to promote energy efficiency; information in the field of energy efficiency; consulting and advisory services of the field of energy efficiency; consulting services in the fields of energy consumption and usage conservation to improve energy efficiency; retail electricity provider services, namely, providing a service that allows customers to purchase energy; providing information in the field of energy efficiency.

Class 36: Brokerage of carbon credits; trading of carbon dioxide and greenhouse gas emission credits, allowances or offsets of others; brokerage of carbon dioxide and other greenhouse gas emission credits, allowances or offsets on behalf of offset producers; Financing of development of renewable energy generation facilities; renewable energy services, namely, arranging for the purchase, sale or trade of renewable energy credits.

Class 37: Installation, repair and maintenance of energy conversion apparatus and power plants; installation of energy saving apparatus; repair of energy supply installations; installation of renewable energy generation equipment; Installation, maintenance and repair of windmills and wind turbines; Erection, installation, maintenance and repair of wind turbines, wind stations and other wind-powered machines; construction of wind turbines, wind stations and other wind-powered machines; consultancy and information in connection with the construction of wind turbines, wind stations and other wind-powered machines; assistance, consultancy and information in connection with the aforesaid goods and services; Construction project management services in the field of construction of renewable energy and energy generation equipment support structures and ancillary structures for supporting meteorological data gathering equipment; Plant construction, maintenance and construction project management services for businesses in the energy production sector; Repair and installation services, namely, the installation of heating, cooling and environmental control systems primarily using solar energy, renewable energy resources and rainwater; Construction project management services in the field of construction of renewable energy and energy generation equipment support structures and ancillary structures for supporting meteorological data gathering equipment; Installation, maintenance and repair of solar installations for generating power, solar collectors and photovoltaic modules; Installation, maintenance and repair of windmills and wind turbines; Erection, installation, maintenance and repair of windmills, wind power plants, wind turbines and other wind-operated machines; Repair or maintenance of power distribution or control machines and apparatus; Providing information relating to the repair or maintenance of power distribution or control machines and apparatus; Charging station

services for electric vehicles; Plant construction, maintenance and construction project management services for businesses in the energy production and transmission sector; Construction project management services in the field of construction of renewable energy and energy generation equipment support structures and ancillary structures for supporting meteorological data gathering equipment; Construction services, namely, planning, laying out and construction of photovoltaic arrays, systems and subsystems; installation of solar panels and solar power systems; providing information in the field of construction of solar panels and solar power systems; construction, installation and repair of heating and power generation equipment and gas and electric appliances and transmission lines; pipeline construction and maintenance; construction, maintenance and repair of electricity generating plants; extraction of oil, gas, coal, water or other natural resources for manufacturing of power and energy products; construction, repair and installation services in relation to the production of energy from wind energy; consultancy relating to the construction, installation and maintenance of wind power production facilities.

Class 39: Electricity distribution services; storage, distribution and supply of energy and fuels; Distribution of renewable energy; distribution and transmission of electricity; Energy distribution; Supply of electrical energy, gas, water and district heating; Storage, distribution and supply of energy and fuel; Providing information on chemical storage of energy via a website; transportation, distribution and storage of mineral-based fuels, diesel fuels and other fuels, including by pipeline, Electricity distribution; Electricity storage; Electricity supply services; Public utility services in the nature of electricity distribution.

Class 40: Services of energy generation; energy production; energy recycling services; rental of energy generating equipment; processing and transformation of energy; Custom fabrication of wind turbines, wind stations and other wind-powered machines; consultancy and information in connection with the custom fabrication of wind turbines, wind stations and other wind powered machines; Production of electrical energy from renewable sources;

Energy generation services; Energy production services; Provision of information, advice and consultancy in relation to the production of energy, and the treatment, recycling, transformation and incineration of waste; Energy recycling services, namely, capturing and conversion of wasted energy into electricity and useful steam; Power supply and distribution; generation of energy from renewable resources, namely, wind, hydro, solar, and geothermal energy sources; generation of energy from natural gas and coal. Electricity generation; Production of electricity.

