

BL O/1167/23

IN THE MATTER OF THE TRADE MARKS ACT 1994

IN THE MATTER OF CONSOLIDATED PROCEEDINGS FOR

TRADE MARK APPLICATION NOS. 3648589, 3648573 & 3648491

IN THE NAME OF AENEAS GMBH & CO. KG FOR THE TRADE MARKS

AESKUCARE



IN CLASSES 5, 10, 42, 44

AND THE OPPOSITION THERETO (UNDER NOS. 427938 (LEAD), 427939 & 427987)

BY AESCULAP AG.

AND IN THE MATTER OF AN APPEAL FROM THE DECISION OF JUNE RAPLH (O/756/23) DATED 9 AUGUST 2023.

DECISION

Introduction

1. This is an appeal by Aesculap AG ("**Appellant**") from decision O/756/23 of Ms J. Ralph ("**Decision**") concerning the opposition by the Appellant to Aeneas GmbH & Co. KG's ("**Respondent**") applications for the marks AESKUCARE, AESKUCARE ALLERGY (and device) and AESKUCARE FOOD INTOLERANCE (and device), made pursuant to Article 59 of the Withdrawal Agreement between the UK and the EU, in respect of the goods and services listed in the Annex ("**Applications**").
2. The Appellant opposed the Applications under ss. 5(2)(b) and 5(3) of the Trade Marks Act 1994, relying upon the following mark ("**Earlier Mark**"):

Mark	Number	Filing & registration date	Class and Specification relied upon
AESCULAP	903432382	23/10/03, 29/09/05	9: <i>Computer programs, including machine readable data carriers containing programs or other information.</i>

			<p>10: <i>Surgical, medical, healthcare, dental, veterinary and animal-breeding instruments, apparatus and equipment; implants, internal joint prostheses; electric medical apparatus; sterilisation containers for medical instruments.</i></p> <p>35: <i>Drawing up organisational plans and operational plans for hospitals.</i></p> <p>37: <i>Repair and maintenance of medical instruments, apparatus and equipment; cleaning of surgical instruments and equipment; filling of surgical instrument stores; hospital services, namely sterilisation of instruments and equipment.</i></p> <p>39: <i>Storage of surgical instruments and equipment; disposal (transport) of surgical instruments and apparatus.</i></p> <p>41: <i>Providing of training and further training for external personnel; conducting training courses for others; film showings, film rental; publication of scientific information journals; arranging of symposiums and workshops.</i></p> <p>43: <i>Construction drafting of endoprotheses.</i></p> <p>44: <i>Medical equipment rental.</i></p>
--	--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

3. For section 5(2)(b) the Appellant relied on classes 10, 35, 37, 39, 42 and 44. For section 5(3) the Appellant relied on those classes plus classes 9 and 41.
4. In the Decision, J. Ralph for the Registrar held that the opposition was unsuccessful.
5. On 4 September 2023 the Appellant filed a Notice to Appeal to the Appointed Person against the Decision under Section 76 of the Trade Marks Act 1994.

The Hearing Officer's decision

6. The Hearing Officer held as follows (in summary, and insofar as is relevant to this appeal):
 - a. The Respondent having put the Appellant to proof of use in respect of the Earlier Mark, the Appellant demonstrated genuine use of the Earlier Mark for *surgical instruments; internal joint prosthesis*.
 - b. The average consumer of the parties' goods will be surgical and medical professionals or medical supply chain specialists, who will pay a high degree of attention during the purchasing process.

- c. The purchasing process will be predominantly visual, but aural considerations cannot be ruled out.
- d. The Earlier Mark is inherently distinctive to a high degree, albeit that it may allude to the Roman god Aesculapius whose name would be known to many in the medical profession. It benefits from an enhanced distinctive character through use, such that it has a very high degree of distinctiveness.
- e. The Applications and the Earlier Mark are visually similar to a low degree, aurally similar to a medium degree, and conceptually neutral.
- f. There is identity and high degree of similarity between some of the goods and a dissimilarity between other goods and services
- g. There is no likelihood of direct or indirect confusion between the Applications and the Earlier Mark.
- h. The Earlier Mark enjoys a reputation in the UK for *surgical instruments; internal joint prosthesis*.
- i. There would be no 'link' formed in the mind of the relevant section of the public between the Applications and the Earlier Mark, so the s. 5(3) ground was dismissed.

