

BL O/1203/23

TRADE MARKS ACT 1994

CONSOLIDATED PROCEEDINGS

**IN THE MATTER OF APPLICATION NO. UK00003776716, UK00003776718,
UK00003776720, UK00003776722 AND UK00003776723**

BY VIVO MOBILE COMMUNICATION CO., LTD.

FOR THE FOLLOWING TRADE MARKS:

vivo X12

vivo X13

vivo X14

vivo X15

vivo X16

IN CLASS 9

AND

**AN APPLICATION FOR A DECLARATION OF INVALIDITY
UNDER NOS. 505590, 505592, 505591, 505593 AND 505595**

BY HONOUR DEVICE CO., LTD.

BACKGROUND AND PLEADINGS

1. VIVO MOBILE COMMUNICATION CO., LTD. (“the proprietor”) applied to register the five trade marks shown on the cover page of this decision (“the Contested Marks”) in the UK on 12 April 2022. They were all registered on 23 September 2022 for the same following goods:

Class 9 Smartphones; Mobile phones; Earphones for cellular telephones; Protective cases for mobile phones; Stands adapted for mobile phones; Mobile phone display screen protectors in the nature of films; Laptop computers; Displays for mobile phones; Keyboards for mobile phones; Chips [integrated circuits]; Wireless headsets; Wireless headsets for smartphones; Headsets for mobile telephones; USB cables for cellphones; Mobile phone covers; Cases for mobile phones; Mobile phone straps; Selfie sticks used as smartphone accessories; Smart glasses; Smart speakers; Tablet computers; Headphones; Earphones; Displays for smart phones; Electronic chips; Television apparatus; Liquid crystal displays.

2. On 29 and 30 November 2022, Honour Device Co., Ltd. (“the applicant”) applied to have the Contested Marks declared invalid under section 47 of the Trade Marks Act 1994 (“the Act”). The application is based upon section 5(2)(b) of the Act.

3. The applicant relies upon the following five trade marks; one mark per opposition, for the corresponding numbers in the Contested Marks (i.e. vivo x12 vs x12):

X12

UK registration no. UK00003695416

Filing date 15 September 2021.

Registration date 7 January 2022.

Priority date 5 March 2020.

(“the First Earlier Mark”)

X13

UK registration no. UK00918206324

Filing date 5 March 2020.

Registration date 3 September 2020.

("the Second Earlier Mark")

X14

UK registration no. UK00918206326

Filing date 5 March 2020.

Registration date 3 September 2020.

("the Third Earlier Mark")

X15

UK registration no. UK00918206328

Filing date 5 March 2020.

Registration date 3 September 2020.

("the Fourth Earlier Mark")

X16

UK registration no. UK00918206332

Filing date 5 March 2020.

Registration date 4 September 2020.

("the Fifth Earlier Mark")

4. On 1 January 2021, the UK left the EU. Under Article 54 of the Withdrawal Agreement between the UK and the EU, the UK IPO created comparable UK trade marks for all right holders with an existing EUTM. As a result, the Second, Third, Fourth and Fifth Earlier Marks were automatically converted into comparable UK trade marks. Comparable UK marks are now recorded on the UK trade mark register, have the

same legal status as if they had been applied for and registered under UK law, and the original filing dates remain the same.

5. The applicant relies upon all of its class 9 goods for which its earlier marks are registered as set out in the Annex to this decision. The applicant also claims that there is a likelihood of confusion because the respective marks are clearly very similar and the respective goods are identical and similar.

6. The proprietor filed counterstatements denying the similarity of the marks, and the identity and similarity of some of the goods, but has conceded identity and similarity of some, for which I have set out in paragraphs 19 and 20 below.

7. The applicant is represented by Forresters IP LLP and the proprietor is represented by Sipara Limited. Neither party filed evidence nor requested a hearing, but the applicant filed written submissions. This decision is taken following a careful perusal of the papers.

RELEVANCE OF EU LAW

8. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Act relied on in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case-law of EU courts.

DECISION

9. Section 5(2)(b) of the Act has application in invalidation proceedings pursuant to section 47 of the Act. Section 47 reads as follows:

“47. (1) [...]

(2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-

(a) that there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or

(b) [...]

unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.

(2ZA) The registration of a trade mark may be declared invalid on the ground that the trade mark was registered in breach of section 5(6).

(2A) The registration of a trade mark may not be declared invalid on the ground that there is an earlier trade mark unless –

(a) the registration procedure for the earlier trade mark was completed within the period of five years ending with the date of the application for the declaration,

(b) the registration procedure for the earlier trade mark was not completed before that date, or

(c) the use conditions are met.

[...]

(2F) Subsection (2A) does not apply where the earlier trade mark is a trade mark within section 6(1)(c)

(2G) An application for a declaration of invalidity on the basis of an earlier trade mark must be refused if it would have been refused, for any of the reasons set out in subsection (2H), had the application for the declaration been made on the date of filing of the application for registration of the later trade mark or (where applicable) the date of the priority claimed in respect of that application.

(2H) The reasons referred to in subsection (2G) are-

(a) [...]

(b) that the application for a declaration of invalidity is based on section 5(2) and the earlier trade mark had not yet become sufficiently distinctive to support a finding of likelihood of confusion within the meaning of section 5(2);

(c) [...]

(3) [...]

(4) [...]

