

O/0691/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. WO0000001831554

BY VASSILIOS DELIS

TO REGISTER THE TRADE MARK:

YOUuniversum

IN CLASSES 5, 29, 30, 32, 35, 41 AND 44

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 455055

BY ECKES-GRANINI GROUP GMBH

Background and pleadings

1. International trade mark no.1831554 (“the contested mark”) shown on the cover page of this decision was registered by Vassilios Delis (“the holder”) with effect from 15 July 2024. The holder designated the UK as a territory in which it seeks to protect the contested mark under the terms of the Protocol to the Madrid Agreement on the same date. The mark has a priority date of 16 January 2024 from Germany. The holder seeks protection for the goods and services set out in Annex 1.

2. The application was opposed by Eckes-Granini Group GmbH (“the opponent”) on 2 July 2025. The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”) and is against the goods in classes 5, 29, 30 and 32.

3. The opponent relies on the following trade mark:

WO00000001726264



Date of protection of the international registration in the UK: 13 July 2023

Designation date: 14 March 2023

Priority date: 10 January 2023 (EUIPO)

Colours claimed: The mark contains the colours white, grey, black, red, yellow and orange.

Relying upon all of the goods for which the earlier mark is protected, namely:

Class 29: Fruit-based snack food; milk-based beverages containing fruit juice; processed fruits, fungi and vegetables (including nuts and pulses); fruit, stewed;

fruit salads; fruit, preserved; cut fruits; yogurt drinks; vegetables, cooked; dried fruit products; milk drinks containing fruits; fruit preserved in alcohol; frozen fruits; fruit juices for cooking; fruit chips; vegetables, preserved; fruit, processed, in particular fruit puree; pickled fruits.

Class 30: Fruit drops [confectionery]; iced tea; coffee, teas and cocoa and substitutes therefor; tea-based beverages with fruit flavoring; edible ices; tea-based beverages.

Class 32: Non-alcoholic beverages; soft drinks; fruit nectars, non-alcoholic; aerated water; fruit juice beverages; lemonades; smoothies containing grains and oats; juices; smoothies; mineral water [beverages]; syrups and preparations for making beverages.

4. The opponent claims that the marks are highly similar and that the goods are identical or at least similar so there exists a likelihood of confusion.
5. The holder filed a counterstatement denying the claims made.
6. Neither party filed evidence nor requested a hearing; however, both parties filed further submissions.
7. The holder is represented by Withers & Rogers LLP and the opponent is represented by Lewis Silkin LLP.
8. 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)

9. Section 5(2)(b) of the Act is as follows:

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

(a) [...]

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

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

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

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

11. The opponent’s mark qualifies as an earlier mark, in accordance with section 6 of the Act. As the earlier mark has not been protected for five years or more before the priority date of the contested mark, it is not subject to proof of use requirements. Therefore, the opponent can rely upon all of the goods identified in its Form TM7.

Section 5(2)(b) case law

12. 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 Pairs 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 be dominated by one or more of its components;

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

(g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

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

Comparison of goods

13. The goods to be compared are shown in the table below:

Contested goods	Earlier goods
Class 5: Dietary supplements and dietetic preparations; dietary supplements for human beings; dietary and nutritional supplements; nutraceuticals for use as a dietary supplement; protein dietary supplements; food supplements consisting of amino acids; mineral dietary supplements; linseed dietary supplements; food supplements for non-medical purposes; wheat dietary supplements; dietary supplemental drinks; vitamin preparations; meal replacement powders; powdered fruit-flavored dietary supplement drink mix; powdered nutritional supplement drink mix; vitamin drinks;	Class 29: Fruit-based snack food; milk-based beverages containing fruit juice; processed fruits, fungi and vegetables (including nuts and pulses); fruit, stewed; fruit salads; fruit, preserved; cut fruits; yogurt drinks; vegetables, cooked; dried fruit products; milk drinks containing fruits; fruit preserved in alcohol; frozen fruits; fruit juices for cooking; fruit chips; vegetables, preserved; fruit, processed, in particular fruit puree; pickled fruits. Class 30: Fruit drops [confectionery]; iced tea; coffee, teas and cocoa and substitutes therefor; tea-based