Grounds of Appeal

- 7. In the Statement of Grounds of Appeal and the skeleton argument, the Appellant made the following criticisms of the Decision:
 - a. **Ground 1 (Failure to take imperfect recollection into account)** Despite finding a low degree of visual similarity and a high degree of attention on the part of the average consumer, no regard was had or given to the fact that the average consumer rarely has the opportunity to consider marks and signs side by side and memories may be imperfect. Had the Registrar taken that into consideration, there would have been a finding of greater similarity.
 - b. **Ground 2 (Cruciality of the beginnings of words)** No regard was had by the Registrar that the predominant parts – the beginnings – of the mark and sign are identical. Had the Registrar done so, the significance of the beginnings of both mark and sign would have indicated a greater similarity, sufficient to find confusion.
 - c. **Ground 3 (Failure to find a link)** In assessing the case from the perspective of repute, the Registrar considered that a link was not established because of the difference between mark and sign. However if grounds 1 & 2 are established then ground 3 follows.
- 8. The Appellant's Counsel, Mr Roughton, expanded upon the above at the hearing, and I set out below further details as are necessary to understand my overall conclusions. The Respondent filed a Respondent's Notice, a skeleton argument and attended the hearing via its Counsel Mr Hughes. I am grateful to both Counsel for their clear and detailed written and oral submissions, which I found very helpful.

Standard of review

9. The approach to be adopted in an appeal hearing has been laid down a number of times in case law. It was recently summarised in *Axogen v Aviv* [2022] EWHC 95 (Ch) at §24-25:

“Appellate Function

24. Although I was referred to numerous cases on the subject (including *English v Emery Demibold & Struck Ltd* [2002] 1 WLR 2409, *REEF Trade Mark* [2003] RPC 5, *Fine & Country Ltd v Okotoks Ltd* [2014] FSR 11, *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5, *Shanks v Unilever Plc* [2014] RPC 29, *TT Education Ltd v Pie Corbett Consultancy* [2017] RPC 17, *Apple Inc v Arcadia Trading Limited* [2017] EWHC 440 (Ch), *Actavis Group PTC v ICOS Corporation* [2019] UKSC 1671 and *NINEPLUS O/039/21*), the approach of the appeal court to a statutory appeal under section 76(1) of the TMA is uncontroversial. I bear the following principles, relevant to the issues before me, firmly in mind:

- i) The appeal is by way of a review, not a rehearing (see *TT Education Ltd v Pie Corbett Consultancy Ltd* (O/017/17) at [52(i)]);
- ii) The appeal court will allow an appeal where the decision of the lower court was "wrong" (see CPR 52.11). Neither surprise at a Hearing Officer's conclusion, nor a belief that he or she has reached the wrong decision suffices to justify interference (*NINEPLUS O/039/21* at [14]);
- iii) The decision of the lower court will be "wrong" if the judge makes an error of law, which might involve asking the wrong question, failing to take account of relevant matters or taking into account irrelevant matters. Absent an error of law, the appellate court would be justified in concluding that the decision of the lower court was wrong if the judge's conclusion was "outside the bounds within which reasonable disagreement is possible" (*Actavis Group* at [81]);
- iv) The approach required by the appeal court depends on a number of variables including the nature of the evaluation in question (*REEF Trade Mark* [2003] RPC per at [26]). There is a "spectrum of appropriate respect for the Registrar's determination depending on the nature of the decision" (*TT Education* at [52(ii)]), with decisions of primary fact at one end of the spectrum and multi-factorial decisions (of the type which the parties agree were made in this case by the Hearing Officer) being further along the spectrum.
- v) In the case of a multifactorial assessment or evaluation, involving the weighing of different factors against each other, the appeal court should show a real reluctance, but not the very highest degree of reluctance, to interfere in the absence of a distinct and material error of principle. Special caution is required before overturning such decisions (*TT Education* at [52(iv)], *REEF* at [28] and *Fine & Country* at [50]-[51]).
- vi) An error of principle is not confined to an error as to the law but extends to certain types of error in the application of a legal standard to the facts in an evaluation of those facts. The evaluative process is often a matter of degree upon which different judges can legitimately differ and an appellate court ought not to interfere unless it is satisfied that the judge's conclusion is outside the bounds within which reasonable disagreement is possible (*Actavis Group* at [80]).