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

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

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

10. As some of the applicant’s earlier marks are comparable marks, paragraph 7 of Part 1, Schedule 2A of the Act is also relevant. It reads:

“7.— (1) Section 6A applies where an earlier trade mark is a comparable trade mark (EU), subject to the modifications set out below.

(2) Where the relevant period referred to in section 6A(3)(a) (the "five-year period") has expired before IP completion day—

(a) the references in section 6A(3) and (6) to the earlier trade mark are to be treated as references to the corresponding EUTM; and

(b) the references in section 6A(3) and (4) to the United Kingdom include the European Union.

(3) Where [IP completion day] falls within the five-year period, in respect of that part of the five-year period which falls before IP completion day —

(a) the references in section 6A(3) and (6) to the earlier trade mark are to be treated as references to the corresponding EUTM ; and

(b) the references in section 6A to the United Kingdom include the European Union”.

Section 5(2)(b)

11. Section 5(2)(b) reads as follows:

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

(a)...

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

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

12. The trade marks upon which the applicant relies qualify as earlier trade marks because they were applied for at an earlier date than the Contested Marks pursuant to section 6(1)(a) of the Act. The earlier marks had not completed their registration process more than five years before the relevant date (the filing date of the Contested Marks). Accordingly, the use provisions at s.6A of the Act do not apply. The applicant may rely on all of the goods it has identified without demonstrating that it has used the marks.

Section 5(2)(b) case law

13. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:

- (a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;
- (b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;
- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- (d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only

when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

- (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
- (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- (g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
- (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- (j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
- (k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods

14. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account. In the judgment of the Court of Justice of

the European Union (“CJEU”) in *Canon*, Case C-39/97, the court stated at paragraph 23 that:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary.”

15. Guidance on this issue has come from Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and, in particular, whether they are or are likely to be found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance, whether market research companies, who of course act for industry, put the goods or services in the same or different sectors

16. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court (“GC”) stated that:

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

17. I bear in mind the following applicable principles of interpretation from *Sky v Skykick* [2020] EWHC 990 (Ch), paragraph 56 (wherein Lord Justice Arnold, in the course of his judgment, set out a summary of the correct approach to interpreting broad and/or vague terms):

“(1) General terms are to be interpreted as covering the goods or services clearly covered by the literal meaning of the terms, and not other goods or services.

(2) In the case of services, the terms used should not be interpreted widely, but confined to the core of the possible meanings attributable to the terms.

(3) An unclear or imprecise term should be narrowly interpreted as extending only to such goods or services as it clearly covers.

(4) A term which cannot be interpreted is to be disregarded.”

18. In *Kurt Hesse v OHIM*, Case C-50/15 P, 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)*, Case T-325/06, the 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 the responsibility for those goods lies with the same undertaking.”

19. Firstly, the proprietor's Contested Marks have the same specifications, and the only difference between the applicant's First Earlier Mark and its Second to Fifth Earlier Marks specifications, is that the Second to Fifth Earlier Marks have the two additional terms "smart band" and "smartwatch" at the end of its specifications. Therefore, the comparison below applies to all five invalidations.

20. Secondly, and as highlighted above in its counterstatements, the proprietor provided a table in which it conceded and denied the applicant's submissions in relation to similarity and identity of the goods. I note that concessions are made in regard to the proprietor's "mobile phone battery chargers", "batteries for mobile phones", "smart watches" and "smartbands". However, these terms are not contained within the proprietor's specifications, and therefore these concessions will not be taken into consideration. Therefore, I note that the remaining and following concessions are accepted, and therefore the goods are considered as identical:

Paragraph No. of Statement of Grounds	Goods of Contested Registration	Goods of Earlier Trade Mark	Applicant's claim	Proprietor's response
17	"smartphones; mobile phones"	"smartphones; mobile phones"	Identical	Conceded
18	"Earphones for cellular telephones"	"Earphones"	Identical	Conceded
29	"Selfie sticks used as smartphone accessories"	"self sticking monopods for smart phones"	Identical	Conceded
33	"tablet computers"	"tablet computer"	Identical	Conceded
34	"earphones"	"earphones"	Identical	Conceded

Laptop computers; Television apparatus; Electronic chips.

21. The above terms appear identically in all the applicant's and proprietor's specifications.

Chips [integrated circuits].

22. While expressed slightly differently, I consider that the proprietor's above term is self-evidently identical to "integrated circuits chips" in the applicant's specifications.

USB cables for cellphones.

23. I note that the applicant's specifications include USB data lines. I consider that a data line is usually a type of cable, which transfers data. I note the proprietor's above goods are also commonly used to transfer data, for example, connecting it to the users computers to upload or download music or pictures to and from a cell phone. On this basis, I consider that the proprietor's above goods are self-evidently identical to the term "USB data line" in the applicant's specifications.

Wireless headsets; Wireless headsets for smartphones; Headsets for mobile telephones; Headphones; Smart speakers.

24. I consider that the proprietor's above goods are all apparatus for the transmission or reproduction of sound so, therefore, fall within the broader category of "apparatus for [...] transmission or reproduction of sound [...]" in the applicant's earlier marks specifications. As such, they are identical on the principle outlined in *Meric*.

Smart glasses.

25. I consider that the proprietor's above goods are glasses which have either image recording or sound conducting properties, for example, you can listen to music or capture photos via the glasses. I therefore consider that these goods fall within the broader category of "apparatus for recording, transmission or reproduction of sound or images" in the applicant's earlier marks specifications. They are identical on the principle outlined in *Meric*.