medicated isotonic drinks; propolis dietary supplements; lecithin dietary supplements; albumin dietary supplements; pollen dietary supplements; enzyme dietary supplements; casein dietary supplements; yeast dietary supplements; alginate dietary supplements; royal jelly dietary supplements; glucose dietary supplements; anti-oxidant food supplements; mineral nutritional supplements; health food supplements made principally of minerals; dietary supplements consisting of vitamins. Class 29: Edible oils and fats; dairy products and dairy substitutes; whey; drinks made from dairy products; milk products; milk substitutes; milk shakes; flavoured milk powder for making drinks; white of eggs; albumen for food; oils for food; seaweed extracts for food; soups and stocks, meat extracts; dietetic foods for non-medical purposes based on fats, fatty acids, with the addition of vitamins, minerals, trace elements; dietetic foods for non-medical purposes based on proteins, with the addition of vitamins, minerals, trace	beverages with fruit flavoring; edible ices; tea-based beverages. Class 32: Non-alcoholic beverages; soft drinks; fruit nectars, non-alcoholic; aerated water; fruit juice beverages; lemonades; smoothies containing grains and oats; juices; smoothies; mineral water [beverages]; syrups and preparations for making beverages.
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elements; dietetic foods not for medical purposes based on proteins. Class 30: Processed grains, starches, and goods made thereof for the sports and fitness sector; cereal bars and energy bars; high-protein cereal bars; oat bars; dietetic foods for non-medical purposes based on carbohydrates, fibre, with the addition of vitamins, minerals, trace elements; flavourings for beverages; syrups and treacles. Class 32: Non-alcoholic beverages; whey beverages; protein drinks; protein-enriched sports beverages; beer; brewery products; non-alcoholic beer; shandy; flavoured carbonated beverages; juices; fruit squashes; fruit juice beverages; fruit flavored soft drinks; vegetable juices [beverages]; waters; coconut water as a beverage; carbonated mineral water; flavoured waters; isotonic beverages; non-alcoholic preparations for making beverages.	
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14. I note that both parties have 'non-alcoholic beverages' in class 32 which are identical. Consequently, I will not undertake a full comparison of the goods and will proceed on the basis that the parties' specifications include some identical aspects. If the opposition fails even where the goods are identical, it will also fail where the goods are only similar, or where there is no similarity between the goods.

Average consumer and the purchasing act

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

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

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

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

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

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

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

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

17. The average consumer for the goods will be a member of the general public. The goods are likely to vary in cost, although many will be relatively inexpensive and reasonably frequent purchases. However, factors such as flavour and suitability are likely to be considered when purchasing the goods. Consequently, I consider that a medium degree of attention is likely to be paid for most of the goods.

18. The goods are likely to be self-selected from the shelves of a retail outlet or an online equivalent. They may also be purchased following perusal of the goods at food and drink venues (either on taps, on shelves or in fridges behind the bar or, alternatively, on a drinks list). Consequently, visual considerations are likely to dominate the purchasing process. However, I do not discount an aural component to the purchase given that advice may be sought from retail assistants and orders may be placed verbally in a bar or restaurant.

Comparison of the marks

19. 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.”

20. 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.

21. The respective trade marks are shown as follows:

Contested mark	Earlier mark
YOUниверсум	

22. The contested mark comprises the singular word ‘YOUниверсум’ and, although the ‘YOU’ element is capitalised, I still consider that the overall impression lies in the word as a whole.

23. The earlier mark contains the word ‘YO’ which I consider to be the dominant and distinctive component. The stylisation of the word and the white and grey diamond (including the shading) surrounding the ‘YO’ element will play lesser roles in the overall impression.

24. Visually, the marks share the letters ‘YO’, which are featured at the beginning of the contested mark. The contested mark has the 9 further letters ‘UNIVERSUM’ which have no counterpart in the earlier mark. Further, the earlier mark has the stylisation which takes it a step further away from the contested mark. I therefore find the marks to be visually similar to a low degree.

25. Moving to the aural comparison, the earlier mark will most likely be pronounced as the ordinary word “YO” (which rhymes with ‘throw’). The contested mark is likely to be pronounced as one word, “YOU-NI-VER-SUM”, rather than being broken down into “YO” followed by “UNIVERSUM” as suggested by the opponent. I therefore find the marks to be aurally dissimilar. However, if I am wrong in this finding they are aurally similar to a very low degree, at best.

26. Regarding the contested mark, I agree to an extent that as a whole the mark is an invented term however, I consider the average consumer will likely perceive the words ‘YOU’ and ‘UNIVERSE’ within the mark despite them sharing the letter ‘U’. I do not believe the average consumer will split the term ‘YO’ from the mark as indicated by the opponent within their submissions. I agree with the holder’s submission that the earlier mark ‘YO’ will ordinarily be understood as an informal greeting by a significant proportion of consumers, although there might be some consumers who do not attribute any particular meaning to it. Regardless of whether the earlier mark is seen as a greeting or having no particular meaning, the marks are conceptually dissimilar.