- vii) Another variable to be taken into account will be "the standing and experience of the fact-finding judge or tribunal" (*REEF* at [26], *Actavis Group* at [78]). Expert tribunals are charged with applying the law in the specialised fields and their decisions should be respected unless it is quite clear that they have misdirected themselves in law. Appellate courts should not rush to find such misdirections simply because they might have reached a different conclusion on the facts (*Shanks* at [28] citing the warning given by Baroness Hale in *AH (Sudan) v Secretary of State for the Home Department* [2007] UKHL 49).
 - viii) The appellate court should not treat a judgment as containing an error of principle simply because of its belief that the judgment or decision could have been better expressed; "The duty to give reasons must not be turned into an intolerable burden" (see *REEF* at [29]). The reasons need not be elaborate. There is no duty on a judge, in giving her reasons, to deal with every argument presented by counsel in support of his case. It is sufficient if what she says shows the basis on which she has acted (*English* at [17], *Fage* at [115]). The issues the resolution of which were vital to the judge's conclusions should be identified and the manner in which she resolved them explained (*English* at [19]).
 - ix) In evaluating the evidence, the appellate court is entitled to assume, absent good reason to the contrary, that the first instance judge has taken all of the evidence into account (*TT Education* at [52(vi)]).
25. In the context of appeals relating to the likelihood of confusion, an evaluative issue described by Mr Iain Purvis QC sitting as an Appointed Person in *ROCHESTER Trade Mark* BL O/049/17 at [31] as "indeterminate and open to debate", Mr Purvis QC went on to say this at [33]:
- "...the reluctance of the Appointed Person to interfere with a decision of a Hearing Officer on likelihood of confusion is quite high for at least the following reasons:
- (i) The decision involves the consideration of a large number of factors, whose relative weight is not laid down by law but is a matter of judgment for the tribunal on the particular facts of each case
 - (ii) The legal test 'likely to cause confusion amongst the average consumer' is inherently imprecise, not least because the average consumer is not a real person
 - (iii) The Hearing Officer is an experienced and well-trained tribunal, who deals with far more cases on a day-to-day basis than the Appellate tribunal
 - (iv) The legal test involves a prediction as to how the public might react to the presence of two trade marks in ordinary use in trade. Any wise person who has practised in this field will have come to recognize that it is often very difficult to make such a prediction with confidence. Jacob J (as he then was) made this point in the passing off case *Neutrogena v Golden* [1996] RPC 473 at 482:

'It was certainly my experience in practice that my own view as to the likelihood of deception was not always reliable. As I grew more experienced I said more and more "it depends on the evidence."

Any sensible Appellate tribunal will therefore apply a healthy degree of self-doubt to its own opinion on the result of the legal test in any particular case.

34. I shall therefore approach this appeal on the basis that in the absence of a distinct and material error of principle, I ought not to interfere with the decision of the Hearing Officer unless I consider that his view on the issue of likelihood of confusion was clearly wrong in the sense that it was outside the range of views which could have been reasonably taken on the established facts."

10. I shall bear all the above in mind when reviewing the Decision.

Discussion

11. Looking at the various grounds in turn, my analysis is as follows.

(1) Failure to take imperfect recollection into account

12. In §34(b) of the Decision, when summarising the law on s. 5(2)(b), the Hearing Officer stated that:

“(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 and services in question.”

13. The Hearing Officer reminded herself of the point again at §64 of the Decision:

“In assessing the likelihood of confusion, I must adopt the global approach advocated by case law and take into account the fact that marks are rarely recalled perfectly, the consumer relying instead on the imperfect picture of them that they have kept in mind ...”.

14. Notwithstanding those mentions in the Decision, the Appellant contends that she failed actually to apply the principle of imperfect recollection, because she failed to provide any (or adequate) explanation of why the principle of imperfect recollection does not in this case lead to a likelihood of confusion.

15. I am unable to accept this submission. The difficulty for the Appellant is that assessment of likelihood of confusion is a multifactorial question. The Hearing Officer cited at §34 of the Decision the usual principles to be taken into account in assessing likelihood of confusion, gleaned from the case law of the EU courts. These principles make clear that a global assessment is required, taking into account all relevant factors (my underlining). Some of the factors are listed in (b) – (k) of §34. Other factors, applicable in some cases and not in others, may include giving more weight to similarities at the beginnings of marks/signs, and that changes to short marks may have more impact than the same changes to longer marks.

16. In any given instance, some of the factors to be taken into account may point towards a likelihood of confusion, and some against. However, nowhere in the case law is any guidance given as to the order of precedence of the various factors required to be taken into account.

The balancing of the various factors is a matter for the Hearing Officer as part of her global assessment. Provided that i) the Hearing Officer takes all relevant factors into account, and ii) reaches a decision which is not "outside the bounds within which reasonable disagreement is possible", this tribunal will not interfere.