Displays for mobile phones; Displays for smart phones.

26. The proprietor's above goods are the displays for mobile/smart phones, otherwise known as the screen of the phone. I note that as set out in *Les Éditions Albert René v*

OHIM,¹ it is stated that just because a particular good is used as a part, element or component of another, it should not result in a finding of identity/similarity between those goods. Albeit that does not mean that there can never be similarity between such goods where there is overlap in the factors identified in *Treat*.

27. In this instance, the proprietor's above goods, and the applicant's "mobile phones" do not overlap in nature, method of use or purpose, and they are not in competition. However, I consider that there would be an overlap in trade channels because the goods would be produced and sold by the same phone undertakings. I consider that if the user, for example, dropped their phone and needed a screen replacement, they would most likely take it back to the original phone store they purchased it from to replace the screen. I would also assume that for the screen to fit the model and design of the phone perfectly, it would most likely come from the original supplier of the phone. However, I appreciate that these goods could also be purchased through other third party stores which sell replacement screens. The goods will overlap in user, and are to, some extent, complementary, because the goods are important and indispensable to one another, and the user would believe that they originate from the same undertaking. Consequently, I consider that the goods are similar to a medium degree.

Liquid crystal displays.

28. The proprietors above "liquid crystal displays" are also types of display screens, which could be used on a variety of goods including mobile phones. I therefore consider that the same comparison applies in paragraphs 26 and 27 above. The goods are similar to the applicant's "mobile phones" to a medium degree.

Protective cases for mobile phones; Stands adapted for mobile phones; Mobile phone display screen protectors in the nature of films; Keyboards for mobile phones; Mobile phone covers; Cases for mobile phones; Mobile phone straps.

29. The applicant submits that the proprietor's above goods are similar to "mobile phones" in its earlier marks specifications. I agree that there may be some overlap in

¹ Case T-336/03

trade channels and user because it is likely that the user will buy its mobile phone and the above accessories for it (cases, stands and screen protectors) from the same undertaking. However, the goods clearly do not overlap in nature, method of use and purpose. The goods are not in competition; however I consider that they are complementary, as they are important and indispensable to one another, and the user would most likely believe that the goods originate from the same undertaking. I therefore consider that the goods are similar to a medium degree.

The average consumer and the nature of the purchasing act

30. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods. I must then determine the manner in which the goods are likely to be selected by the average consumer. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

31. The average consumer for the goods will be members of the general public, however, I do not discount that it could also include a professional user, such as businesses, purchasing goods such as laptops and electronic chips.

32. The cost of purchase is likely to vary, but it is not likely to be at the very highest end of the scale. The frequency of the purchase is also likely to vary, although it is unlikely to be particularly regular. Even where the cost of the purchase is low, various factors will be taken into consideration by the average consumer such as the cost,

quality, ease of use and suitability of the goods for the user's particular requirements. Consequently, I consider that a medium degree of attention will be paid during the purchasing process.

33. The goods are likely to be purchased from the shelves of a mobile phone provider, an electrical retailer or their online equivalents. Visual considerations are, therefore, likely to dominate the selection process. However, I do not discount that there may also be an aural component to the purchase through advice sought from sales assistants or word-of-mouth recommendations.

Comparison of the trade marks

34. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade 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 trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components. The CJEU stated, at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

“... it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

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

36. The respective trade marks are shown below:

Applicant's 5 trade marks	Proprietor's 5 Contested Marks
X12	vivo X12
X13	vivo X13
X14	vivo X14
X15	vivo X15
X16	vivo X16

37. The applicant's marks consist of the letter X followed by the numbers 12, 13, 14, 15 or 16. The overall impression of the mark lies in the combination of these elements.

38. The proprietor's marks consists of the first element "vivo" followed by a second element which consists of the letter X followed by the numbers 12, 13, 14, 15 or 16. The average consumer tends to pay more attention to the beginning of the marks,² and for reasons I will come to discuss in the conceptual comparison, I consider that the word "vivo" will be recognised as an invented word. I therefore consider that it plays a greater role in the overall impression, with the X12 to X16 elements playing a lesser role in the overall impression of the marks.

39. Visually, the marks overlap in the X element, which is followed by the numbers 12, 13, 14, 15 or 16. This acts as a visual point of similarity. However, the proprietor's marks begin with the word "vivo", and as noted above, the average consumer tends to pay more attention to the beginning of the marks. This acts as a visual point of difference. Therefore, taking all of the above into account, the marks are visually similar to a medium degree.

² *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

40. Aurally, the X element of the applicant's and proprietor's marks will be given its ordinary dictionary pronunciation ("EX") followed by the ordinary pronunciation of the numbers 12, 13, 14, 15 or 16. The "vivo" element at the beginning of the proprietor's marks will most likely be pronounced as VEE-VO. Therefore, the beginning of the marks differ aurally. However, as they overlap in the pronunciation of the letter X and the number elements, they are aurally similar to a medium degree.

41. Conceptually, the applicant's marks, X12, X13, X14, X15 and X16, consists of a singular letter X, and the numbers 12, 13, 14, 15 and 16. I note that the letter X could stand for any number of words, and therefore does not convey a particular concept over and above its existence as the letter X from the English alphabet. I also consider that the numbers 12 to 16 do not convey a particular concept over and above their existence as numbers. However, the letter X combined with the number elements do not create a unitary meaning, and therefore the marks as a whole do not convey any particular concept.

