

O/0886/26

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. 4211163
IN THE NAME OF STUDIO DI PRODOTTO LIMITED
TO REGISTER THE FOLLOWING TRADE MARK:**

The logo for 'melitime' is displayed in a lowercase, sans-serif font. The word 'meli' is in dark grey, 'time' is in a golden-brown color, and the final 'e' is a stylized, circular emblem in the same golden-brown color.

IN CLASSES 30 AND 43

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 455904
BY MELI N.V.**

Background and pleadings

1. STUDIO DI PRODOTTO LIMITED (“the applicant”) applied to register the trade mark shown on the front cover of this decision in the UK on 29 May 2025, under number 4211163. It was accepted and published in the Trade Marks Journal on 13 June 2025 in respect of a range of goods and services in classes 30 and 43 shown in Annex A at the bottom of this decision.

2. On 11 August 2025, Meli N.V. (“the opponent”) opposed the trade mark on the basis of section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is directed at the following goods only:

Class 30: Sugars, natural sweeteners, sweet coatings and fillings, bee products, and edible decorations; Ice creams, frozen yogurts, and sorbets; Flavoured jelly crystals for making jelly confectionery; Salad cream; Dairy-based sauces; Savory sauces used as condiments; Basting sauces; Sugar paste for confectionery; Raw sugar; Aspartame for culinary purposes; Edible honeycombs; Edible beeswax; Edible black locust honey; Edible gold for decorating food and beverages; Honey glazes for ham; Turbinado sugar; Cane sugar; Vanilla sugar; Vanillin sugar; Sugar, honey, treacle; Crystallized sugar for decorating food; Crystallized sugar for decorating cakes; Crystallized rock sugar; Saccharin for culinary purposes; Dulce de leche; Brown sugar; Sugar coated pine nuts; Helichrysum honey; Manuka honey; Truffle honey; Raw honeycombs; Artificial sweeteners for culinary purposes; Sugar substitutes for culinary purposes; Persipan; Fructose for food; Natural low calorie sweeteners; Mirror icing [mirror glaze]; Rolled fondant; Chocolate for toppings; Chocolate decorations for cakes; Yacon syrup; Agave syrup [natural sweetener]; Corn syrup for culinary purposes; Molasses syrup for culinary purposes; Black treacle; Dairy-free chocolate; Cocoa substitutes; Ice [frozen water]; Edible ice sculptures; Shaved ice with sweetened red beans; Fruit ice bars; Frozen yogurt cakes; Soft ices; Sorbet mixes [ices]; Truffle ices; Ice milk bars; Vegan ice cream; Ice cream infused with alcohol; Frozen yogurt pies; Sorbet infused with alcohol; Hardtack [biscuits]; Vegan cakes; Coconut macaroons; Filled biscuits; Fried dough cookies; Candied cakes of popped rice; Steamed sponge cakes (fagao); Cake bars; Chimney cakes; Cake Pops; Pumpkin pies; Crème brûlée;

Brittle; Pie shells; Sachima; Cookie mixes; Cupcakes; Mille-feuilles; Bavarian creams; Baklava; Almond cookies; Poppy seed pastry; Cream pies; Blueberry pies; Egg tarts; Custard tarts; Deep chocolate cake made with chocolate sponge; Churros; Tart shells; Pastila [confectionery]; Filled chocolate bars; Chocolate-coated rice cakes; Xylitol-sweetened sweets; Sesame confectionery; Ginseng candy; Milk tablet candy; Fruit confectionery; Red ginseng candy; Candy canes; Zephyr [confectionery]; Salted butter fudge; Honeycomb toffee; Jelly beans; Sugar-free mint candies; Candy coated apples; Pecan logs; Marshmallow creme; Chocolate-coated bars; Sesame candy bars; Bars of sweet jellied bean paste; Korean traditional pressed sweets (Dasik); Chocolates presented in an advent calendar; Oat bars; Cereal based energy bars; Chocolate-based meal replacement bars; Cereal-based meal replacement bars; French toast; Cereal-based savoury snacks; Corn-based savoury snacks; Millet cakes; Savoury pancakes; Frozen waffles; Chocolate-covered potato chips; Frozen French toast sticks; Frozen pancakes; Frozen French toast; Soft pretzels; Flour based snack foods; Snack foods made from corn; Multigrain-based snack foods; Extruded wheat snacks; Pineapple fritters; Banana fritters; Oat clusters containing dried fruit.

3. The opponent relies upon its UK trade mark **MELI** (“the opponent’s mark”), number 4588637. The opponent’s mark was filed on 2 February 2021 and became registered on 13 August 2021. It stands registered for the following goods, all of which are relied upon for opposition purposes:

Class 30: Honey; honey cake; honey biscuits; honey balls; honey licorice; raw honeycombs; royal jelly; energy bars; nougat; chocolate; chocolate products; chocolate-based beverages; pastry and confectionery; snack bars based on oatmeal, wheat germ, brown sugar or honey, also containing seeds, dried fruit and nuts; breakfast cereals; bars based on wheat; snack bars consisting of a mixture of cereals, honey, nuts and / or dried fruits [candy].

4. As the filing date of the opponent’s mark is earlier than the filing date of the applicant’s mark, the opponent’s mark constitutes an earlier mark in accordance with section 6 of the Act. However, as it had not been registered for five years or more at the filing date of the application, it is not subject to the proof of use requirements

specified within section 6A of the Act. As a consequence, the opponent may rely upon all of the goods identified without having to establish genuine use.

5. In its statement of grounds, the opponent argues that the competing marks are similar, and that the parties' goods are identical, highly similar, or similar. On this basis, the opponent submits that there is a likelihood of confusion.

6. The applicant filed a counterstatement denying the ground of opposition.

7. The opponent is professionally represented by KOB NV, and the applicant is represented by Knight Professional Services Limited. Both parties filed submissions within the evidence rounds. No hearing was requested, but both parties filed submissions in lieu. This decision is taken following careful consideration of all the papers before me.

Relevance of EU law

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 2018¹ 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.

Section 5(2)(b)

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

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

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

¹ As amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023

10. Section 5A states: [...] “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 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*:²

- (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

² [2025] UKSC 25

that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

- (g) a lesser degree of similarity between the goods or services may be offset by a greater degree of similarity between the marks, and vice versa;
- (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- (j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
- (k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

Comparison of goods

12. In *Canon*,³ the Court of Justice of the European Union (“CJEU”) stated, at paragraph 23 of its judgment, that when considering whether goods are similar, all the relevant factors relating to the goods should be taken into account. The CJEU stated that those factors include their nature, intended purpose, method of use and whether they are in competition with each other or are complementary.

13. The relevant factors identified by Jacob J. (as he then was) in *Treat*⁴ for assessing similarity were:

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;

³ Case C-39/97

⁴ [1996] R.P.C. 281

- (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.

14. In *Kurt Hesse v OHIM*,⁵ the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*,⁶ the General Court (“GC”) stated that “complementary” means:

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

15. In *Gérard Meric v OHIM*,⁷ the GC confirmed that even if goods are not worded identically, they can still be considered identical if one term falls within the scope of another (or vice versa):

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

⁵ Case C-50/15 P

⁶ Case T-325/06

⁷ Case T- 133/05

where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.”

16. In *Les Éditions Albert René v OHIM*,⁸ the GC found that:

“61. The mere fact that a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar since, in particular, their nature, intended purpose and the customers for those goods may be completely different.”

