

O-189-22

TRADE MARKS ACT 1994
IN THE MATTER OF
TRADE MARK APPLICATION NO. 3545190
BY HANGZHOU HUACHENG NETWORK TECHNOLOGY CO., LTD.
TO REGISTER

imoU

AS A TRADE MARK IN CLASS 9

AND

OPPOSITION THERETO

UNDER NO. 423462

BY IMO PRECISION CONTROLS LIMITED

Background and pleadings

1. On 17 October 2020, Hangzhou Huacheng Network Technology Co.,Ltd. (“the applicant”) applied to register the trade mark shown on the cover page of this decision.
2. The application was published for opposition purposes on 4 December 2020 for the following goods:

Class 9 Video recorders; camcorders; cameras [photography]; Memory cards; Car video recorders; Rearview cameras for vehicles; Wireless routers; network routers; Web servers; Electronic memories devices; Secure Digital (SD) Memory Cards; Switches, electric; Remote controls; Lighting control apparatus; Fire alarms; Sound alarms; Whistle alarms; Buzzers; Sensors; Hygrometers; Detectors; Locks, electric; Computer Software, recorded; Downloadable mobile applications; Electric door bells; baby monitors; Theft prevention installations, electric; Movable sockets [electric connections]; USB cables; Charging appliances for rechargeable equipment; Infrared detectors. All the forgoing for smart home security use only.

3. IMO Precision Controls Limited (“the opponent”) filed a notice of opposition on 4 March 2021. The opposition is based upon sections 5(2)(b), 5(3) and 5(4)(a) of the Trade Marks Act 1994 (“the Act”) and directed against all the goods in the application. For its claims under sections 5(2)(b) and 5(3), the opponent relies upon all the goods covered by the following United Kingdom (“UK”) and European Union (“EU”) trade marks:

Mark 1: IMO

UK registration no. 1491359

Filing date: 15 February 1992

Registration date: 23 January 1998

Goods:

Class 7 Variable speed drives for motors and starters for motors and parts and fittings therefor; all included in Class 7.

Class 9 Motor control equipment, alternating current drives, inverters, motor controllers, relays, sockets, electronic timers, counters, meters, volt meters, ammeters, frequency meters, temperature controllers; control panels, switch boxes; switches; photo electric switches, proximity switches, limit switches; level controllers, programmable controllers, computers, computer programmes, connectors, opto electronic devices, fuses and fuse-holders, sounders and sound transducers; parts and fittings for all the aforesaid goods; but not including meters for fluids.

Mark 2: IMO¹

EU registration no. 678110

Filing date: 13 November 1997

Registration date: 18 April 2002

Goods:

Class 7 Variable speed drives for motors and starters for motors; motors (standard and geared) and parts and fittings thereof; all included in class 7; all the aforementioned goods not intended for installation in fully automatic car washers.

Class 9 Electronic and electrical apparatus all for controlling machines, machine tools, robots and industrial processes; data terminals; programming devices; electrical and electronic drives and controls, motor control equipment, alternating current drives, inverters, drivers, motor controllers, relays, sockets, electronic timers, counters, meters, volt meters, ammeters, frequency meters, temperature controller; control panels, switch boxes;

¹ Although the UK has left the EU and the transition period has now expired, EUTMs are still relevant in these proceedings given the impact of the transitional provisions of The Trade Marks (Amendment etc.) (EU Exit) Regulations 2019, SI 2019 No. 269, Schedule 5. Further information is provided in Tribunal Practice Notice 2/2020.

switches; photo electric switches, proximity switches, limit switches; level controllers, programmable controllers, computers, computer programmes, connectors, opto electric devices, fuses and fuse holders, sounders and sound transducers; parts and fittings for all the aforesaid goods; all the aforementioned goods not intended for installation in fully automatic car washers.