42. I now turn to the conceptual meaning of the proprietor's Contested Marks. In its counterstatements, the proprietor submits that the "conceptual content of the "vivo" element has connotations of life of vivacity", but is also "likely to be interpreted differently by different consumers". Whilst I appreciate that the word "vivo" is a dictionary word which means "with life and vigour",³ I do not consider that this meaning would be known or understood by a significant proportion of average consumers. I especially consider that this is the case as Collins Dictionary notes that "vivo" originates from Italy and therefore would most likely only be known to UK consumers who can speak Italian (which would not amount to a significant proportion). I therefore consider that the average UK consumer would recognise "vivo" as an invented word with no apparent meaning.

43. The proprietor also claims that there is "no conceptual content" to the X12, X13, X14, X15 and X16 elements. Whilst I consider that this is in the case in the context of the applicant's marks, as highlighted above, the proprietor's Contested Marks begin with the invented word "vivo". I also note that it is common in the technology trade to

³ <https://www.collinsdictionary.com/dictionary/english/vivo>

denote and indicate a product line and number in the series using a combination of a singular letter and numbers. Therefore, in the context of the proprietor's class 9 goods, I consider that the average consumer will see the letter X as denoting the product line/series, and the numbers 12 to 16 as denoting the product number in the "X series".

44. However, I do not consider that a reference to a product line would necessarily be considered as a concept. Therefore, I consider that, as the proprietor's Contested Marks as a whole do not evoke a concept either, I consider that the marks are conceptually neutral. For the sake of completeness, if I am wrong in this finding, and a reference to a product line is considered as evoking a conceptual meaning (the X12 to X16 elements in the proprietor's Contested Marks) then the marks are conceptually dissimilar.

Distinctive character of the earlier trade mark

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

"22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-2779, 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 promotion of 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).”

46. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use that has been made of it.

47. As the applicant has not filed any evidence to show that the distinctiveness of its marks have been enhanced through use, I only have the inherent position to consider.

48. The applicant’s earlier marks consists of the letter “X” combined with the letters 12, 13, 14, 15 or 16. The proprietor submits that the applicant’s marks are “relatively banal and [a] simple combination of a letter and numerals”. I agree that the marks consist of a simple combination of the letter X, which would stand for any number of words, combined with a number. However, as a whole, the mark is clearly neither allusive nor descriptive of the applicant’s goods. Therefore I consider that the marks are inherently distinctive to no more than a medium degree.

Likelihood of confusion

49. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. This includes the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and vice versa. It is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the goods and the nature of the purchasing process. In doing

so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

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

- I have found that the overall impression of the applicant's marks lies in the combination of the letter X followed by the numbers 12, 13, 14, 15 or 16 elements.
- The proprietor's Contested Marks consists of the first element "vivo", an invented word, followed by a second element which consists of the letter X followed by the numbers 12, 13, 14, 15 or 16, which will be recognised as indicating a product line and number in the series. Therefore the word "vivo" plays a greater role in the overall impression, with the X12 to X16 elements playing a lesser role in the overall impression of the marks.
- I have found the marks to be visually and aurally similar to a medium degree.
- I have found the marks to be conceptually similar neutral, or dissimilar, depending on whether a reference to a product line is considered as a concept.
- I have found the applicant's marks to be inherently distinctive to no more than a medium degree.
- I have identified the average consumer for the goods to be the general public and businesses, who will select the goods primarily by visual means, although I do not discount an aural component.
- I have concluded that a medium degree of attention will be paid during the purchasing process for the goods by the general public.
- I have found the parties' goods vary from being identical to similar to a medium degree.

51. Taking all of the above factors listed in paragraph 50 into account, and even bearing in mind the principle of imperfect recollection, I am satisfied that the marks are unlikely to be mistakenly recalled or misremembered as each other. As noted above, the beginning of the marks tend to make more of an impact than the ends, and the

average consumer will be paying a medium degree of attention when selecting the goods. Therefore, I do not consider that the average consumer would overlook the invented word “vivo” which appears at the beginning of the Contested Marks, which consequently plays a greater role in the overall impression. Taking all of the above into account, I do not consider there to be a likelihood of direct confusion.

52. It now falls to me to consider the likelihood of indirect confusion. Indirect confusion was described in the following terms by Iain Purvis Q.C., sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.”

53. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor QC (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said at [16] that “a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion”. Arnold LJ agreed, pointing out that there must be a “proper basis” for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

54. Mr Purvis Q.C. in *L.A Sugar Limited* sets out that there are three main categories of indirect confusion, and that indirect confusion ‘tends’ to fall in one of them. I note that the opponent hasn’t stated specifically what category this case would fall within.

55. The shared common use of the X12 to X16 elements could be a factor in favour of finding indirect confusion. However, as noted above, in the Contested Marks, these elements follow the invented word “vivo”, and in the context of the parties’ class 9 goods, it is common within the technology trade to denote and indicate a product line and number in the series using a combination of a singular letter and numbers. Therefore, when confronted with the Contested Marks, I consider that the average consumer will see the invented word “vivo” as indicating the origin of the goods, with the X12, X13, X14, X15 and X16 elements denoting that these goods fall within vivo’s “X series”, with the numbers 12 to 16 denoting the product number in that series.