17. The goods to be compared are as follows:

The opponent's goods	The applicant's goods
<i>Class 30: Honey; honey cake; honey biscuits; honey balls; honey licorice; raw honeycombs; royal jelly; energy bars; nougat; chocolate; chocolate products; chocolate-based beverages; pastry and confectionery; snack bars based on oatmeal, wheat germ, brown sugar or honey, also containing seeds, dried fruit and nuts; breakfast cereals; bars based on wheat; snack bars consisting of a mixture of cereals, honey, nuts and / or dried fruits [candy.</i>	<i>Class 30: Sugars, natural sweeteners, sweet coatings and fillings, bee products, and edible decorations; Ice creams, frozen yogurts, and sorbets; Flavoured jelly crystals for making jelly confectionery; Salad cream; Dairy-based sauces; Savory sauces used as condiments; Basting sauces; Sugar paste for confectionery; Raw sugar; Aspartame for culinary purposes; Edible honeycombs; Edible beeswax; Edible black locust honey; Edible gold for decorating food and beverages; Honey glazes for ham; Turbinado sugar; Cane sugar; Vanilla sugar; Vanillin sugar; Sugar, honey, treacle; Crystallized sugar for decorating food; Crystallized sugar for decorating cakes; Crystallized rock sugar; Saccharin for culinary purposes;</i>

⁸ Case T-336/03

	<i>Dulce de leche; Brown sugar; Sugar coated pine nuts; Helichrysum honey; Manuka honey; Truffle honey; Raw honeycombs; Artificial sweeteners for culinary purposes; Sugar substitutes for culinary purposes; Persipan; Fructose for food; Natural low calorie sweeteners; Mirror icing [mirror glaze]; Rolled fondant; Chocolate for toppings; Chocolate decorations for cakes; Yacon syrup; Agave syrup [natural sweetener]; Corn syrup for culinary purposes; Molasses syrup for culinary purposes; Black treacle; Dairy-free chocolate; Cocoa substitutes; Ice [frozen water]; Edible ice sculptures; Shaved ice with sweetened red beans; Fruit ice bars; Frozen yogurt cakes; Soft ices; Sorbet mixes [ices]; Truffle ices; Ice milk bars; Vegan ice cream; Ice cream infused with alcohol; Frozen yogurt pies; Sorbet infused with alcohol; Hardtack [biscuits]; Vegan cakes; Coconut macaroons; Filled biscuits; Fried dough cookies; Candied cakes of popped rice; Steamed sponge cakes (fagao); Cake bars; Chimney cakes; Cake Pops; Pumpkin pies; Crème brûlée; Brittle; Pie shells; Sachima; Cookie mixes; Cupcakes; Mille-feuilles; Bavarian creams; Baklava; Almond cookies; Poppy seed pastry; Cream pies; Blueberry pies; Egg tarts; Custard tarts; Deep chocolate</i>
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	<i>cake made with chocolate sponge; Churros; Tart shells; Pastila [confectionery]; Filled chocolate bars; Chocolate-coated rice cakes; Xylitol-sweetened sweets; Sesame confectionery; Ginseng candy; Milk tablet candy; Fruit confectionery; Red ginseng candy; Candy canes; Zephyr [confectionery]; Salted butter fudge; Honeycomb toffee; Jelly beans; Sugar-free mint candies; Candy coated apples; Pecan logs; Marshmallow creme; Chocolate-coated bars; Sesame candy bars; Bars of sweet jellied bean paste; Korean traditional pressed sweets (Dasik); Chocolates presented in an advent calendar; Oat bars; Cereal based energy bars; Chocolate-based meal replacement bars; Cereal-based meal replacement bars; French toast; Cereal-based savoury snacks; Corn-based savoury snacks; Millet cakes; Savoury pancakes; Frozen waffles; Chocolate-covered potato chips; Frozen French toast sticks; Frozen pancakes; Frozen French toast; Soft pretzels; Flour based snack foods; Snack foods made from corn; Multigrain-based snack foods; Extruded wheat snacks; Pineapple fritters; Banana fritters; Oat clusters containing dried fruit.</i>
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18. In its statement of grounds, the opponent pleads that the parties' goods are either identical, highly similar, or similar. In its counterstatement, the applicant concedes that

both parties' *honey* and *raw honeycombs* are identical, but denies the claims made in relation to the other goods. Both parties have made several submissions in relation to the various goods, and I will address these arguments below where necessary.

19. For the purposes of comparing goods, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons.⁹ I have therefore assessed the applicant's goods by dividing the terms into groups as per below.

Class 30:

[...] *honey* [...].

20. The applicant's term is self-evidently identical to the opponent's *honey*.

Edible black locust honey; Helichrysum honey; Manuka honey; Truffle honey.

21. In its counterstatement, the opponent submits that *helichrysum honey*, *manuka honey*, and *truffle honey* are identical to the opponent's goods, and that *edible black locust honey* is highly similar to the opponent's goods.

22. It is my view that the applicant's goods above are all narrower types of honey, and therefore all four of the terms above fall within the opponent's wider term *honey*. On this basis, all four are identical under the principle in *Meric*. However, in line with the opponent's pleadings, I find that *edible black locust honey* is highly similar to the opponent's goods instead.

[...] *bee products* [...].

23. The applicant's goods above are a wider category of bee-related food products, and include the opponent's narrower goods such as *honey*, *raw honeycombs*, or *royal jelly*. The parties' goods are therefore identical under the principle in *Meric*.

[...] *natural sweeteners* [...].

⁹ *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38

24. In its statement of grounds, the opponent submits that these goods are highly similar to the opponent's goods.

25. The applicant's goods above are a broad category of goods covering sweeteners which are of natural origin. It is my view that the opponent's *honey* is a natural sweetener, and it therefore falls within the applicant's wider term. On this basis, it is my view that the parties' goods are therefore identical under the principle in *Meric*. However, in line with the opponent's pleading that it is highly similar to the applicant's goods, I find that the goods are similar to a high degree instead.

Raw honeycombs.

26. The applicant's term is self-evidently identical to the opponent's *raw honeycombs*.

Edible honeycombs.

27. In its statement of grounds, the opponent submits that the applicant's term is highly similar to the opponent's goods. It is my view, however, the applicant's goods above are a wider category of honeycomb-related goods. The opponent's narrower *raw honeycombs* fall within the applicant's term, and therefore the parties' goods are identical under the principle in *Meric*. However, in line with the opponent's pleadings, I find that the goods are similar to a high degree instead.

Edible beeswax.

28. In its statement of grounds, the opponent submits that the applicant's term is highly similar to the opponent's *honey*. In the counterstatement, the applicant argues that this is "made on the false pretence that these products serve the same function of sweetening food and drink". Instead, it argues that they target different consumers and are "largely marketed through individualised trade channels".

29. The parties' goods' nature overlaps in that both are products that originate from bees, and may be added to other ingredients to make other foods. It is my understanding that *edible beeswax* is primarily sold in solid form, which is also the case for some types of honey such as set honey, although honey may also be sold as a viscose liquid (such as runny honey). There also may be further difference in that *honey* is a sweet food consisting almost entirely of carbohydrate, whereas *edible*

beeswax is primarily made from fat. Their users and purpose will overlap, as both are purchased by those wishing to consume edible goods of bee origin. The goods' trade channels will overlap, and they may appear in close proximity to one another. I do not consider them to be complementary in that one is not essential for the other. I also do not find that they are likely to be in competition. This is on the basis that *honey* is a carbohydrate and *edible beeswax* is primarily fat, and therefore they are unlikely to be substituted for one another in recipes or dishes. Taking these factors into account, I find that there is a medium to high degree of similarity between the goods.

Sugars, Raw sugar; Turbinado sugar; Cane sugar; Vanilla sugar; Vanillin sugar; Sugar, [...] treacle; Crystallized rock sugar; Brown sugar; Fructose for food; Corn syrup for culinary purposes; Molasses syrup for culinary purposes; Black treacle; Natural low calorie sweeteners; Yacon syrup; Agave syrup [natural sweetener]; Aspartame for culinary purposes; Saccharin for culinary purposes; Artificial sweeteners for culinary purposes; Sugar substitutes for culinary purposes.

30. In its submissions filed during the evidence rounds, the opponent argues that the applicant's goods above are "very similar" to *honey* on the basis that the goods share "the same fundamental purpose as honey, namely to enhance the taste, sweetness, or overall sensory appeal of food and beverages". It also argues that the parties' goods are "commonly sold through overlapping distribution channels". However, in its submissions filed during the evidence rounds, the applicant responds that "there are a multitude of goods which share this same fundamental purpose and this fact alone is not determinative of a high degree of similarity between the respective goods". In its counterstatement, the applicant also argues these goods "serve the same functioning of sweetening food and drink, that they are supposedly used as sweeteners and are therefore direct substitutes for each other". Instead, it argues that the goods have their own "particular purpose, targeted at differing consumers, and largely marketed through individualised trade channels".

31. The goods above are types of sweet foods which are used for their sweetening qualities, which overlaps with the opponent's *honey*. *Honey* is often sold either as a solid (such as set honey) or viscose liquid. The applicant's goods will be sold in a variety of ways, such as viscose liquids for the treacle and syrup goods, or in powdered form for the sugar and sugar substitutes. Their users and purpose will overlap, as all

the goods are used by those wishing to sweeten foods. Their trade channels will overlap, and they will appear within reasonably close proximity to one another. I do not consider that the goods are complementary, as one is not essential to the other. However, the goods may be in competition as users will choose which product to use for sweetness. Taking these factors into account, I find there is a medium to high degree of similarity between the parties' goods.