4. Given their filing dates, all of above marks are earlier trade marks in accordance with section 6 of the Act. Although a statement was made in the notice of opposition that the earlier marks had been used in relation to all the goods covered by those registrations, the applicant chose not to put the opponent to proof of use.
5. The opponent claims that the goods in the application are identical or highly similar to the goods covered by the earlier marks and that the marks are highly similar. As a consequence, the opponent claims that there is a likelihood of confusion, including a likelihood of association, under section 5(2)(b).
6. Under section 5(3), the claim is that the use of the applicant's mark would, without due cause, take unfair advantage of the reputation of the earlier marks by enjoying increased publicity and sales without the need to invest significantly in the promotion of its trade mark. The opponent further claims that the use of the applicant's mark would be detrimental to its reputation if goods of lesser quality than its own goods were sold under the contested mark. The opponent also claims that use of the applicant's mark would be detrimental to the distinctive character of the opponent's mark. The basis of this claim is that due to the link the consumer establishes between the marks, the ability of the opponent's mark to denote goods emanating from the opponent will be reduced.
7. Under section 5(4)(a), the opponent claims goodwill in the sign IMO. The opponent further claims that it first used the sign as early as 1972 in relation to the goods listed in the Annex to this decision. Consequently, the opponent

submits that it is entitled to prevent the use of the contested mark under the law of passing off.

8. The applicant filed a counterstatement denying the grounds of opposition.
9. The opponent is represented by Dechert LLP and the applicant is represented by IPEY Limited. Both parties filed evidence and written submissions. I will summarise the evidence to the extent it is necessary. I make this decision after a careful reading of all the papers filed by the parties.
10. 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 upon in these proceedings are derived from an EU Directive. That is why this decision continues to refer to EU trade mark law.

Evidence

11. The opponent's evidence comes in the form of a witness statement by Fausto Furlotti dated 6 August 2021, together with five exhibits. Mr Furlotti is the Chief Executive of the opponent company, a position he has held since May 2009.
12. Mr Furlotti states that the opponent was founded in the UK in 1972 and manufactures and sells a range of hardware, electronic components, systems and infrastructure. Mr Furlotti's evidence is that the opponent has offices and distributors in the UK and the EU, including France and Italy.²
13. Exhibit FF1 consists of several web pages obtained from the web archive, which shows web pages as they appeared from 1999 to 2020. The opponent's website is available in English, French, German, Italian and Spanish. The website allows the customers to select the currency in pounds and Euros. The pages show various products available on the website. The mark IMO is seen throughout the web pages. A few examples from the exhibit are shown below:

² Exhibits FF1 and FF2



My Basket | £ | € | \$US | \$CA

Product Catalogue

- Automation
- Panel Products
- Drives
- Electronics
- Solar
- Point of Sale
- My Basket
- PDF Catalogues
- Product Spotlights

Product search

Search

 Inverter Drives	 All-in-one Controllers	 PLCs	 HMIs
 Solar Cube	 Intelligent Relays	 Remote I/O	 Power Supplies
 MCB / RCD	 PID Controllers	 Din Rail Terminals	 Panel Mount Terminals















My Basket | £ | € | \$US | \$CA

Product Catalogue

- Automation
- Panel Products
- Drives
- Electronics
- Solar
- Point of Sale
- My Basket
- PDF Catalogues
- Product Spotlights

Product search

Search

 Solar Isolators	 Automation	 Contactors	 Din Rail
 Din Terminals	 DOL Starters	 Enclosures	 Foot Switches
 Isolators	 Overloads	 Pilot Lights	 Push Buttons

1/9/2020

IMO Precision Controls - Product Catalogues



My Basket | £ | € | \$US | \$CA

Product Catalogue


- Automation
- Panel Products
- Drives
- Electronics
- Solar
- Point of Sale
- My Basket
- PDF Catalogues
- Product Spotlights

Product search

Search

 Inverter Drives	 All-in-one Controllers	 PLCs	 HMIs
 Solar Cube	 Intelligent Relays	 Remote I/O	 Power Supplies
 MCB / RCD	 PID Controllers	 Din Rail Terminals	 Panel Mount Terminals




14. Copies of catalogues, for example, wholesale and Point of Sale catalogues from 2017 – 2019, are in evidence.³ As per the description provided in the Point of Sale catalogue, the opponent’s products can be found in over 600 trade counters in the UK. Mr Furlotti’s evidence is that hardcopies of the catalogues are distributed to customers by direct mailing or by the opponent’s sales personnel. The mark IMO is seen throughout the pages as well on some of the products themselves. Some of the pages from the catalogues are shown below:

THE FUTURE *IN CONTROL* 

IP66 Panel Mount Temperature Controllers
Multi-selectable inputs including Thermocouple, RTD, Current & Voltage

TP20A PID Controller




48 x 24 x 110mm


Part Number	Description	Price
TP20A-AM240	4-20mA Output 85-264VAC Supply	£148.63
TP20A-RM240	Relay Output 85-264VAC Supply	£148.61

TP40B PID Controller

48 x 48 x 110mm




Part Number	Description	Price
TP40B-AM240	4-20mA Output 85-264VAC Supply	£155.00
TP40B-AM24DC	4-20mA Output 20-28VAC/DC Supply	£155.00

THE FUTURE *IN CONTROL* 

Proximity Sensors
Shielded & Unshielded, Standard & Long Sensing Range Versions

Standard Distance PB Sensors



IP67 Rated, LED Indication
M12 Plug Exit

Part Number	Description	Price
Shielded Type		
PB0801/DSAP-H	M8 PNP 1.5mm Range 66mm Length	£29.41
PB1202/DSAP-H	M12 PNP 2mm Range 71mm Length	£17.46
PB1805/DSAP-H	M18 PNP 5mm Range 62mm Length	£29.41
PB3011/DSAP-H	M30 PNP 10mm Range 68mm Length	£36.38

Long Distance PB Sensors

IP67 Rated, LED Indication
M12 Plug Exit


Part Number	Description	Price
Shielded Type		
PB0801/DSAP-H	M8 PNP 2mm Range 66mm Length	£29.41
PB1204/DSAP-H	M12 PNP 4mm Range 65mm Length	£29.58
PB1808/DSAP-H	M18 PNP 8mm Range 62mm Length	£31.21
PB3015/DSAP-H	M30 PNP 15mm Range 68mm Length	£53.13

³ Exhibit FF2

The NEW Point of Sale catalogue is now available. Please contact IMO to place your order.

If you would like an IMO Point of Sale merchandising stand in your trade counter, please contact our POS Team on 020 8452 6444 for more information.

IMO proudly support our wholesale partners, and can supply a range of promotional marketing materials to compliment your offering, including dual-aspect counter mats, posters, flyers & window stickers, and can even white label printed materials to include your company logo.



OFTEN COPIED... **NEVER EQUALLED**



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15. According to Mr Furlotti, the opponent's global revenue in the year ending 30 April 2020 was £19,854,445. Mr Furlotti further states that a significant proportion of the opponent's revenue comes from the EU and the UK. He also provides the following breakdown figures for the EU and UK:

Year	Total Revenue (worldwide) (£) (Year to 30 April)	Total EU (inc. UK) Revenue (£)	UK Revenue (£)
2015	20,596,361	13,942,596	8,537,530
2016	19,006,994	12,988,685	7,836,847
2017	15,855,793	11,259,046	6,522,606
2018	18,791,113	11,676,131	6,818,501
2019	17,959,878	11,647,794	7,070,610

16. Mr Furlotti states that the mark is promoted in the EU and the UK through social and print media and trade fairs.⁴ The trade fairs and exhibitions the opponent has attended includes Intersolar exhibition held in Germany in 2018, which Mr Furlotti claims to be a leading exhibition for the solar industry.

Confidentiality

17. The opponent sought an order to keep the sales figures contained in Exhibit FF4 confidential from public inspection. The exhibit contains a number of sample invoices from 2017-2020. The opponent has redacted some parts of the recipient's details, the quantity of products sold and their unit price from the invoices. The invoices show the sale of a range of products, including SD memory cards, programming cables, alarm bells, switches and flash memory modules to recipients based in the UK, Ireland and France. The invoices show the opponent's name and the mark IMO. The basis of the opponent's request for a confidentiality order was that the sales figures contained in the invoices contained sensitive information and should, therefore, be kept confidential from public inspection. The registry granted the opponent's request and issued a Confidentiality Order dated 28 September 2021. This decision does not refer to any of the confidential information contained in the opponent's evidence.