17. It is true that the Hearing Officer did not expressly explain why she considered that the principle of imperfect recollection was outweighed by other factors in this instance. However, expecting a Hearing Officer to provide an express account of the precise weight given to each factor would in my view be a counsel of perfection, and fall foul of the requirement that "The appellate court should not treat a judgment as containing an error of principle simply because of its belief that the judgment or decision could have been better expressed" (see 9(viii) above). It is sufficient in my view for a Hearing Officer to identify all the factors to be taken into account in the global assessment, and then to carry out the global assessment, highlighting the key points but without necessarily giving a blow-by-blow account of the weight given to each and every factor taken into account.
18. From my reading of the Decision, the Hearing Officer identified the following factors pointing towards and against a likelihood of confusion:
 - Pointing towards: very high level of distinctive character; identity of some goods; imperfect recollection; similarities in the beginnings of the Earlier Mark and Applications.
 - Pointing against: low visual similarity; high degree of attention paid during purchasing process; descriptive nature of the AESCU element of the Earlier Mark; endings of the Earlier Mark and Applications are very different.
19. It is clear from the above that the various factors were quite finely balanced in this instance. A different hearing officer may well have given greater weight to some or all of the factors pointing towards a likelihood of confusion, and/or less weight to some or all of the factors pointing against a likelihood of confusion. However, as is clear from 9(iii) above, neither hearing officer would have been wrong unless their decision was "outside the bounds within which reasonable disagreement is possible".
20. In consequence, I cannot agree that the Hearing Officer, in making her multifactorial assessment of the likelihood of confusion, made a distinct and material error of principle. She identified a number of factors which pointed in the opposite direction to the principle of imperfect recollection, and even if she did not expressly state that they outweighed the latter principle, it is clear that that was the outcome of her analysis. Nor was her decision wrong. I dismiss this first ground of appeal.

(2) Cruciality of the beginnings of words

21. In §57 of the Decision the Hearing Officer stated:

"In a visual comparison the respective marks share the first three letters A-E-S and have a U as their fifth letter. The fourth letters are different, being a C in the opponent's mark and a K in the Applications. The respective marks have different endings namely LAP and CARE, making the applicant's '589 mark slightly longer. There is no counterpart in the opponent's mark to the devices and additional word elements found in the applicant's marks. The opponent, in its skeleton argument, drew my attention to settled case law¹⁸ which sets out that the beginnings of words usually have greater visual and aural impacts than the ends. Taking all these factors

into account, weighing up the similarities and the differences, I find that there is a low degree of visual similarity.

18 El Corte Inglés, SA v OHIM, Cases T-183/02 and T-184/02.”

22. In §58 of the Decision, the Hearing Officer, dealing with the aural comparison, said:

“... Likewise the applicant’s marks will have the same likely pronunciation of their beginnings namely ACE-CUE-CARE or EES-CUE-CARE. I find there will be no difference in the pronunciation of the C and the K in the respective marks as it will be a hard C sound when followed by a U. The mark clearly differ in their endings and the additional word elements in the applicant’s marks will be pronounced in their usual way but have no counterparts in the opponent’s mark...”.
23. At §58 of the Decision, when assessing likelihood of direct confusion, the Hearing Officer said:

“Taking first the opponent’s mark and the applicant’s ‘589 mark. Both start with the same three letters namely AES and both have a letter U as their fifth letter. The respective fourth letters C and K are aurally identical but they are visually quite different. Both marks are invented words but the opponent’s mark may have some conceptual hook relating to the Roman god Aesculapius whereas the applicant’s mark does not. Taking this into account, in addition to the case law relating to the impact of the beginnings of words and the distinctiveness of the earlier mark, I find any similarity is outweighed by the different endings. The LAP and CARE elements have different visual and aural impacts. These endings will not go unnoticed and overall I find there is no direct confusion between the marks”.
24. Finally, at §72 when assessing likelihood if indirect confusion, she said:

“Consumers may note that the respective marks share similarly constructed beginnings namely AESCU/AESKU but in my view are unlikely to be confused into thinking the goods and services come from the same or connected undertakings given the level of attention paid. It would be highly unusual for a sub brand to adopt a name based on a prefix which is differently spelled to the original. If one mark is brought to mind by the other on the basis of the similarly constructed beginning then I consider this to be mere association and not indirect confusion as per *Duebros*. Consequently I find that there is no indirect likelihood of confusion”.
25. As with the first ground of appeal, the Appellant contends that she failed actually to apply the principle in *El Corte Inglés*, because she failed to provide any (or adequate) explanation of why the principle does not in this case lead to a likelihood of confusion.
26. In my view, the analysis I set out in relation to ground 1 above is equally applicable. The principle in *El Corte Inglés* – that the beginnings of words usually have greater visual and aural impacts than the ends – is simply one of many factors that the Hearing Officer was required to, and did, take into account. She mentioned the principle itself twice. She reminded herself four times that the beginnings of the Earlier Mark and Applications are very similar. Furthermore, and unlike the position in relation to ground 1, she did actually provide her reasoning (in §69 and 72) as to why the principle in *El Corte Inglés* is outweighed by other factors in this particular instance. Specifically:

- The common element AESCU has a degree of descriptiveness insofar as it is, and would be recognised by many average consumers, as being derived from the name Aesculapius being the Roman god of medicine¹;
- The fourth letters are different, being a C in the Earlier mark and a K in the Applications;
- The differences in the endings outweigh the similarities in the beginnings of the Earlier Mark and Applications;
- The different spelling in the prefix is inconsistent with the idea of there being a brand extension.

27. In summary, therefore, the Hearing Officer did expressly consider the principle in *El Corte Inglés*, did expressly take into account the similarities of the beginnings of the Earlier Mark and Applications, and did give adequate explanation as to why the principle in *El Corte Inglés* does not in this instance give rise to a likelihood of confusion. She made no error of principle, and was not wrong. I dismiss this second ground of appeal.

(3) Failure to find a link

28. The Appellant made it clear both in its skeleton argument and in oral submissions that this third ground is dependent upon either or both of grounds 1 and 2 succeeding. As neither ground has succeeded, this third ground falls away.

Respondent's Notice

29. As I have upheld the Hearing Officer's Decision, it is not necessary for me to address the additional arguments for upholding the Decision set forth in the Respondent's Notice.

Conclusion

30. There is no likelihood of direct or indirect confusion between the Applications and the Earlier Mark. The required link under s. 5(3) is not present. The Oppositions are unsuccessful and the Applications can proceed to registration.

Costs

31. Clearly, the Respondent has been the successful party in this appeal. I order that the Appellant should pay the Respondent £1,500 by way of costs of this appeal, comprising:

- Responding to appeal: £500
- Attendance at hearing: £1,000.

32. The above is in addition to the £3,000 ordered by the Hearing Officer to be paid by the Appellant to the Respondent.

Dr. Brian Whitehead

¹ I confess that I was not previously aware of the Roman god Aesculapius, but the Opponent's own evidence stated that "The name AESCULAP was derived from the name ASCLEPIUS (Greek), latin AESCULAPIUS, the Greco- Roman God of Medicine, son of Apollo (God of Healing, Truth and Prophecy) and the mortal Princess Coronis".

11 December 2023

Representation

Mr Ashley Roughton of Counsel for the Opponent / Appellant, instructed Venner Shipley LLP

Mr Dominic Hughes for the Applicant / Respondent, instructed by Forresters IP LLP