Ice creams, frozen yogurts, and sorbets; Fruit ice bars; Frozen yogurt cakes; Shaved ice with sweetened red beans; Soft ices; Sorbet mixes [ices]; Truffle ices; Ice milk bars; Vegan ice cream; Ice cream infused with alcohol; Frozen yogurt pies; Sorbet infused with alcohol; Frozen waffles; Frozen French toast sticks; Frozen pancakes; Frozen French toast.

32. In its statement of grounds, the opponent argues that *Ice creams, Frozen yogurts, and sorbets; Fruit ice bars; Frozen yogurt cakes; Shaved ice with sweetened red beans; Soft ices; Sorbet mixes [ices]; Truffle ices; Ice milk bars; Vegan ice cream; Ice cream infused with alcohol; Frozen yogurt pies; Sorbet infused with alcohol* are similar to the opponent's goods in that "[i]ngredients such as sugar, honey, or chocolate can indeed be used in the preparation of ice cream, which indicates that there is in fact some overlap in the composition of the products". In its statement of grounds, the opponent also submits that *Frozen waffles; Frozen French toast sticks; Frozen pancakes; Frozen French toast* are similar to its *pastry and confectionary* in that they "coincide in terms of purpose, target audience, producers, and distribution channels". In its counterstatement, the applicant denies that there is any similarity between the competing goods on the basis that they do not "share the same purpose, target audience, producers, or distribution channels".

33. I am of the view that, as per the ordinary natural meaning, *confectionary* is a wide term that covers both frozen types of confectionary, such as all of the applicant's frozen goods listed above. It is therefore my view that that the parties' goods are identical under the principle set out in *Meric*. However, in line with the opponent's pleadings that they are similar, I find that the parties' goods are similar to a high degree instead.

Flavoured jelly crystals for making jelly confectionery.

34. In its submissions filed during the evidence rounds, the opponent states that these goods are “highly similar” to the opponent’s *honey*, in that they “share the same fundamental purpose as honey, namely to enhance the taste, sweetness, or overall sensory appeal of food and beverages”. In its counterstatement, the applicant argues that its goods “are plainly not direct substitutes for honey, nor are they sold through the same trade channels, or targeted at the same end consumers”. It also argues that “[h]oney is a common product readily available... Comparatively, goods such as *flavoured jelly crystals for making jelly confectionary* are marketed for a specific purpose and targeting a limited group of end consumers”.

35. Whilst the opponent has suggested that the applicant’s goods are similar to the opponent’s *honey*, it is my view that *flavoured jelly crystals for making jelly confectionary* is more similar to the opponent’s *confectionary*. This is because *confectionary* will include *jelly confectionary*, for which the flavoured jelly crystals are an ingredient. Although I acknowledge the principle that goods which are ingredients or components does not necessarily render them similar to the finished product,¹⁰ I am of the view that *flavoured jelly crystals for making jelly confectionary* are nonetheless similar to *confectionary*. The users of both will overlap. The goods’ purpose and nature overlap in that both are sweet foods consumed to satiate hunger and/or for pleasure, although they differ in that *confectionary* is a ready-to-eat product, whereas the jelly crystals are only eaten once they have been mixed with water to make jelly confectionary. Their trade channels may overlap, but they may appear in slightly different places with them. There may be an element of complementarity as *flavoured jelly crystals for making jelly confectionary* are essential to making *confectionary* such as jelly confectionary. Furthermore, given the connection between the goods, it is likely that consumers will assume that the responsibility for producing the goods lies with the same undertaking. The goods may also be in competition at times, given that consumers wishing to consume jelly confectionary may choose the opponent’s *confectionary* (which will include jelly confectionary sold in a ready-to-eat

¹⁰ *Les Éditions Albert René v OHIM*, cited above

version) or the applicant's *flavoured jelly crystals for making jelly confectionary* to make their own. I therefore find that the goods are similar to at least a medium degree.

Savory sauces used as condiments; Salad cream; Dairy-based sauces; Basting sauces; Honey glazes for ham.

36. In its statement of grounds, the opponent submits that the applicant's goods above are similar to honey on the basis that "honey can be used as an ingredient in these products". It argues that *honey* is "often used to add sweetness, balance acidity, or enhance flavour in such sauces", and therefore "[t]his overlap in composition and culinary function creates a degree of similarity between these sauces and honey". Furthermore, it also adds that they have "the same nature, purpose, and method of use". In its counterstatement, the applicant submits that "[t]he opponent fails to provide any evidence to support its position... because this assertion is demonstrably false".

37. As stated previously, the mere fact that one type of good is a component within a finished product does not automatically render the goods similar to one another.¹¹ Furthermore, whilst I accept that *honey glazes for ham* directly references honey as an ingredient within the applicant's goods, there is no evidence that the average UK consumer would view *honey* as being an ingredient within the other goods such as *salad cream*.

38. It is my view that the goods broadly overlap with the opponent's goods in terms of their users, purpose, and nature, in that they can all be supplied as viscose liquids and are used by food consumers to add to other foods. However, their core nature and purpose differ, given that the applicant's goods are typically savoury foods used to add flavour, whereas *honey* is a sweet food that is eaten to add sweetness specifically. The goods' trade channels will be the same, but they will appear in different areas within those channels. I do not consider them to be complementary in that one is not essential for the other, except for *honey glazes for ham*. However, I do not consider that consumers would necessarily assume that the responsibility for both *honey glazes for ham* and *honey* lies with the same undertaking, given the difference in end products. The goods are not typically in competition with each other, given the different

¹¹ *Les Éditions Albert René v OHIM*, cited above

purpose and flavour profile. Taking these factors into account, it is my view that the goods have a low degree of similarity at best.

Sugar paste for confectionery; Mirror icing [mirror glaze]; Rolled fondant; Edible gold for decorating food and beverages; Crystallized sugar for decorating food; Crystallized sugar for decorating cakes; [...] sweet coatings and fillings, [...], and edible decorations.

39. In its statement of grounds, the opponent submits that the goods are highly similar, and includes them amongst the applicant's sugar/sweetener goods. It argues that they "serve the same function of sweetening foods". However, in its counterstatement, the applicant contends that it is false to say that "they are supposedly used as sweeteners and are therefore direct substitutes for each other". In its submissions filed during the evidence rounds, the opponent argues that "[e]ven products with a primarily decorative function, such as edible gold... or mirror icing, contribute to the culinary experience and are aimed at consumers who seek to improve the appearance and enjoyment of food, an audience which overlaps with that of honey".

40. It is my view that the goods' nature, users, and purpose broadly overlap in that *honey* is a sweet food that can be added to other foods in the same way as the applicant's goods. However, their core nature and purpose differ as honey is primarily sold as a soft solid or viscose liquid and is added to sweeten food, whereas the applicant's goods are hard solids or powders which primarily serve a decorative function rather than used to imbue a flavour to the food. The good will be sold through the same or similar trade channels, but will appear in different areas within those retail environments. They are not complimentary as I do not consider one essential for the other. Given the difference in core purpose, they will not be in competition with each other. Taking these factors into account, I find that the goods are similar to a low degree.

Ice [frozen water]; Edible ice sculptures.

41. In its statement of grounds, the opponent includes these goods amongst the applicant's frozen confectionary goods and submits that the parties' goods are similar in that "sugar, honey, or chocolate can indeed be used in the preparation of ice cream" (but does not specify if this is the case for the ice-related goods). In its

counterstatement, the applicant denies that the goods are similar. In relation to the opponent's assertions that the goods may contain honey, the applicant argues that the opponent "fails to provide any evidence to support this position".

42. I am of the view that these goods differ from the opponent's terms. Whilst they may broadly have the same users, their nature, purpose, and use differ significantly from the opponent's goods. Although *ice [frozen water]* is likely to have the same trade channels (such as supermarkets), it will also appear in different aisles within retail outlets. However, *edible ice sculptures* are a specialised product, and are likely to be sold through specialist stores rather than general food outlets such as supermarkets. I do not consider them to be complementary because consumers are unlikely to assume that the responsibility for producing the goods lies with the same or linked undertakings. Given the goods' different use and nature, they will not be in competition with each other. It is my view that the applicant's goods above are dissimilar to the opponent's goods.