Class 42: Energy auditing; design and development of energy management software and energy distribution network; technical consultancy in the field of energy saving and energy efficiency; scientific research in the field of energy; Technical assistance, consultancy and information offered by an engineer relating to wind turbine and wind power projects, and implementation of the aforesaid projects; drafting (planning) and testing of wind turbines, wind power plants, wind-powered machines and components therefor; conducting research projects in relation to wind turbines, wind power plants and other wind-powered machines, and assistance, consultancy and information with regard to the development and testing of wind turbines, wind power plants, wind-powered machines and components therefor; technical consultancy and information offered by an engineer relating to the setting up, construction, installation, maintenance and repair of wind turbines, wind stations and other wind-powered machines; Scientific research in the field of renewable energy; Technological planning and consulting services in the field of renewable energy resources; Technological planning and consulting services in the field of renewable energy resources; Technological consultancy in the fields of energy production and use; Research and development of environmentally friendly forms of energy and power; Research and development services relating to solar cells and electricity generation; Design of power plants; design of solar photovoltaic systems; technical research in the field of energy production and energy saving; technical planning of photovoltaic installations and solar energy systems; quality control of solar panels; quality control of the layout, construction and operation of solar panels and photovoltaic arrays; Technical assistance concerning wind mill and wind power projects and

developing such projects, namely, consultation concerning the design and development of wind mills and wind power plant projects; development and testing for others of wind mills, wind power plants, wind turbines, wind-operated machines, and components therefor; technical research projects for others concerning wind mills, wind power plants, wind turbines and other wind-operated machines; advisory, consultancy and information services relating to all the aforesaid services.

Earlier mark '316

Class 4: Electrical energy; fuels and illuminants; Renewable energy, namely, solar energy, wind energy and geothermal energy.

Class 7: Wind powered installations for generating electricity; hydroelectric powered installations for generating electricity; Wind turbines and their components, namely, nacelle, gearbox, generator, control system, hub, tower and blades; wind power plants, parts of wind turbine motors, namely, compact drive systems.

Class 9: Electric control devices for energy management; solar panels for electricity generation; power distribution system; electric power supply units; wires, cables & materials used in Electrical circuit, Electrical batteries, chargers, converters & inverters, Photo-voltaic cells, Solar panels & batteries for electricity; Electric and electronic equipment and computer equipment for wind turbines, wind power plants and other wind-powered machines; checking and monitoring equipment, including for the automatic power up and power down of generators, and for automatic starting after a general power failure, surge protection apparatus to protect against lightning strikes, microprocessor equipment for the checking and monitoring of voltage regulation, frequency, phase state, rotor speed, checking the efficiency and thickness of brake pads, temperature, wind direction and wind speed, vibration sensors for mounting on windmill housings, watt-hour meters; microprocessor equipment for controlling and monitoring constant voltage, frequency, phase conditions,

rotor speed, efficiency and thickness of brake pads, temperature, wind direction and wind speed.

Class 11: Renewable energy sources; Solar energy receivers; Energy storage plants; Alternative energy generation power plants; Solar energy based cooling apparatus; Solar energy collectors for heating; Solar energy powered heating installations; Solar energy powered heating apparatus; Heat pumps for energy processing; Thermal storage instruments [solar energy] for heating; Thermal storage apparatus [solar energy] for heating.

Class 35: Advertising and business services like business management, business administration and general office functions in relation to energy production and energy recycling; Business venture development and formation consulting services for the renewable energy industry; Business consulting and advisory services in the field of energy efficiency; Energy management services, namely, providing a service that allows customers to purchase energy, namely, electricity, natural gas and renewable energy; Energy usage management information services; Retail services connected with the sale of renewable electrical energy; Consultation in the field of energy efficiency.

Class 37: Installation, repair and maintenance of energy conversion apparatus and power plants; installation of energy saving apparatus; repair of energy supply installations; installation of renewable energy generation equipment; Installation, maintenance and repair of windmills and wind turbines; Erection, installation, maintenance and repair of wind turbines, wind stations and other wind-powered machines; construction of wind turbines, wind stations and other wind-powered machines; consultancy and information in connection with the construction of wind turbines, wind stations and other wind-powered machines; assistance, consultancy and information in connection with the aforesaid goods and services.

Class 39: Electricity distribution services; storage, distribution and supply of energy and fuels; Distribution of renewable energy; distribution and transmission of electricity.

Class 40: Services of energy generation; energy production; energy recycling services; rental of energy generating equipment; processing and transformation of energy; Custom fabrication of wind turbines, wind stations and other wind-powered machines; consultancy and information in connection with the custom fabrication of wind turbines, wind stations and other wind powered machines.

Class 42: Energy auditing; design and development of energy management software and energy distribution network; technical consultancy in the field of energy saving and energy efficiency; scientific research in the field of energy; Technical assistance, consultancy and information offered by an engineer relating to wind turbine and wind power projects, and implementation of the aforesaid projects; drafting (planning) and testing of wind turbines, wind power plants, wind-powered machines and components therefor; conducting research projects in relation to wind turbines, wind power plants and other wind-powered machines, and assistance, consultancy and information with regard to the development and testing of wind turbines, wind power plants, wind-powered machines and components therefor; technical consultancy and information offered by an engineer relating to the setting up, construction, installation, maintenance and repair of wind turbines, wind stations and other wind-powered machines.