⁴ Exhibit FF5

Applicant's evidence

18. The applicant's evidence consists of a witness statement of Xie Yun, dated 28 October 2021, together with two exhibits. Mr Yun states that he is the director of the applicant company, a position he has held for 3 years. Mr Yun states that the company has used the contested mark on a substantial scale in the UK since 20 January 2019 in relation to a range of home security devices such as video recorders, locks and infrared detectors.

19. Mr Yun estimates a turnover of £340,000 in 2019 and £690,000 in 2020. However, it is not clear whether these figures relate to the revenue generated in relation to the use of the contested mark in the UK.

20. Mr Yun states that the opponent's products received substantial press coverage in various online publications.⁵ Pages from goodhousekeeping.com dated April 2020 and mobiletechtalk.com dated 30 July 2019 are in evidence. The extract from techadvisor.co.uk is undated. The pages show the use of the mark in relation to security cameras. However, in the absence of viewership data, I cannot ascertain how many customers or potential customers have come across those online publications.

21. Mr Yun claims that the opponent's products were displayed at the IFSEC exhibition in the UK in 2019. Photographs from an exhibition showing what appear to be security cameras bearing the contested mark are in evidence.⁶ Once again, in the absence of information such as the purpose of the exhibition, the number of exhibitors or visitors, I cannot ascertain the reach of the mark among the potential customers.

22. That concludes my summary of the evidence insofar as I consider it necessary.

Section 5(2)(b)

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

⁵ Exhibit HHNT-1

⁶ Exhibit HHNT-2

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

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

Case law

24. The following principles are gleaned from the judgments 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 C3/03, *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.

The principles:

(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 the 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 greater degree of similarity between the marks, and vice versa;

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

(i) mere association, in the strict sense that the later mark brings to mind the earlier mark, 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 will wrongly believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods

25. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account. In *Canon*, the Court of Justice of the European Union (“CJEU”) stated at paragraph 23 of its judgment:

“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”.

26. Guidance on this issue has also come from Jacob J. (as he then was) in *British Sugar Plc v James Robertson & Sons Ltd* (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.

27. 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 General Court (“GC”) stated that ‘complementary’ means:

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

28. In *Gérard Meric v OHIM*, the General Court held that goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by the trade mark application - and vice versa.⁷

29. I will first compare the applicant’s goods with the opponent’s goods in Class 9 covered by the earlier mark registered in the UK.

Applicant’s goods	Opponent’s goods
Class 9: Video recorders; camcorders; cameras [photography]; Memory cards; Car video recorders; Rearview cameras for vehicles; Wireless routers; network routers; Web servers; Electronic memories devices; Secure Digital (SD) Memory Cards; Switches, electric; Remote controls; Lighting control apparatus; Fire alarms; Sound	Class 9: Motor control equipment, alternating current drives, inverters, motor controllers, relays, sockets, electronic timers, counters, meters, volt meters, ammeters, frequency meters, temperature controllers; control panels, switch boxes; switches; photo electric switches, proximity switches, limit switches; level controllers, programmable

⁷ case T-133/05

alarms; Whistle alarms; Buzzers; Sensors; Hygrometers; Detectors; Locks, electric; Computer Software, recorded; Downloadable mobile applications; Electric door bells; baby monitors; Theft prevention installations, electric; Movable sockets [electric connections]; USB cables; Charging appliances for rechargeable equipment; Infrared detectors. All the forgoing for smart home security use only.	controllers, computers, computer programmes, connectors, opto electronic devices, fuses and fuse-holders, sounders and sound transducers; parts and fittings for all the aforesaid goods; but not including meters for fluids.
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Memory cards; Electronic memories devices; Secure Digital (SD) Memory Cards; USB cables; Charging appliances for rechargeable equipment

30. The applicant's goods mentioned above are computer accessories. They are, therefore, identical under the *Meric* principle to parts and fittings of computers covered by the opponent's specification.

Web servers

31. As I understand it, web servers are computers that store web contents. On that basis, I find that the applicant's web servers are identical to computers covered by the opponent's specification under the *Meric* principle.