Pie shells; Cookie mixes; Tart shells.

43. In its statement of grounds, the opponent includes these goods as being amongst the term *pastry and confectionary*. In the counterstatement, the applicant denies any similarity between the competing goods.

44. Whilst cookies as an end product may be viewed as a type of confectionary, it is my view that the mixes to make them will not? be viewed by consumers as confectionary. I therefore find that they do not fall within the opponent's *pastry and confectionary*. The nature and purpose differ, as *cookie mixes* are packs of raw baking ingredients which are used as per the instructions in order to create an end product, whereas [...] *confectionary* is an end product which is consumed to satiate hunger. Their users will overlap in that both may be bought by people wishing to consume cookies/confectionary, but they will differ where those consumers specifically wish to make their own (in the case of *cookie mixes*) or where they wish to buy an end product (in the case of [...] *confectionary*). Their trade channels may overlap, but they will appear in different sections of those trade channels. There may be a degree of complementarity given that *cookie mixes* are important to create confectionary, and consumers may believe that the responsibility for both lies with the same

manufacturer. At times they may be in competition with each other, where consumers decide to eat confectionary that they have produced themselves with the use of a mix. Taking these factors into account, I find that there is a low to medium degree of similarity between *cookie mixes* and [...] *confectionary*.

45. It is my understanding that *pie shells* and *tart shells* are typically made from pastry, so it is my view that they have some similarity with the opponent's *pastry* [...]. As stated previously, it is my view that the opponent's term refers to pastry as a raw ingredient. As explained earlier, I acknowledge that the mere fact that one type of good is a component within a finished product does not automatically render the goods similar to one another.¹² The goods' users, nature, and purpose overlaps as both are pastry goods to use by consumers in baking products which require pastry as an ingredient, although the opponent's *pastry* may be sold in mouldable blocks, whereas *pie shells* and *tart shells* will be sold as pre-formed hard solids ready to fill with other ingredients. They will be sold in the same trade channels, although in my experience, the applicant's *pie shells* and *tart shells* are more commonly stocked amongst ambient goods, whereas the opponent's *pastry* is often sold as chilled or frozen. There may be a degree of complementarity given that *pastry* is important to create *pie shells* and *tart shells*, and consumers may believe that the responsibility for both lies with the same manufacturer. At times they may be in competition with each other, where consumers decide which type of pastry product to use in their baking. Taking these factors into account, I find that there is a low to medium degree of similarity between the applicant's *pie shells* and *tart shells* and the opponent's *pastry* [...].

Hardtack [biscuits]; Filled biscuits; Fried dough cookies; Almond cookies.

46. In its submissions filed during the evidence rounds, the opponent submits that these goods are "at least similar" to the opponent's *honey biscuits*. It argues that they "are directed at the same relevant public, are commonly sold through identical distribution channels... and are often displayed in close proximity on retail shelves". In its submissions filed during the evidence rounds, the applicant denies this similarity, and argues that "[b]iscuits refer to a broad category of goods and each of those of the Applicant referenced by the Opponent are highly specific".

¹² *Les Éditions Albert René v OHIM*, cited above

47. It is my view that the goods fall within the opponent's term *confectionary*. On this basis, they would be identical under the principle set out in *Meric*. However, in line with the opponent's pleading, I find that they are highly similar instead.

Vegan cakes; Coconut macaroons; Candied cakes of popped rice; Steamed sponge cakes (fagao); Cake bars; Chimney cakes; Cake Pops; Sachima; Cupcakes; Mille-feuilles; Bavarian creams; Baklava; Poppy seed pastry; Cream pies; Blueberry pies; Pumpkin pies; Crème brûlée; Egg tarts; Custard tarts; Deep chocolate cake made with chocolate sponge; Churros; Filled chocolate bars; French toast; Brittle; Pastila [confectionery]; Xylitol-sweetened sweets; Sesame confectionery; Ginseng candy; Milk tablet candy; Fruit confectionery; Red ginseng candy; Candy canes; Zephyr [confectionery]; Salted butter fudge; Soft pretzels; Honeycomb toffee; Chocolate-covered potato chips; Jelly beans; Sugar-free mint candies; Candy coated apples; Pecan logs; Marshmallow creme; Sesame candy bars; Bars of sweet jellied bean paste; Korean traditional pressed sweets (Dasik); Pineapple fritters; Banana fritters; Dulce de leche; Sugar coated pine nuts; Persipan.

48. In its statement of grounds, the opponent includes these goods in the group that it states is “very similar to “Pastry and confectionary””. However, it is my view that all of the goods above are all narrower types of confectionary as per the ordinary natural meaning of the term, and therefore they are included in the opponent's *confectionary*. On this basis, they are identical under the principle in *Meric*. However, in line with the opponent's pleading, I find instead that they are similar to a high degree.

Chocolate-coated bars; Chocolates presented in an advent calendar; Chocolate-coated rice cakes; Chocolate-based meal replacement bars; Chocolate for toppings; Chocolate decorations for cakes; Dairy-free chocolate; Cocoa substitutes.

49. In its statement of grounds, the opponent argues that these goods are identical to its *chocolate products* as they “all fall under this generic term”. In its counterstatement, the applicant denies the similarity on the basis that “this analysis is flawed”. In its submissions filed during the evidence rounds, the applicant cites *Skykick UK Ltd and another (Appellants) v Sky Ltd and others (Respondents)*¹³ and states that “it is not appropriate to rely on such broad specifications... In this case, the Applicant

¹³ [2024] UKSC

understands that the commercial rationale of the Opponent would be limited to honey infused chocolate products”.

50. However, I do not consider the opponent’s goods to be limited in the way that the applicant suggests, as the opponent’s term as registered is *chocolate products*. It is my view that the applicant’s goods above all constitute *chocolate products* as per the ordinary natural meaning of the term, in that they are chocolate-based goods for consumption. As such, they are narrower goods that fall within the opponent’s wider goods and are therefore identical under the principle set out in *Meric*.

Oat bars; Cereal based energy bars; Cereal-based meal replacement bars.

51. In its statement of grounds, the opponent argues that these goods are incorporated within the opponent’s goods¹⁴ and therefore they are identical. In the counterstatement the applicant highlights that the opponent has erred in referring to the wrong term. However, notwithstanding the opponent’s error in its submissions, I am of the view that the applicant’s goods are included within the opponent’s terms *bars based on wheat* and/or *snack bars consisting of a mixture of cereals, honey, nuts and/or dried fruits [candy]*. On this basis, the parties’ goods are identical under the principle outlined in *Meric*.

Cereal-based savoury snacks; Corn-based savoury snacks; Millet cakes; Savoury pancakes; Flour based snack foods; Snack foods made from corn; Multigrain-based snack foods; Extruded wheat snacks.

52. In its statement of grounds, the opponent submits that these goods are similar to its own goods.¹⁵ This is on the basis that both are “cereal- or grain-based goods products intended for snacking”. It argues that the goods “share similar raw materials... and can overlap in terms of texture, form, and methods of consumption”, and therefore their “overlap in composition, purpose, audience, and distribution creates a clear market proximity between the products”. In its counterstatement, the applicant “refutes this as a plausible basis for... a high degree of similarity between

¹⁴ The opponent erroneously refers to its wider term as *snack bars based on the following goods: oatmeal, wheat germ, cereals, brown sugar or honey, dried fruit and nuts*.

¹⁵ The opponent erroneously refers to its wider term as *snack bars based on the following goods: oatmeal, wheat germ, cereals, brown sugar or honey, dried fruit and nuts*

the respective goods". It argues this on the basis that "*cereal-based savoury snacks* could come in a variety of forms, whereas *snack bars* represent a specific product for a specific purpose, namely providing a convenient packaged snack option which is readily consumable on the go".

53. It is my view that the applicant's goods above are similar to the opponent's *snack bars consisting of a mixture of cereals [...]*. They will overlap in terms of their users, purpose, and nature, in that they are cereal-based foods which users will consume to satiate hunger. However, there may be minor differences in their nature in that the opponent's goods are specifically sold in bar form, whereas the applicant's goods will be sold in a variety of solid forms. Their trade channels will be the same, and they are likely to appear within reasonable proximity to one another within those retail environments. They are not complementary in the sense that one is not essential for the other. They may be in competition however, when consumers decide which savoury snack to consume. Taking these factors into account, I find that there is a medium degree of similarity between the parties' goods.