Distinctive Character of the Earlier Mark

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

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been

registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

28. Registered trade marks possess varying degrees of inherent distinctive character, being lower where they are allusive or suggestive of a characteristic of the goods and/or services, ranging up to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctive character of a mark can be enhanced by virtue of the use that has been made of it. I have been provided with no such evidence and, therefore, only have the inherent position to consider.

29. The earlier mark comprises the term ‘YO’ which, for some consumers, is an everyday term with no link to the goods it is registered for. The stylisation of the mark adds little in terms of its inherent distinctiveness and I therefore find it inherently distinctive to a medium degree. For those consumers who do not attribute a particular meaning to ‘YO’, I consider that marks of just two letters are generally inherently distinctive to a low degree.¹

Likelihood of Confusion

30. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater

¹ As per Iain Purvis QC (as he then was) in *Kunze Folien GmbH v Kartell UK Limited*, BL O/085/14

degree of similarity between the respective goods and vice versa. It is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the goods and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

31. The following factors must be considered to determine if a likelihood of confusion can be established:

- I have found the earlier mark to be visually similar to a low degree and aurally and conceptually dissimilar (although, I have stated that if I am wrong in my aural finding then the marks are aurally similar to a very low degree at best).
- The contested mark is a word mark comprising a singular word and therefore, that is where the overall impression lies.
- The earlier mark has the term 'YO' as the dominant and distinctive element with the stylisation and diamond surrounding playing a lesser role in the overall impression.
- I consider that the average consumer is likely to be a member of the general public who will select the goods primarily by visual means, although I do not discount an aural component.
- I have concluded that a medium level of attention will be paid during the purchasing process.
- The earlier mark is inherently distinctive to a medium degree if seen as a word or a low degree if seen as a two letters mark.
- I have found at least some of the goods to be identical.

32. Even allowing for the identity of some goods, the differences between the marks, particularly the additional "UNIVERSUM" element in the contested mark and the stylised presentation of the earlier mark, are sufficient to prevent the average consumer from mistaking one mark for the other. It would be artificially dissecting the marks to suggest that the average consumer would specifically note the 'YO' element from the applied for mark. Even assuming a medium rather than low degree of inherent

distinctiveness, if the earlier mark is seen as a word rather than two letters, together with the different concepts and medium degree of attention being paid, I find that there is no likelihood of direct confusion.

33. I will therefore turn to indirect confusion. Again, I take guidance from Mr Purvis in *L.A. Sugar Limited* where he stated:

“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 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”).

34. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ approved Mr Purvis’s formulation but added:

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

35. The common element in the marks consists of the letters 'YO', which are not so distinctive that the average consumer would assume that no one other than the brand owner would use them in a trade mark. The additional 'Universum' element in the applied for mark is not a non-distinctive addition nor are the changes to the marks consistent with a brand extension or sub-brand. I can see no proper basis on which the average consumer, upon seeing the marks, will believe that they come from the same undertaking- particularly in light of the differences in concept, the changes in presentation and the aural differences. Therefore, I do not find there to be a likelihood of indirect confusion.

Conclusion

36. The opposition is unsuccessful in its entirety, subject to any successful appeal.

Costs

37. The holder has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023. I award the holder the sum of **£650**, calculated as follows:

Considering the Notice of opposition and preparing the counterstatement	£300
Preparation of submissions in lieu of a hearing	£350
Total	£650

38. I therefore order Eckes-Granini Group GmbH to pay Vassilios Delis the sum of £650. This 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 31st day of July 2026

L Nicholas

For the Registrar

Annex 1

Class 5: Dietary supplements and dietetic preparations; dietary supplements for human beings; dietary and nutritional supplements; nutraceuticals for use as a dietary supplement; protein dietary supplements; food supplements consisting of amino acids; mineral dietary supplements; linseed dietary supplements; food supplements for non-medical purposes; wheat dietary supplements; dietary supplemental drinks; vitamin preparations; meal replacement powders; powdered fruit-flavored dietary supplement drink mix; powdered nutritional supplement drink mix; vitamin drinks; medicated isotonic drinks; propolis dietary supplements; lecithin dietary supplements; albumin dietary supplements; pollen dietary supplements; enzyme dietary supplements; casein dietary supplements; yeast dietary supplements; alginate dietary supplements; royal jelly dietary supplements; glucose dietary supplements; anti-oxidant food supplements; mineral nutritional supplements; health food supplements made principally of minerals; dietary supplements consisting of vitamins.

Class 29: Edible oils and fats; dairy products and dairy substitutes; whey; drinks made from dairy products; milk products; milk substitutes; milk shakes; flavoured milk powder for making drinks; white of eggs; albumen for food; oils for food; seaweed extracts for food; soups and stocks, meat extracts; dietetic foods for non-medical purposes based on fats, fatty acids, with the addition of vitamins, minerals, trace elements; dietetic foods for non-medical purposes based on proteins, with the addition of vitamins, minerals, trace elements; dietetic foods not for medical purposes based on proteins.