Annex – Applicant’s Goods and Services

Class 5: Medical, chemical and biological test kits and test reagents for medical purposes, included in class 5; Antiserums for diagnostic purposes; Chemical reagents for medical diagnostic, medical or veterinary purposes; Medical or veterinary chemical test reagents; Chemical test reagents [medical]; Diagnostic preparations for medical or veterinary purposes; Diagnostic preparations; Diagnostic preparations for medical, pharmaceutical or veterinary purposes; Diagnostic biomarker reagents for medical purposes; Diagnostic testing materials for medical use; Diagnostic reagents for medical use; Diagnostic substances for medical use; Immunoassay reagents for medical or medical diagnostic purposes; In vitro diagnostic preparations for medical use; Indicators for medical diagnosis; Medical diagnostic test strips; Medical diagnostic reagents and assays for testing of body fluids; Medical diagnostic reagents; Preparations of microorganisms for medical or veterinary use; Preparations for detecting genetic predispositions for medical purposes; Preparations for detecting mutation in prion genes for medical purposes; Reagents for use in analysis [for veterinary purposes]; Reagents for analysis purposes (for medical diagnostic, medical or veterinary purposes); Reagents for use in diagnostic tests [for veterinary purposes]; Clinical diagnostic reagents; Reagents for in-vitro laboratory use [for medical purposes]; Reagents for in-vitro laboratory use [for veterinary purposes]; Reagents for blood grouping [for medical purposes]; Reagents for use with testing apparatus for medical or medical diagnostic purposes; Reagents for use in diagnostic tests or in analyses for medical purposes; Reagents for use with testing apparatus for medical diagnostic or veterinary purposes; Reactants for medical or veterinary diagnosis; Veterinary diagnostic reagents; Clinical medical reagents; Biological reagents for medical, medical diagnostic or veterinary purposes; Chemical reagents for medical, medical diagnostic or veterinary purposes; Chemical reagents for medical or veterinary purposes; Reagents for microbiological analysis, for medical or veterinary purposes; Genetic identity tests, consisting of reagents for medical purposes; Reagents and media for medical and veterinary diagnostic purposes; Reagents for medical use; Reagents for medical or veterinary genetic testing; Chemical preparations for use in dna analysis [medical]; Chemical preparations for medical or medical diagnostic purposes; Blood for medical or medical diagnostic purposes; Biological preparations for medical, medical diagnostic or veterinary purposes; Mixed biological preparations for medical or medical diagnostic purposes; Blood plasma; Blood components; Blood protein fractions; Enzymes for medical, medical diagnostic or veterinary purposes; Enzyme preparations for medical or veterinary purposes; By-products of the processing of cereals for medical or medical diagnostic purposes; Nucleic acid sequences for medical diagnostic, medical or veterinary purposes; all of the aforesaid goods for use in relation to the detection, diagnosis and prognosis of autoimmune diseases, allergies and food intolerances.

Class 10: Medical apparatus and instruments; Analysers for medical use; Diagnostic apparatus for medical purposes; Automated testing apparatus for bodily fluids, for medical or medical diagnostic purposes; Diagnostic, examination, and monitoring equipment; Laser pointers for medical use; Laser beam delivery instruments for medical use; Medical instruments; Medical instruments incorporating lasers; Tools for medical diagnostics; Medical and veterinary apparatus and instruments; Apparatus for carrying-out diagnostic tests for medical purposes; Apparatus for analysing images [for medical use]; Apparatus for DNA and RNA exams for medical purposes; Apparatus for analysing bacteria in biological samples [for medical use]; Capillary tubes for delivering reagents; Specimen cup holders; Laboratory apparatus for the transmission of liquids, for medical or medical diagnostic purposes; Laboratory apparatus for mixing liquids, for medical or medical diagnostic purposes; Laboratory apparatus for administering liquids, for medical or medical diagnostic purposes; Laboratory apparatus for thinning liquids, for medical or medical diagnostic purposes; Laboratory apparatus for

incubating liquids, for medical or medical diagnostic purposes; Medical or immunological testing apparatus; Electronic analyzers for medical purposes; Photometric analyzers for medical use; Automatic analyzers for medical diagnosis; Body composition analyzers for medical purposes; Analysers for bacterial identification for medical purposes; Physical analyzers for medical use; Blood centrifuging tubules [for medical use]; Blood filters for extracorporeal use; Hypodermic needles; Medication injectors; Injectors for medical or medical diagnostic purposes; all of the aforesaid goods for use in relation to the detection, diagnosis and prognosis of autoimmune diseases, allergies and food intolerances.

Class 42: Medical research laboratory services; Biological laboratory services; Analytical laboratory services; Chemical laboratories; Laboratory (Scientific -) services; Chemical laboratories; Medical laboratory services; Laboratory research services relating to pharmaceuticals; Services of a chemical and/or biological laboratory; Laboratory analysis in the field of bacteriology; Laboratory services relating to the production of antibodies; Veterinary laboratory services; Laboratory services for analytical testing; Chemical laboratories; Analytical laboratory services; Laboratory testing; Consultancy relating to laboratory tests; Research laboratories, all of the aforesaid services for use in relation to the detection, diagnosis and prognosis of autoimmune diseases, allergies and food intolerances.

Class 44: Medical research laboratory services; Biological laboratory services; Analytical laboratory services; Chemical laboratories; Laboratory (Scientific -) services; Chemical laboratories; Medical laboratory services; Laboratory research services relating to pharmaceuticals; Services of a chemical and/or biological laboratory; Laboratory analysis in the field of bacteriology; Laboratory services relating to the production of antibodies; Veterinary laboratory services; Laboratory services for analytical testing; Chemical laboratories; Analytical laboratory services; Laboratory testing; Consultancy relating to laboratory tests; Research laboratories, all of the aforesaid services for use in relation to the detection, diagnosis and prognosis of autoimmune diseases, allergies and food intolerances.