Oat clusters containing dried fruit.

54. In its statement of grounds, the opponent states that these goods are similar to its *pastry and confectionary* on the basis that they "coincide in terms of purpose, target audience, producers, and distribution channels". However, whilst it includes these goods amongst *confectionary*, it is my view that they do not fall within this term based on the ordinary, natural meaning of the word. It is my view that the average UK consumer would describe *confectionary* as being sweets, chocolate, or dessert items. However, I am of the view that the goods above are primarily cereal-based snack items, rather than typical confectionary items. They therefore share some similarities with the opponent's *snack bars consisting of a mixture of cereals [...]* and/or *dried fruits*. They will both be consumed by users who wish to eat foods containing dried fruit and cereals such as oats. Given their primarily ingredients both include cereal/oats and fruit, their nature overlaps. However, their nature differs in that *oat clusters containing dried fruit* will be sold as packets of clusters, whereas the opponent's goods will be sold in bar form. They will be sold through the same trade channels and may appear within reasonably close proximity to one another. I do not consider that the goods are complementary as one is not essential to the other.

However, the goods may be in competition with each other when users decide which oat and dried fruit-based food to consume. Taking these factors into account, I find a medium degree of similarity between the goods.

Comparison of goods and services summary

55. Some similarity between goods is essential for engaging the test of the likelihood of confusion. In *eSure Insurance v Direct Line Insurance*,¹⁶ Lady Justice Arden stated that:

“49. ...If there is no similarity at all, there is no likelihood of confusion to be considered. If there is some similarity, then the likelihood of confusion has to be considered but it is unnecessary to interpose a need to find a minimum level of similarity.”

56. As I have found no similarity for the following goods, the opposition under section 5(2)(b) fails in relation to them:

Class 30: Ice [frozen water]; Edible ice sculptures.

57. I will now go on to consider whether there exists a likelihood of confusion under section 5(2)(b) for the remaining goods in class 30.

Average consumer and the purchasing act

58. In *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor*,¹⁷ the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)*,¹⁸ 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;

¹⁶ [2008] ETMR 77 CA

¹⁷ [2025] UKSC 25

¹⁸ [2024] EWCA Civ 262

- (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.

59. In its counterstatement, the applicant argues that “[w]hilst marketed as a daily consumer good in some circumstances, honey can also be an artisan product sold as a gift in high-end luxury trade channels”, and therefore in these circumstances “the attention of the average consumer would clearly not be average to low”. In its submissions filed during the evidence rounds, the opponent states that it “cannot agree with the applicant’s position that the level of attention of the relevant public should be higher than average to low”. It also argues that “the level of attention must be based on the goods as registered and on their normal and most likely conditions of use, rather than on exceptional or niche market scenarios”.

60. The average consumer for the goods will be members of the general public, as well as trade customers. The cost of purchase is likely to vary depending on the ingredients used, but overall the price of the goods will be reasonably low. Overall, the goods are likely to be purchased on a fairly frequent basis. Several factors may

influence the average consumer when purchasing the class 30 goods, such as the taste, the quality of the ingredients, and the allergen information relating to the product. Taking these factors into account, I find that the average consumer will pay no more than a medium degree of attention when purchasing the goods, although in the case of trade customers this may be slightly higher. I agree with the opponent in that the assessment of the likelihood of confusion, it is the group of consumers with the lowest level of attention which must be taken into consideration.¹⁹ The goods will be selected from general retail outlets, specialist shops (such as specialist grocery stores), or online. The customer will self-select the goods from the display shelves, or by selecting the image of their desired product if purchasing online. The visual component will therefore dominate the purchasing process, but I do not discount aural considerations, such as word-of-mouth recommendations, or placing telephone orders.

Comparison of marks

61. 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 *Bimbo SA v OHIM*²⁰ 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.”

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

¹⁹ See Case T-247/12, *Argo Group International Holdings Ltd. v OHIM* and *Idem* T -356/14 [25]-[26]

²⁰ Case C-591/12P

63. The respective trade marks are shown below:

The opponent's mark	The applicant's mark
MELI	

64. In its submissions in lieu, the opponent submits that ““MELI”...constitutes the dominant and distinctive element of the Opponent's mark”. It argues that the figurative device in the applicant's mark is “decorative in nature and, for a non-negligible part of the relevant public, may even convey descriptive connotations in relation to the goods at issue”. It therefore submits that “it possesses only a low degree of distinctiveness and might therefore be attributed limited weight in the global assessment in the likelihood of confusion”. In its submissions in lieu, the applicant submits that its mark is “a complex figurative mark, comprising the word MELITIME together with a distinctive figurative device”. It argues that “[t]he Opponent's repeated attempt to dissect the Opposed Mark so as to treat MELI as dominant and all other elements as insignificant is inconsistent with the governing principles”.

65. The opponent's mark is a plain word mark written in upper case. With no other features within the mark, the overall impression of the opponent's mark lies solely in the word “MELI”.

66. The applicant's mark is a composite mark consisting of the letters “melitim” written in lowercase. Although the applicant refers to its mark as “MELITIME”, it is my view that a significant proportion of consumers would not perceive the device as representing the letter E. Whilst I acknowledge that some consumers may view the mark in totality as “melitime”, it is my view that these consumers would not constitute a significant proportion. The verbal elements appear in a gradient of colours, with the first four letters in black, and the subsequent letters containing varying gold shades. Whilst there may be some consumers that view the colour as dividing the mark into two elements (‘meli’ and ‘tim’), I do not consider that they would constitute a significant proportion of consumers. Instead, it is my view that the mark will be read as one word

“melitim”) that is presented in a variety of colours and shades. This is on the basis that the words ‘meli’ and ‘tim’ are not meaningful as separate terms and therefore do not naturally divide into two words. Furthermore, “melitim” is written as one word, rather than having a space between ‘meli’ and ‘tim’ to divide it in this manner. Due to the principle that the eye is naturally drawn to elements of marks which can be read,²¹ it is considered that the verbal element of the mark (namely, “melitim”) plays a greater role in the mark’s overall impression. The device and use of colour still contribute, but to a lesser degree than the verbal elements.

Visual comparison

67. In its submissions filed during the evidence rounds, the opponent submits that the marks are “visually highly similar” on the basis that “the Opponent’s earlier mark MELI is fully and identically reproduced at the beginning of the contested mark”. It also cites the principle from *El Corte Inglés SA v OHIM*²² that “the average consumers tends to pay more attention to the beginning of the words”. In its submissions in lieu, the applicant argues that its mark “is materially longer, contains the additional verbal element TIME, and incorporates a figurative device”. It therefore submits that “the overall visual impressions of MELI and MELITIME (with figurative element) are plainly different”.

68. The competing marks are visually similar as the first four letters of the applicant’s mark (“meli”) are identical to the opponent’s mark “MELI”. In *LA Superquímica v European Union Intellectual Property Office (EUIPO)*,²³ the GC held at [39] that word-only marks (such as the opponent’s mark) protect the word or words contained in the mark in whatever case, colour or typeface. The difference between the capitalisation between the competing marks does not impact the visual assessment of the marks.

69. The competing marks differ visually as the applicant’s mark contains the letters “TIM” and the figurative element, which do not feature within the opponent’s mark. Whilst I acknowledge the principle set out in *El Corte Inglés* (cited above), it does not necessarily dispel or reduce visual dissimilarity between two signs. Although I accept

²¹ See paragraph 37 of *Wassen International Ltd v OHIM (SELENIUM-ACE)*, Case T-312/03

²² Cases T-183/02 and T-184/02

²³ Case T-24/17

that there is no special test for short marks, it is my view that the short length of the opponent's mark in comparison to the applicant's longer mark results in the visual difference between the competing marks being more noticeable,²⁴ notwithstanding the marks' identical MELI element. The applicant's mark also contains the use of colour of the verbal elements. I acknowledge the principle in *El Corte Inglés* (set out above) that a registered mark covers words regardless of colour. However, the courts in *Specsavers*²⁵ and *J.W. Spear*²⁶ clarified that principle does not notionally apply to complex colour arrangement (such as gradients of colour), as this would not represent normal and fair use. The use of a gradient of black-gold colours is therefore another point of visual difference between the competing marks.

70. Bearing in mind my earlier findings in relation to the marks' overall impressions, I am of the view that the marks are visually similar to a low to medium degree.