56. Therefore, I consider that when encountering the applicant’s earlier marks, the average consumer would not believe that the proprietor had removed the invented “vivo” word element at the beginning of its marks, to use the X12, X13, X14, X15 and X16 elements solus, because the “vivo” element is the part of the Contested Marks that denotes the origin of the proprietor’s goods. I therefore do not consider that the average consumer would see the applicant’s earlier marks as an updated version/sub-brand of the proprietor’s Contested Marks, and vice versa, because the change of removing or adding the “vivo” elements to X12, X13, X14, X15 or X16 is not logical or consistent, nor are the marks natural variants or brand extensions of each other. Consequently, I consider there is no likelihood of indirect confusion.

CONCLUSION

57. The application for a declaration of invalidity has failed in its entirety and the Contested Marks will remain registered.

COSTS

58. The proprietor has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the proprietor the sum of **£350** as a contribution towards the costs of the proceedings.

59. The sum is calculated as follows:

Considering the application of invalidity and preparing a Counterstatement (x5) £350⁴

Total £350

60. I therefore order Honour Device Co., Ltd. to pay VIVO MOBILE COMMUNICATION CO., LTD. the sum of £350. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 21st day of December 2023

L FAYTER

For the Registrar

⁴ I note that all five Form TM8's filed were essentially identical, as the specification and mark comparisons were all the same.

ANNEX

First Earlier Mark

Class 9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching; transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; Mobile telephones; Mobile telephone handsets, USB modems, modems, data cards, computers, DPF (Digital Photo Frames), Tablet computer, digital readers, PDA (Personal Digital Assistant), wireless modem, gateway, household network terminal devices and equipment for accessing internet, ADSL (Asymmetric Digital Subscriber Line) broadband accessing terminal devices and equipment, routers, communication modules, software in communication field; computer software; Computer hardware, firmware, and software, namely computers, peripherals, computer networks and networking components, and components for managing and interconnecting telecommunications networks, for providing computer and computer network security, and for providing network management and enhanced services development and deployment, and for managing and interconnecting multimedia, audio and video data equipment, namely, wired and wireless network interface devices, switching devices; computer software for use in the field of education, namely, for data communications among users; telecommunication equipment, namely, wireless radio frequency switches; radio transmitters and receivers for telecommunication; wireless local loop access apparatus for radio signal transmission comprised of base station controllers, antennas, subscriber units that transmit and receive signals, and network management switches for use in managing radio signals and voice transfer between subscriber terminals and local exchanges;

wireless switching platforms for selection of optical channel connections for voice and signals, call processing and system maintenance; access network apparatus, namely base station controllers; directional and omni antennas; subscriber terminals; mobile phones, wireless telephones; wireless base stations, wireless antennas; transceivers for telecommunication purposes; and telecommunication trunk circuits and trunk line assemblies comprising trunk line cables and trunk line amplifiers; stored program controlled switching systems, namely, stored program controlled switching machine for use in processing the information from incoming calls to outgoing terminals in the public service telephone network; radio apparatus, namely, data, voice, and image switching equipment for mobile communications; optical telecommunications apparatus, namely, optical line terminal for use in receiving, transmitting and analyzing the optical signal, optical network unit, also known as an optical line terminal which manages the optical network; fiber optical CATV transmissions equipment, namely, electric light switches, optic fibers, fiber optic cables; ISDN access adapter, telecommunication system, namely, intelligent high frequency network comprised of computer workstations telecommunication terminal equipment, namely, telephone phone, visual phone, digital enhanced cordless telecommunications (DECT) phone, mobile phone; and, digital phone; wireless local loop equipment, namely, connections for mobile subscribers to access switching systems; SPC (Stored program controlled) exchanges; cable television and internet transmitters and receivers; apparatus for communication and navigation not included on other classes; computer peripheral devices; recorded computer software; aerials; transmitters (telecommunication); video telephones; portable telephones; optical communication equipment; stored program controlled telephone switching equipment; network communication apparatus; printed circuits; integrated circuits; integrated circuits chips; wireless data cards; USB modems; wireless telephone; telephones for remote teleconference; telephone apparatus; routers; gateways; modems; central processing units; ADSL broadband accessing terminal devices and equipment; control apparatus for teleconference; set-top

boxes; materials for electricity mains (wires, cables); telephone wires; electronic chips; data processing apparatus; processors (central processing units); data transmission equipment; downloadable telephone ring; mouse (data processing equipment); magnetic disks; floppy disks; computer keyboards; computers; MCU (Multipoint Control Units) for videoconference (communication equipment); group videoconferencing endpoint (communication equipment); communication modules; photo-telegraphy apparatus; electronic notice boards; sound reproduction apparatus; lightning arresters; transparencies (photography); digital photo frames; batteries; Network access apparatus for domestic use; microphones; earphone; electronic audio books; internet access apparatus for making phone calls, accessing internet and viewing videos for domestic use; handheld e-book readers; television apparatus; mobile telephones; chargers; USB data line; headphones; integrated circuit cards; laptop computers; computer memories; recorded computer programmes (programs); couplers (data processing equipment); interfaces for computers; microprocessors; monitors (computer hardware); monitors (computer programs); optical data media; optical discs; disk drives for computers; notebook computers; megaphones; cameras; cabinets for loudspeakers; electric monitoring apparatus; video recorders; tape recorders; sound recording apparatus; camcorders; detectors; semi-conductors; low voltage power source; battery chargers; fiber optic faceplate; weak-current boxes; fiber optics panels; cable side terminal block; exchange side terminal block; electrical surge protection units; optical cable distribution frame; digital distribution frame; optical connector; copper connector; optical fiber terminal; communication cabinet; Animated cartoons; Asbestos clothing for protection against fire; Asbestos gloves for protection against accidents; Asbestos screens for firemen; Aviators (Protective suits for); Boats (Fire); Breathing apparatus for underwater swimming; Breathing apparatus, except for artificial respiration; Cabinets for loudspeakers; Cartoons (Animated); Cases (Eyeglass); Cases (Pince-nez); Cases especially made for photographic apparatus and instruments; Cases fitted with dissecting instruments (microscopy);