Switches, electric

32. The term switches are identically contained in both specifications.

Remote controls; Lighting control apparatus

33. The opponent claims that remote controls and lighting control apparatus in the application are identical to control panels in the opponent's specification as all those goods are used to control something such as a device or system. According to *Oxford English Dictionary* ("OED"), a control panel is a board or panel incorporating controls for the operation of a machine or appliance.⁸ To my understanding, remote controls and lighting control apparatus are also available in the form of panels that contain a mechanism to operate other devices. On that basis, I find that the applicant's goods fall within the broad category of control panels. The goods are, therefore, identical under the *Meric* principle.

Electric door bells; Fire alarms; Sound alarms; Whistle alarms; Buzzers

34. The opponent claims that the applicant's goods mentioned above are identical to sounders in the opponent's specification. *OED* defines the term sounders as a device or instrument which gives a signal, etc., by sounding; also, the signal so given.⁹ Electric door bells, fire alarms, sound and whistle alarms and buzzers in the application are signalling devices that provide an audible warning. As all of the applicant's goods are devices that give signals by sounding, I find that the applicant's goods are identical to sounders in the opponent's specification under the *Meric* principle.

Hygrometers

35. A hygrometer is a type of meter that specifically measures humidity.¹⁰ On that basis, I find that the applicant's hygrometers are identical to meters in the opponent's specification under the *Meric* principle.

Sensors; detectors, infrared detectors

⁸ <https://www.oed.com/view/Entry/40562?redirectedFrom=control+panel#eid8252845> [Accessed on 8 February 2022].

⁹ <https://www.oed.com/view/Entry/185142?rsk=Uck5&result=4&isAdvanced=false#eid> [Accessed on 8 February 2022].

¹⁰ [oed.com/view/Entry/90151?redirectedFrom=hygrometer#eid](https://www.oed.com/view/Entry/90151?redirectedFrom=hygrometer#eid) [Accessed on 8 February 2022]

36. The opponent argues that opto-electronic devices in its specification are electronic devices that emit and/or detect light for a variety of applications. The opponent further submits that the term includes light detectors (including infrared detectors) and light sensors and therefore overlaps with, and is identical to, the terms sensors, detectors and infrared detectors. I agree. Optoelectronic devices covers optoelectrical sensors and detectors and, therefore, the goods are identical under the *Meric* principle.

Theft prevention installations, electric

37. The term switches in the opponent's specification is broad enough to include infrared sensor switches, a type of anti-theft installation. On that basis, I find that the applicant's theft prevention installations, electric are identical to switches in the opponent's specification under the *Meric* principle.

Computer Software, recorded; Downloadable mobile applications

38. Computer software, recorded and downloadable mobile applications are computer programmes covered by the opponent's specification. The competing goods are, therefore, identical.

Movable sockets [electric connections]

39. These goods are identical to sockets in the opponent's specification under the *Meric* principle.

Wireless routers; network routers

40. Wireless routers and network routers are computer hardware devices that communicate between computers and the internet. These goods share channels of trade and users with computers covered by the opponent's specification. The goods are complementary in the sense that routers are important to connect computers to the internet and the average consumer is likely to think that the goods originate from the same source. The goods,

however, do not compete, nor do they share nature and purpose. Considering all these factors, I find that the goods are similar to a medium degree.

Locks, electric;

41. The opponent submits that the applicant's electric locks are similar to switches covered by the opponent's specification as the goods are complementary and coincide in distribution channels and end-users. To my understanding, the term switches in the opponent's specification covers key lock switches. Key switches share a purpose with electric locks in the sense that both goods are used as security devices to control access to properties. The goods are likely to compete and share channels of trade. However, I do not consider that the goods are complementary in the sense described by the case law. Considering all these factors, I find that the goods are similar to a medium degree.

Video recorders; camcorders; cameras [photography]; Car video recorders; Rearview cameras for vehicles; baby monitors

42. The opponent claims the above-mentioned goods in the applicant's specification are complementary to computers covered by the opponent's specification. As I understand it, the applicant's goods are various types of cameras, monitors and recorders that may be connected to a computer to record or monitor images or data. Therefore, the link between the competing goods creates a complementary relationship in the sense that one is important for the use of the other and the average consumer may expect that the goods originate from the same undertaking. The goods are also likely to share channels of trade. The users are the same. Considering these factors, I find that the competing goods are similar to a medium degree.