Aural comparison

71. In its submissions submitted during the evidence rounds, the opponent submits that "the earlier mark MELI is fully incorporated at the beginning of the contested mark MELITIME, which necessarily results in a high degree of phonetic overlap". In its counterstatement, the applicant acknowledges the overlap in the "MELI" aspect of both marks, but argues that "the component TIM/TIME makes a significant, final aural impact". It also submits that "the pronunciation of the letter I is modified by the subsequent TIM/TIME element... such that only the pronunciation of the first three of seven (or eight) letters is shared". In its submissions in lieu, the applicant argues that "[a]t most, the marks give rise to a low to medium degree of aural similarity".

72. It is my view that the opponent's mark will be pronounced "mel-ly" and that the applicant's mark will be pronounced "mel-ih-tim". The competing marks are aurally similar as the first syllable of the competing marks is "mel", which will be pronounced identically in both marks. The competing marks differ aurally as it is my view that the second syllable of the opponent's mark will be pronounced "-ly" and the second

²⁴ *Robert Bosch GmbH v Bosco Brands UK Limited*, BL O/301/20

²⁵ *Specsavers* [2014] EWCA Civ 1294

²⁶ *J.W. Spear & Sons Ltd v Zynga, Inc.* [2015] EWCA Civ 290.

syllable of the applicant's mark will be pronounced "ih". Furthermore, the third syllable of the applicant's mark is "tim", which does not feature in the opponent's mark.

73. Taking these factors into account, I am of the view that the marks are aurally similar to a medium degree.

Conceptual comparison

74. In its submissions filed during the evidence rounds, the opponent submits that "since both MELI and MELITIME lack conceptual content for the relevant public in the United Kingdom, no conceptual assessment is possible, and conceptual considerations cannot offset the strong visual and aural similarities between the signs". In its submissions in lieu, the opponent states that the translation of "meli" as meaning "honey" in Greek is "insufficient to attribute any material significance to this element in the UK context". It argues that "Greek is not an official language of the United Kingdom, and it cannot therefore be presumed the relevant public will generally understand or recognise the alleged Greek meaning of 'Meli'". The opponent also argues that the device in the applicant's mark is "inherently ambiguous and may give rise to multiple interpretations on the part of the relevant public". It argues that "it may be perceived as a horizontal 8 or infinity symbol, and its shape also evokes a bee's wing, creating a figurative link to Class 30 goods such as honey, confectionery, and bakery products".

75. In its submissions in lieu, the applicant argues that "a non-negligible portion of UK consumers will perceive Meli as referential to honey", and that "[a] non-negligible portion of UK consumers will recognise or intuit the meaning of Meli, not least given its common appearance in names such as Melissa, long established in the UK". It also submits that "TIME has no descriptive connection to the relevant goods and is inherently distinctive. The conceptual distance between MELI and MELITIME therefore further reduces any likelihood of confusion". In response to the opponent's submissions on the figurative device within its mark, it submits that "[t]he very fact that the figurative element of the Opposed Mark is capable of multiple interpretation demonstrates that it is neither negligible nor purely decorative".

76. It is my view that the opponent's mark "MELI" will be interpreted as an invented term by a significant proportion of consumers. Whilst I accept that some consumers in the UK may be aware of the word meaning 'honey' in another language, it is my view

that these consumers would not constitute a significant proportion. Furthermore, it is my view that a significant proportion of consumers would not be able to guess or intuit its meaning, as it 'MELI' is not a cognate of the word 'honey'. On this basis, it is my view that consumers will not assign a conceptual meaning to the word 'MELI'.

77. As stated previously, I am of the view that the applicant's composite mark will be understood by a significant proportion of consumers as comprising the word 'melitim' and a device. It is my view that the word "melitim" will also be understood by the average UK consumer of the goods as an invented term. I do not consider that a significant proportion of consumers will perceive the figurative device as an E or read the applicant's mark in totality as "melitime". This is on the basis that, for a concept to be relevant, it must be capable of immediate grasp.²⁷ I therefore do not find that consumers will derive the word "time" from the applicant's mark in the way that the applicant suggests. Instead, it is my view that the use of geometric shapes and their arrangement give the device an abstract quality, and therefore the device would not be understood by a significant proportion of consumers as resembling anything. I am therefore of the view that the applicant's mark is conceptually neutral, as the word "melitim" will be understood as an invented term and the device also does not carry a concept.

78. Taking all of these factors into account, I find that both marks are conceptually neutral.

Distinctive character of the earlier mark

79. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*,²⁸ 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

²⁷ *The Picasso Estate v OHIM*, Case C-361/04 P

²⁸ Case C-342/97

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)."

80. Registered trade marks possess various degrees of inherent distinctive character; marks which are suggestive or allusive of a characteristic of the goods tend to be at the lower end of the scale, whereas invented words with no allusive qualities tend to be at the higher end of the scale. A range of marks will fall in between, such as dictionary words with no obvious connection to the goods.

81. Although the distinctiveness of a mark can be enhanced by virtue of the use made of it, the opponent has not filed any evidence of use. As such, I have only the inherent position to consider.

82. In its statement of grounds, the opponent submits that the distinctiveness of its mark "should be considered as normal". In its submissions in lieu, the opponent submits that it "has at no point argued that its mark enjoys a reputation or enhanced distinctiveness, whether inherent or acquired through use" (my own emphasis added). On this basis, I have interpreted its reference to "normal" as meaning that the opponent is pleading that its mark has an "average" or "medium" level of inherent distinctiveness. In its submissions in lieu, the applicant submits that the earlier mark "has a descriptive or suggestive connotation".

83. As stated previously, the word "MELI" will be understood as an invented word by a significant proportion of consumers. On this basis, it is my view that the opponent's

mark in totality has a high level of inherent distinctive character. However, in line with the opponent's pleading, I find that it has a medium or average level of inherent distinctive character.

Global assessment – conclusions on likelihood of confusion

84. 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 set formula for establishing a likelihood of confusion between marks; it is a global assessment where a number of factors need to be borne in mind.

85. One such factor is the interdependency principle, i.e. a lesser degree of similarity between the competing marks may be offset by a greater degree of similarity between the respective goods, and vice versa. As mentioned above, it is necessary for me to keep in mind the distinctive character of the applicant's mark, the average consumer for the goods, and the nature of the purchasing process. In doing so, I must be mindful 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 they have retained in their mind.

86. In its submissions in lieu, the opponent submits that there exists a likelihood of confusion between the competing marks due to "the relevant public and their degree of attention, the distinctiveness of the earlier trademark and the identity/similarity between the goods and trademarks". In its submissions in lieu, the applicant submits there is no likelihood of confusion given that "[t]he marks are not visually highly similar; [t]heir aural similarity is limited; [c]onceptual differences exist; [t]he earlier mark lacks enhanced distinctiveness; (and the) similarity of goods has been materially overstated, and in many cases, is denied". It argues "[a]t most, the Opposed Mark may bring the Earlier Mark to mind".

87. Earlier in this decision I found that the applicant's goods range from being identical to being similar to a low degree to the opponent's goods. The average consumer of the goods will be the general public and trade customers. The average consumer is

likely to will pay no more than a medium degree of attention when purchasing the goods, although in the case of trade customers this may be slightly higher. The goods will primarily be selected through visual means, although I do not discount an aural element to the selection process. I have found the marks to be visually similar to a low to medium degree and aurally similar to a medium degree. I found that the marks are conceptually neutral. The earlier mark has a normal or medium level of inherent distinctive character (in line with the opponent's pleading).

88. It is my view that, even when accounting for imperfect recollection, I consider that the average consumer, when paying no more than a medium degree of attention, would not overlook the points of difference between the competing marks. Although both marks share the letters "meli", there are visual and aural differences between the two competing marks which will not go unnoticed by the average consumer. As explained previously, although I accept that there is no special test for short marks, it is my view that the competing marks' differences are more noticeable due to the very short length of the opponent's mark compared with the much longer length of the applicant's mark. I make this finding even in respect of identical goods due to the level of differences between the marks and the interdependency principle, and the opponent's own pleading that its mark is only inherently distinctive to a normal degree (rather than a high degree). I therefore find that there is no likelihood of direct confusion.

89. I now go on to consider indirect confusion. In *L.A. Sugar Limited v By Back Beat Inc.*,²⁹ Mr Iain Purvis Q.C., 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,

²⁹ BL O/375/10

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 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).”