Chains (Eyeglass); Cleaning apparatus for phonograph records; Cleaning apparatus for sound recording discs; Clips for divers and swimmers (Nose); Clothing especially made for laboratories; Clothing for protection against accidents, irradiation and fire; Clothing for protection against fire; Coils (Holders for electric); Coin-operated gates for car parks or parking lots; Computer game programs; Computer keyboards; Computer operating programs, recorded; Computer peripheral devices; Computer programmes (programs), recorded; Computer programs (downloadable software); Computer software, recorded; Contact lenses (Containers for); Containers for contact lenses; Containers for microscope slides; Covers for electric outlets; Diver's apparatus; Divers' masks; Diving suits; Ear plugs for divers; Electric installations for the remote control of industrial operations; Electrified fences; Electronic publications, downloadable; Eyeglass cases; Eyeglass chains; Eyeglass cords; Eyeglass frames; Face-shields (Workmen's protective); Fences (Electrified); Filters for respiratory masks; Fire (Clothing for protection against); Fire beaters; Fire blankets; Fire boats; Fire engines; Fire hose nozzles; Firemen (Asbestos screens for); Furniture especially made for laboratories; Garments for protection against fire; Gates for car parks (Coin operated); Gloves for divers; Gloves for protection against accidents; Gloves for protection against X-rays for industrial purposes; Goggles for sports; Helmets (Protective); Helmets (Protective) for sports; Helmets (Riding); Holders for electric coils; Interfaces for computers; Juke boxes for computers; Kits (Hands free) for phones; Knee-pads for workers; Laboratories (Clothing especially made for); Locks, electric; Magnets; Magnets (Decorative); Masks (Divers); Masks (Protective); Masts for wireless aerials; Micrometer screws for optical instruments; Microscope slides (Containers for); Monitors (computer programs); Motor fire engines; Mouse pads; Nets (Safety); Nets for protection against accidents; Nose clips for divers and swimmers; Nozzles (Fire hose); Oxygen transvasing apparatus; Pads (Mouse); Peripheral devices (Computer); Pince-nez cases; Pince-nez chains; Pince-nez cords; Pince-nez mountings; Plotters; Programs (Computer) (downloadable software); Programs (Computer game); Programs

(Computer operating) recorded; protection devices against X-rays (Roentgen rays), not for medical purposes; Protection devices for personal use against accidents; Protective helmets; Protective helmets for sports; Protective masks; Protective suits for aviators; Publications (Electronic), downloadable; Push buttons for bells; Railway traffic safety appliances; Reflecting discs for wear, for the prevention of traffic accidents; Respirators for filtering air; Respirators, other than for artificial respiration; Respiratory masks, other than for artificial respiration; Restraints (Safety), other than for vehicle seats and sports equipment; Retorts' stands; Riding helmets; Road signs, luminous or mechanical; Roentgen rays (Protection devices against), not for medical purposes; Safety nets; Safety restraints, other than for vehicle seats and sports equipment; Safety tarpaulins; Screens for firemen (Asbestos); Shoes for protection against accidents, irradiation and fire; Signs, luminous; Software (Computer), recorded; Solderers helmets; Spark-guards; Spectacle cases; Spectacle frames; Sports (Goggles for); Sports (Protective helmets for); Stands for photographic apparatus; Steering apparatus, automatic, for vehicles; Teeth protectors; Theft prevention installations, electric; Traffic accidents (Reflecting discs, for wear, for the prevention of); Tripods for cameras; Vehicle breakdown warning triangles; Vests (Am) (Bullet-proof); Waistcoats (Bullet-proof); Warning triangles (Vehicle breakdown); Wireless aerials (Masts for); Workmen's protective face-shields; Wrist rests for use with computers; X-rays (Protection devices against), not for medical purposes; Smartphones; Laptops; Tablets; Smart Driving Recorder; Intelligent Distance Recorder; Laser Projection TV; smart audio story devices; Smart Camera; Smart Rear View Mirror; Car Charger; smart electrical outlet; Smoke Alarm; Natural Gas Alarm; Wireless Hygrometer; Smart handheld transceiver; Kitchen Electronic scales; Scales that measure body fat for domestic use; telecommunication apparatus in the form of jewellery; phone holders for cars; e-book readers; learning machines; video monitors; head-mounted video displays; car TVs; Electric and electronic video surveillance Equipment; liquid crystal projectors; self sticking monopods for smart phones or cameras; air analysis instruments; gas detectors;

audiovisual teaching instruments; speedometers for vehicles; measuring cups; gas analysis instruments; remote telemetry equipment; optical lenses; ultrasonic sensors; Sound alarms; Smoke detectors; Electric locks; Electronic anti-theft devices; Electronic anti-theft alarms; Digital door locks; 3D glasses; Mobile phone batteries; Charging devices for motor vehicles; Cartoon; Electric fences; Sunglasses; Home remote control; sensor; sleep sensor; security sensor Infrared Sensor; Temperature Sensor; Automatic Focusing Projector; Miniature Projector; Patch Panel; Security Camera Humanoid Robot with Artificial Intelligence; Intelligent Switch (Electrical); Smart Photo Printer; Mobile phones with style (decoration); TV monitor; TV with plasma display; LCD TV; HD TV; Car TV; TV receiver; Ultra HD TV; TV remote control.