Class 30: Processed grains, starches, and goods made thereof for the sports and fitness sector; cereal bars and energy bars; high-protein cereal bars; oat bars; dietetic foods for non-medical purposes based on carbohydrates, fibre, with the addition of vitamins, minerals, trace elements; flavourings for beverages; syrups and treacles.

Class 32: Non-alcoholic beverages; whey beverages; protein drinks; protein-enriched sports beverages; beer; brewery products; non-alcoholic beer; shandy; flavoured carbonated beverages; juices; fruit squashes; fruit juice beverages; fruit flavored soft drinks; vegetable juices [beverages]; waters; coconut water as a beverage; carbonated mineral water; flavoured waters; isotonic beverages; non-alcoholic preparations for making beverages.

Class 35: Retail and wholesale services, including via the internet, relating to dietary supplements and dietetic preparations, dietary supplements for human beings, dietary and nutritional supplements, nutraceuticals for use as a dietary supplement, protein

dietary supplements, food supplements consisting of amino acids, mineral dietary supplements, linseed dietary supplements, food supplements for nonmedical purposes, wheat dietary supplements, dietary supplemental drinks, vitamin preparations, meal replacement powders, powdered fruit-flavored dietary supplement drink mix, powdered nutritional supplement drink mix, vitamin drinks, medicated isotonic drinks, propolis dietary supplements, lecithin dietary supplements, albumin dietary supplements, pollen dietary supplements, enzyme dietary supplements, casein dietary supplements, yeast dietary supplements, alginate dietary supplements, royal jelly dietary supplements, glucose dietary supplements, anti-oxidant food supplements, mineral nutritional supplements, health food supplements made principally of minerals, dietary supplements consisting of vitamins; retail and wholesale services, including via the internet, relating to edible oils and fats, dairy products and dairy substitutes, whey, drinks made from dairy products, milk products, milk substitutes, milk shakes, flavoured milk powder for making drinks, albumen for culinary purposes, albumen for food, oils for food, seaweed extracts for food, soups and stocks, meat extracts, dietetic foods for non-medical purposes based on fats, fatty acids, with the addition of vitamins, minerals, trace elements, dietetic foods for non-medical purposes based on proteins, with the addition of vitamins, minerals, trace elements, dietetic foods not for medical purposes based on proteins; retail and wholesale services, including via the internet, relating to processed grains, starches, and goods made thereof for the sports and fitness sector, cereal bars and energy bars, high-protein cereal bars, oat bars, dietetic foods for non-medical purposes based on carbohydrates, fibre, with the addition of vitamins, minerals, trace elements, flavourings for beverages, syrups and treacles; retail and wholesale services, including via the internet, relating to non-alcoholic beverages, whey beverages, protein drinks, protein-enriched sports beverages, beer, brewery products, non-alcoholic beer, shandy, flavoured carbonated beverages, juices, fruit squashes, fruit juice beverages, fruit flavored soft drinks, vegetable juices [beverages], waters, coconut water as a beverage, carbonated mineral water, flavoured waters, isotonic beverages, non-alcoholic preparations for making beverages; advertising, marketing and promotional services; business assistance, management and administrative services; business consultancy and advisory services; business analysis, research and information services; collection and systematization of business data; advisory services in the organisation and management of fitness studios.

Class 41: Education, entertainment and sport services; organisation of conferences, exhibitions and competitions; sports and fitness services; exercise [fitness] training services; education services relating to nutrition; rental of sports or exercise equipment; entertainment services relating to sport; sports coaching; providing facilities for sports recreation; operation of fitness studios, namely sports activities in the fitness sector and advice, courses and seminars in the fitness sector; fitness club services; conducting fitness classes; provision of educational services relating to exercise; provision of training courses; training services relating to fitness; consultancy services relating to training; sporting and recreational activities; provision and management of sporting events; organising of sporting activities and of sporting

competitions; presentation of live performances; physical fitness consultation; provision of educational health and fitness information; provision of information relating to physical training via an online web site; provision of information relating to sports; provision of instruction relating to nutrition; publishing, reporting, and writing of texts; publication and editing of books, newspapers and magazines [except for advertising purposes]; provision of online tutorials; publication of multimedia material online; consultancy and information in relation to the aforesaid services, included in this class.

Class 44: Human healthcare services; fitness testing; nutrition counseling; dietary and nutritional advice; services rendered by a dietician; human hygiene and beauty care; sauna services.