90. I bear in mind that these categories are not intended to be an exhaustive list. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors*,³⁰ 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

³⁰ [2021] EWCA Civ 1207

be a proper basis for concluding that there is a likelihood of indirect confusion given that there is no likelihood of direct confusion.”

91. It is not sufficient that a mark merely calls to mind another mark (as per *Duebros Limited v Heirler Cenovis GmbH*).³¹ This is mere association not indirect confusion. A finding of indirect confusion should not be made merely due to a shared element within marks. As per *L.A. Sugar Limited v By Back Beat Inc*³² (set out above), indirect confusion should be identified in cases where the average consumer is likely to notice the differences between the competing marks but assume an economic link between the two undertakings based on their similarities.

92. I also consider the relevance of *Medion v Thomson*³³ and the subsequent case law. In *Whyte and Mackay Ltd v Origin Wine UK Ltd and Another*³⁴, Arnold J. (as he then was) considered the impact of the CJEU’s judgment in *Bimbo*³⁵, on the court’s earlier judgment in *Medion*. The judge said:

“18. The judgment in *Bimbo* confirms that the principle established in *Medion v Thomson* is not confined to the situation where the composite trade mark for which registration is sought contains an element which is identical to an earlier trade mark, but extends to the situation where the composite mark contains an element which is similar to the earlier mark. More importantly for present purposes, it also confirms three other points.

19. The first is that the assessment of likelihood of confusion must be made by considering and comparing the respective marks — visually, aurally and conceptually — as a whole. In *Medion v Thomson* and subsequent case law, the Court of Justice has recognised that there are situations in which the average consumer, while perceiving a composite mark as a whole, will also perceive that it consists of two (or more) signs one (or more) of which has a distinctive significance which is independent of the significance of the whole,

³¹ BL O/547/17

³² BL O/375/10

³³ Case C-120/04

³⁴ [2015] EWHC 1271 (Ch)

³⁵ Case C-591/12P

and thus may be confused as a result of the identity or similarity of that sign to the earlier mark.

20. The second point is that this principle can only apply in circumstances where the average consumer would perceive the relevant part of the composite mark to have distinctive significance independently of the whole. It does not apply where the average consumer would perceive the composite mark as a unit having a different meaning to the meanings of the separate components. That includes the situation where the meaning of one of the components is qualified by another component, as with a surname and a first name (e.g. BECKER and BARBARA BECKER).

21. The third point is that, even where an element of the composite mark which is identical or similar to the earlier trade mark has an independent distinctive role, it does not automatically follow that there is a likelihood of confusion. It remains necessary for the competent authority to carry out a global assessment taking into account all relevant factors.”

93. It is my view that the average consumer would notice the differences between the competing marks but would not assume an economic link between the two undertakings. Notwithstanding the use of different colours amongst the verbal elements, I do not consider that ‘meli’ plays an independent role within the mark. As explained previously, it is my view that the applicant’s mark will be perceived as a whole word (namely, ‘melitim’) by a significant proportion of consumers, rather than the term being divided into ‘meli’ and ‘tim’. As such, I am of the view that there is no sharing of an independent element which has a distinctive significance independent of the whole and would give rise to indirect confusion on that basis. It is also my view that the visual and aural differences between the two marks are not consistent with a brand extension or sub-brand of a house mark, so I do not consider it likely that the average consumer would interpret it in this manner. In particular, I can see no reason why an undertaking would take ‘MELI’, which will be perceived by consumer as being an invented word and alter it to ‘melitim’ resulting in a different invented word and different mark. Moreover, even if I am wrong in my finding that the earlier mark enjoys a medium level of inherent distinctiveness (due to the opponent’s own pleading) and in fact the opponent’s mark could be described as strikingly distinctive, the average

consumer is likely to appreciate the differences between the marks. This is on the basis that the circumstances in which the average consumer could assume that only the opponent would be using 'MELI' in a trade mark would not arise, as they would not imperfectly recall 'MELI' as 'melitim'. Consequently, I find that there is no likelihood of indirect confusion between the two marks.

Conclusion

94. The opposition under section 5(2)(b) has failed in its entirety. Subject to any successful appeal, the application will continue to registration.

Costs

95. The applicant has been successful and is entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances I award the applicant the sum of £850 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Preparing a statement: £250

Preparing submissions £600³⁶

96. I therefore order Meli N.V. to pay STUDIO DI PRODOTTO LIMITED the sum of £850. 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 29th day of September 2026

K LEWIS

For the Registrar

³⁶ I have awarded for both sets of submissions, i.e. those during the evidence rounds and those filed as submissions in lieu

ANNEX A

Class 30: Sugars, natural sweeteners, sweet coatings and fillings, bee products, and edible decorations; Ice creams, frozen yogurts, and sorbets; Laksa; Saffron salt for seasoning food; Truffle salt; Dried herbs for culinary purposes; Mint, dried; Dried coriander seeds for use as seasoning; Dried coriander for use as seasoning; Flavourings of almond for food or beverages; Almond flavorings, other than essential oils; Flavourings of lemons for food or beverages; Lemon flavorings, other than essential oils; Fruit flavorings, other than essential oils; Balsamic vinegar; Basil, dried; Preserved herbs; Preserved chervil; Preserved ginger as a condiment; Tea extracts for culinary purposes; Helichrysum [flavour]; Helichrysum [spices]; Mayonnaise and ketchup-based spreads; Processed garlic for use as seasoning; Processed squash seeds [seasonings]; Processed seeds used as a flavoring for foods and beverages; Processed seeds for use as a seasoning; Roasted and ground sesame seeds for use as a seasoning; Cardamom [spice]; Condiments made of monosodium glutamate; Seasonings for instant-boiled mutton; Dried fig-based condiment; Seafood flavored condiments; Processed hemp seeds [seasonings]; Red pepper powder (Gochutgaru); Cilantro, dried; Flavoured jelly crystals for making jelly confectionery; White vinegar; White pepper; Cranberry sauce [condiment]; Black pepper; Bread-based stuffing mixes; Seasoned breading mix for deep frying; Dry seasoning mixes for stews; Stew seasoning mixes; Curry spice mixes; Apple cider vinegar; Orange blossom water for culinary purposes; Oligosaccharides for culinary purposes; Tamarind [condiment]; Mayonnaise-based spreads; Sichuan pepper powder; Ginger paste [seasoning]; Meat tenderizers for culinary purposes; Cinnamon sticks; Apple sauce [condiment]; Salad cream; Dairy-based sauces; Fish sauce; Wasabi powder; Perilla powder for food; Sumac for use as a seasoning; Caraway seeds for use as a seasoning; Aniseeds for use as a seasoning; Poppy seeds for use as a seasoning; Sesame seeds [seasonings]; Ground coriander; Sage [seasoning]; Harissa [condiment]; Garlic juice; Crystallized lemon juice [seasoning]; Toasted natural wood chips added to wine to improve its flavour; Minced garlic [condiment]; Aioli; Seasoned bean paste; Sriracha hot chili sauce; Truffle cream sauces; Chili pepper paste being condiment; Piccalilli; Savory sauces used as condiments; Sichuan peppers being condiments; Miso bean paste; Ginger puree [condiment]; Chili paste for use as a seasoning; Worcestershire sauce; Alfredo sauce; Oyster sauce; Peanut sauce; Shrimp sauce; Kebab sauce; Taco