Second, Third, Fourth and Fifth Earlier Marks

Class 9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching; transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; Mobile telephones; Mobile telephone handsets, USB modems, modems, data cards, computers, DPF (Digital Photo Frames), Tablet computer, digital readers, PDA (Personal Digital Assistant), wireless modem, gateway, household network terminal devices and equipment for accessing internet, ADSL (Asymmetric Digital Subscriber Line) broadband accessing terminal devices and equipment, routers, communication modules, software in communication field; computer software; Computer hardware, firmware, and software, namely computers, peripherals, computer networks and networking components, and components for managing and interconnecting telecommunications networks, for providing computer

and computer network security, and for providing network management and enhanced services development and deployment, and for managing and interconnecting multimedia, audio and video data equipment, namely, wired and wireless network interface devices, switching devices; computer software for use in the field of education, namely, for data communications among users; telecommunication equipment, namely, wireless radio frequency switches; radio transmitters and receivers for telecommunication; wireless local loop access apparatus for radio signal transmission comprised of base station controllers, antennas, subscriber units that transmit and receive signals, and network management switches for use in managing radio signals and voice transfer between subscriber terminals and local exchanges; wireless switching platforms for selection of optical channel connections for voice and signals, call processing and system maintenance; access network apparatus, namely base station controllers; directional and omni antennas; subscriber terminals; mobile phones, wireless telephones; wireless base stations, wireless antennas; transceivers for telecommunication purposes; and telecommunication trunk circuits and trunk line assemblies comprising trunk line cables and trunk line amplifiers; stored program controlled switching systems, namely, stored program controlled switching machine for use in processing the information from incoming calls to outgoing terminals in the public service telephone network; radio apparatus, namely, data, voice, and image switching equipment for mobile communications; optical telecommunications apparatus, namely, optical line terminal for use in receiving, transmitting and analyzing the optical signal, optical network unit, also known as an optical line terminal which manages the optical network; fiber optical CATV transmissions equipment, namely, electric light switches, optic fibers, fiber optic cables; ISDN access adapter, telecommunication system, namely, intelligent high frequency network comprised of computer workstations telecommunication terminal equipment, namely, telephone phone, visual phone, digital enhanced cordless telecommunications (DECT) phone, mobile phone; and, digital phone; wireless local loop equipment, namely, connections for mobile

subscribers to access switching systems; SPC (Stored program controlled) exchanges; cable television and internet transmitters and receivers; apparatus for communication and navigation not included on other classes; computer peripheral devices; recorded computer software; aerials; transmitters (telecommunication); video telephones; portable telephones; optical communication equipment; stored program controlled telephone switching equipment; network communication apparatus; printed circuits; integrated circuits; integrated circuits chips; wireless data cards; USB modems; wireless telephone; telephones for remote teleconference; telephone apparatus; routers; gateways; modems; central processing units; ADSL broadband accessing terminal devices and equipment; control apparatus for teleconference; set-top boxes; materials for electricity mains (wires, cables); telephone wires; electronic chips; data processing apparatus; processors (central processing units); data transmission equipment; downloadable telephone ring; mouse (data processing equipment); magnetic disks; floppy disks; computer keyboards; computers; MCU (Multipoint Control Units) for videoconference (communication equipment); group videoconferencing endpoint (communication equipment); communication modules; photo-telegraphy apparatus; electronic notice boards; sound reproduction apparatus; lightning arresters; transparencies (photography); digital photo frames; batteries; Network access apparatus for domestic use; microphones; earphone; electronic audio books; internet access apparatus for making phone calls, accessing internet and viewing videos for domestic use; handheld e-book readers; television apparatus; mobile telephones; chargers; USB data line; headphones; integrated circuit cards; laptop computers; computer memories; recorded computer programmes (programs); couplers (data processing equipment); interfaces for computers; microprocessors; monitors (computer hardware); monitors (computer programs); optical data media; optical discs; disk drives for computers; notebook computers; megaphones; cameras; cabinets for loudspeakers; electric monitoring apparatus; video recorders; tape recorders; sound recording apparatus; camcorders; detectors; semi-conductors; low