sauce; Hot chili pepper sauce; Seasoned soy sauce (Chiyou); Kombu soy sauce; Remoulade sauce; Basting sauces; Mushroom sauces; Mayonnaise-based sauces; Herb sauces; Vegan mayonnaise; Sugar paste for confectionery; Raw sugar; Aspartame for culinary purposes; Edible honeycombs; Edible beeswax; Edible black locust honey; Edible gold for decorating food and beverages; Honey glazes for ham; Turbinado sugar; Cane sugar; Vanilla sugar; Vanillin sugar; Sugar, honey, treacle; Crystallized sugar for decorating food; Crystallized sugar for decorating cakes; Crystallized rock sugar; Saccharin for culinary purposes; Dulce de leche; Brown sugar; Sugar coated pine nuts; Helichrysum honey; Manuka honey; Truffle honey; Raw honeycombs; Artificial sweeteners for culinary purposes; Sugar substitutes for culinary purposes; Persipan; Fructose for food; Natural low calorie sweeteners; Mirror icing [mirror glaze]; Rolled fondant; Chocolate for toppings; Chocolate decorations for cakes; Yacon syrup; Agave syrup [natural sweetener]; Corn syrup for culinary purposes; Molasses syrup for culinary purposes; Black treacle; Yuja-cha (Korean honey citron tea); Unroasted coffee beans; Prepared coffee beverages; Vegan hot chocolate; Tea capsules, filled; Coffee capsules, filled; Chinese matrimony vine tea (Gugijacha); Yellow tea; Kombucha; Barley for use as a coffee substitute; White tea; Instant white tea; Instant black tea; Iced tea mix powders; Mixtures of coffee essences and coffee extracts; Tea mix powders; Instant green tea; Burdock root tea (Wooungcha); Chamomile-based beverages; Beverages based on coffee substitutes; Tea beverages with milk; Coffee bags; Dairy-free chocolate; Instant Oolong tea; Tieguanyin tea; Lime blossom tea; Herb teas, other than for medicinal use; Roasted brown rice tea; Roasted barley tea [mugicha]; Rose hip tea; Buckwheat tea; Kelp tea; Chamomile tea; Asian apricot tea (maesilcha); Red ginseng tea; Citron tea; Peppermint tea; Acanthopanax tea (Ogapicha); Ginger tea; Fermented tea; Theine-free tea; Cocoa substitutes; Ice [frozen water]; Edible ice sculptures; Shaved ice with sweetened red beans; Fruit ice bars; Frozen yogurt cakes; Soft ices; Sorbet mixes [ices]; Truffle ices; Ice milk bars; Vegan ice cream; Ice cream infused with alcohol; Frozen yogurt pies; Sorbet infused with alcohol; Lomper [potato-based flatbread]; Unfermented bread; Bread with sweet red bean; Frozen pizza crusts; Frozen pizza crusts made of cauliflower; Potato-based flatbreads; Multigrain bread; Currant bread; Dinner rolls; Pizza crust; Sandwich wraps [bread]; Crumb; Cornflour bun bread (almojábana); Low-salt bread; Soda bread; Gluten-free bread; Hardtack [biscuits]; Vegan cakes; Coconut macaroons; Filled biscuits; Fried dough cookies; Candied

cakes of popped rice; Steamed sponge cakes (fagao); Cake bars; Chimney cakes; Cake Pops; Pumpkin pies; Crème brûlée; Brittle; Pie shells; Sachima; Cookie mixes; Cupcakes; Mille-feuilles; Bavarian creams; Baklava; Almond cookies; Biscuits for cheese; Poppy seed pastry; Chicken pies; Cream pies; Blueberry pies; Egg tarts; Custard tarts; Deep chocolate cake made with chocolate sponge; Churros; Tart shells; Pastila [confectionery]; Filled chocolate bars; Chocolate-coated rice cakes; Xylitol-sweetened sweets; Sesame confectionery; Ginseng candy; Milk tablet candy; Fruit confectionery; Red ginseng candy; Candy canes; Zephyr [confectionery]; Salted butter fudge; Honeycomb toffee; Jelly beans; Sugar-free mint candies; Candy coated apples; Pecan logs; Marshmallow creme; Gelatin-based chewy candies; Mints for breath freshening; Chocolate-coated bars; Sesame candy bars; Bars of sweet jellied bean paste; Korean traditional pressed sweets (Dasik); Chocolates presented in an advent calendar; Chewing gum for breath freshening; Oat bars; Cereal based energy bars; Chocolate-based meal replacement bars; Cereal-based meal replacement bars; Baozi [stuffed buns]; Bibimbap [rice mixed with vegetables and beef]; Kimbap; Jiaozi [stuffed dumplings]; Frozen meals consisting primarily of rice; Okonomiyaki [Japanese savoury pancakes]; Ramen [Japanese noodle-based dish]; French toast; Cereal-based savoury snacks; Corn-based savoury snacks; Millet cakes; Savoury pancakes; Pizza bases; Rice crusts; Rice glue balls; Sweet rice with nuts and jujubes (yaksik); Pasta-based prepared meals; Noodle-based prepared meals for toddlers; Rice-based prepared meals; Prepared rice rolled in seaweed; Frozen meals consisting primarily of pasta; Frozen waffles; Insect-based pies; Gluten-free pizza; Freezedried dishes with the main ingredient being pasta; Freeze-dried dishes with the main ingredient being rice; Chocolatecovered potato chips; Paella; Ramen noodles; Frozen French toast sticks; Frozen pancakes; Frozen French toast; Glutinous rice wrapped in bamboo leaves (Zongzi); Glutinous pounded rice cake coated with bean powder (injeolmi); Kimchi pancakes; Pumpkin porridge (Hobak-juk); Soft pretzels; Tamales; Flour based snack foods; Snack foods made from corn; Multigrainbased snack foods; Extruded wheat snacks; Onion biscuits; Rice dumplings; Turkey sandwiches; Pineapple fritters; Banana fritters; Oat clusters containing dried fruit; Stir-fried noodles with vegetables (Japchae); Wonton chips; Corn chips; Boxed lunches consisting of rice, with added meat, fish or vegetables; Mung bean pancakes (bindaetteok); Pita chips; Chow mein [noodle-based dishes]; Chicken wraps; Puffed cheese balls [corn snacks]; Steamed buns stuffed with red bean paste.

Class 43: Information, advice and reservation services for the provision of food and drink; Temporary accommodation information, advice and reservation services; Pubs; Cookie decorating; Cake decorating; Decorating of food; Hookah lounge services; Sake bars; Beer bar services; Preparation and provision of food and drink for immediate consumption; Food preparation for others on an outsourcing basis; Providing of food and drink via a mobile truck; Providing food and drink in restaurants and bars; Providing food and drink for guests; Providing food and drink for guests in restaurants; Providing food and drink in Internet cafes; Providing food and drink in bistros; Providing food and drink in doughnut shops; Serving of alcoholic beverages; Serving beverages in brewpubs; Serving beverages in microbreweries; Serving food and drinks; Serving food and drink in restaurants and bars; Serving food and drink for guests; Serving food and drink for guests in restaurants; Serving food and drink in doughnut shops; Bartending services; Ramen restaurant services; Washoku restaurant services; Serving food and drink in Internet cafes; Advisory services in relation to the preparation of meals; Tempura restaurant services; Sushi restaurant services; Canteen services for schools; Bed and breakfast services; Dairy bar services; Chinese restaurant services; Mobile restaurant services; Private members drinking club services; Private members dining club services; Ghost kitchen services; Tapas bars; Bar and restaurant services; Juice bars; Cigar lounge services; Cocktail lounge buffets; Beer garden services; Services for providing food; Services for providing drink; Sommelier services; Tavern services; Teahouse services; Take-away food and drink services; Organisation of catering for birthday parties; Preparation of Japanese food for immediate consumption; Preparation of Spanish food for immediate consumption; Supplying meals to the homeless or underprivileged; Providing food to needy persons [charitable services]; Providing food and drink catering services for exhibition facilities; Providing food and drink catering services for convention facilities; Providing food and drink catering services for fair and exhibition facilities; Supplying of meals for immediate consumption; Food and drink catering for institutions; Outside catering services; Food and drink catering for cocktail parties; Food and drink catering for banquets; Udon and soba restaurant services; Japanese restaurant services; Take-away fast food services; Spanish restaurant services; Coffee supply services for offices [provision of beverages]; Fast-food restaurant services; Catering services for company cafeterias; Catering services for conference centers; Catering services for hospitality suites; Catering services for schools; Catering services for nursing homes;

Catering services for hospitals; Catering services for retirement homes; Catering services for educational establishments; Catering services specialised in cutting ham by hand, for fairs, tastings and public events; Catering services specialised in cutting ham by hand, for weddings and private events; Business catering services; Catering services for providing European-style cuisine; Catering services for providing Spanish cuisine; Catering services for providing Japanese cuisine; Providing facilities for fairs and exhibitions; Provision of conference, exhibition and meeting facilities; Providing banquet and social function facilities for special occasions; Providing exhibition facilities in hotels; Providing community centers for social gatherings and meetings; Providing reviews of restaurants; Providing reviews of restaurants and bars; Information and advice in relation to the preparation of meals; Providing information in the nature of recipes for drinks; Providing information about bartending; Providing information in the field of cooking via a website; Advice concerning cooking recipes; Providing information about bar services; Food reviewing services [provision of information about food and drinks]; Agency services for reservation of restaurants; Consultancy services in the field of food and drink catering; Travel agency services for booking restaurants.