voltage power source; battery chargers; fiber optic faceplate; weak-current boxes; fiber optics panels; cable side terminal block; exchange side terminal block; electrical surge protection units; optical cable distribution frame; digital distribution frame; optical connector; copper connector; optical fiber terminal; communication cabinet; Animated cartoons; Asbestos clothing for protection against fire; Asbestos gloves for protection against accidents; Asbestos screens for firemen; Aviators (Protective suits for); Boats (Fire); Breathing apparatus for underwater swimming; Breathing apparatus, except for artificial respiration; Cabinets for loudspeakers; Cartoons (Animated); Cases (Eyeglass); Cases (Pince-nez); Cases especially made for photographic apparatus and instruments; Cases fitted with dissecting instruments (microscopy); Chains (Eyeglass); Cleaning apparatus for phonograph records; Cleaning apparatus for sound recording discs; Clips for divers and swimmers (Nose); Clothing especially made for laboratories; Clothing for protection against accidents, irradiation and fire; Clothing for protection against fire; Coils (Holders for electric); Coin-operated gates for car parks or parking lots; Computer game programs; Computer keyboards; Computer operating programs, recorded; Computer peripheral devices; Computer programmes (programs), recorded; Computer programs (downloadable software); Computer software, recorded; Contact lenses (Containers for); Containers for contact lenses; Containers for microscope slides; Covers for electric outlets; Diver's apparatus; Divers' masks; Diving suits; Ear plugs for divers; Electric installations for the remote control of industrial operations; Electrified fences; Electronic publications, downloadable; Eyeglass cases; Eyeglass chains; Eyeglass cords; Eyeglass frames; Face-shields (Workmen's protective); Fences (Electrified); Filters for respiratory masks; Fire (Clothing for protection against); Fire beaters; Fire blankets; Fire boats; Fire engines; Fire hose nozzles; Firemen (Asbestos screens for); Furniture especially made for laboratories; Garments for protection against fire; Gates for car parks (Coin operated); Gloves for divers; Gloves for protection against accidents; Gloves for protection against X-rays for industrial purposes; Goggles for sports; Helmets (Protective); Helmets (Protective) for sports;

Helmets (Riding); Holders for electric coils; Interfaces for computers; Juke boxes for computers; Kits (Hands free) for phones; Knee-pads for workers; Laboratories (Clothing especially made for); Locks, electric; Magnets; Magnets (Decorative); Masks (Divers); Masks (Protective); Masts for wireless aerials; Micrometer screws for optical instruments; Microscope slides (Containers for); Monitors (computer programs); Motor fire engines; Mouse pads; Nets (Safety); Nets for protection against accidents; Nose clips for divers and swimmers; Nozzles (Fire hose); Oxygen transvasing apparatus; Pads (Mouse); Peripheral devices (Computer); Pince-nez cases; Pince-nez chains; Pince-nez cords; Pince-nez mountings; Plotters; Programs (Computer) (downloadable software); Programs (Computer game); Programs (Computer operating) recorded; protection devices against X-rays (Roentgen rays), not for medical purposes; Protection devices for personal use against accidents; Protective helmets; Protective helmets for sports; Protective masks; Protective suits for aviators; Publications (Electronic), downloadable; Push buttons for bells; Railway traffic safety appliances; Reflecting discs for wear, for the prevention of traffic accidents; Respirators for filtering air; Respirators, other than for artificial respiration; Respiratory masks, other than for artificial respiration; Restraints (Safety), other than for vehicle seats and sports equipment; Retorts' stands; Riding helmets; Road signs, luminous or mechanical; Roentgen rays (Protection devices against), not for medical purposes; Safety nets; Safety restraints, other than for vehicle seats and sports equipment; Safety tarpaulins; Screens for firemen (Asbestos); Shoes for protection against accidents, irradiation and fire; Signs, luminous; Software (Computer), recorded; Solderers helmets; Spark-guards; Spectacle cases; Spectacle frames; Sports (Goggles for); Sports (Protective helmets for); Stands for photographic apparatus; Steering apparatus, automatic, for vehicles; Teeth protectors; Theft prevention installations, electric; Traffic accidents (Reflecting discs, for wear, for the prevention of); Tripods for cameras; Vehicle breakdown warning triangles; Vests (Am) (Bullet-proof); Waistcoats (Bullet-proof); Warning triangles (Vehicle breakdown); Wireless aerials (Masts for); Workmen's

protective face-shields; Wrist rests for use with computers; X-rays (Protection devices against), not for medical purposes; Smartphones; Laptops; Tablets; Smart Driving Recorder; Intelligent Distance Recorder; Laser Projection TV; smart audio story devices; Smart Camera; Smart Rear View Mirror; Car Charger; smart electrical outlet; Smoke Alarm; Natural Gas Alarm; Wireless Hygrometer; Smart handheld transceiver; Kitchen Electronic scales; Scales that measure body fat for domestic use; telecommunication apparatus in the form of jewellery; phone holders for cars; e-book readers; learning machines; video monitors; head-mounted video displays; car TVs; Electric and electronic video surveillance Equipment; liquid crystal projectors; self sticking monopods for smart phones or cameras; air analysis instruments; gas detectors; audiovisual teaching instruments; speedometers for vehicles; measuring cups; gas analysis instruments; remote telemetry equipment; optical lenses; ultrasonic sensors; Sound alarms; Smoke detectors; Electric locks; Electronic anti-theft devices; Electronic anti-theft alarms; Digital door locks; 3D glasses; Mobile phone batteries; Charging devices for motor vehicles; Cartoon; Electric fences; Sunglasses; Home remote control; sensor; sleep sensor; security sensor Infrared Sensor; Temperature Sensor; Automatic Focusing Projector; Miniature Projector; Patch Panel; Security Camera Humanoid Robot with Artificial Intelligence; Intelligent Switch (Electrical); Smart Photo Printer; Mobile phones with style (decoration); TV monitor; TV with plasma display; LCD TV; HD TV; Car TV; TV receiver; Ultra HD TV; TV remote control; smart band; smartwatch.