43. As there is an overlap in the specifications covered by the two earlier marks, I would have arrived at a similar conclusion in respect of the opponent's EU trade mark. Therefore, a separate assessment of the identity/similarity of the goods based on the opponent's EU trade mark is unnecessary.

The average consumer and the nature of the purchasing act

44. It is necessary for me to determine who the average consumer is for the respective parties' goods.

45. 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”.

46. The average consumer of the applicant's and the opponent's goods includes the general public and business users. The goods will be selected primarily by visual means, after research conducted on websites, from brochures, catalogues, or through a procurement process possibly involving tendering in the case of business users. There may also be an aural aspect to the purchase if advice is sought from sales representatives or other businesses. The price range of the goods vary; for example, sockets and fuses are less expensive than computers. Similarly, the level of attention paid to the purchase process of goods in the respective specifications is also likely to vary. The general public is likely to pay a fairly high degree of attention to the purchase of goods for home security purposes such as theft prevention installations. However, in my view, goods such as memory cards are likely to attract only a medium degree of attention. Likewise, the level of attention paid to the purchase of switches is likely to be less than the purchase of programmable controllers. The business users of the applicant's and the opponent's goods are likely to pay attention to

details such as the business needs, the technological interface, the functionalities, or costs which, in my view, are likely to be important business decisions. Therefore, the level of attention paid will be fairly high by business users.

Distinctiveness of the earlier mark

47. The distinctive character of the earlier mark must be considered. The more distinctive it is, either inherently or through use, the greater the likelihood of confusion (*Sabel BV v Puma AG*). In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

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

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

48. The opponent's mark consists of three letters IMO. The applicant admits that the earlier mark is invented but goes on to argue that it has been used recently as shorthand for "in my opinion". I am of the view that some average consumers are likely to recognise IMO as an abbreviation for the words "in my opinion". At the same time, there may be another group who are likely to see it as an invented letter combination. In any event, the term is not allusive or suggestive of the opponent's goods. On that basis, I find that the earlier mark is inherently distinctive to a medium degree.

49. The opponent claims its mark has gained an enhanced distinctive character through use. The evidence shows long-standing use of the mark in relation to goods across the breadth of the specification; the use of the goods such as control units, switches and sensors dates back to 2007. The evidence also indicates that the opponent has generated substantial revenue in the UK during the five years ending 2019; the income generated amounted to over 36 million pounds. The products are also used in a range of industries such as metal, plastic, automotive, packing and lifting.¹¹ Its control units are used in a wide range of specialist vehicles, including the UK police vehicles.¹² The evidence also shows that the opponent's products are targeted at the wholesale market, corporate customers as well as individual end-users based in different locations in the UK such as Manchester, Suffolk and Kent. The opponent's clients include, *inter alia*, Airbus, Honeywell, Ford and Tesco.¹³ The mark is promoted through exhibitions and widely used on social and print media, for example, LinkedIn and magazines. Considering all these factors, I am of the view that the distinctive character of the opponent's mark in relation to its goods in Class 9 has been enhanced through use to a high degree.

Comparison of marks

50. 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

¹¹ Exhibit FF1, page 20

¹² FF5, page 8



¹³ Exhibit FF2, page 62

proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

51. It would be wrong, therefore, artificially to 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.

52. The trade marks to be compared are as follows:

Applicant's trade mark	Opponent's trade mark
	

53. There is a disagreement between the parties on how the average consumer would see the last character in the applicant's mark. The applicant submits that the final character in the mark is represented as a letter u with an umlaut above it (i.e. "ü"). The opponent, however, argues that that character would be seen as a generic depiction of a smiley face or a magnet. I think that some average consumers are likely to see it as a letter U, either with an umlaut or with two equal-sized cut marks on the parallel sides. I also think that another group of consumers may see it as a smiley face or a magnet. However, as the final

character is presented along with and in the same size as the letters i-m-o, it is far more likely for a significant proportion of the average consumers to see it as a letter u. Irrespective of how the final character is seen, the combination of all the elements constitutes the overall impression of the applicant's mark.

54. The overall impression and the distinctiveness of the opponent's marks lie in the letters IMO.

55. I now turn to the visual comparison of the marks. The applicant makes the following submissions:

“It is accepted in case law that when comparing short marks, the difference of a single letter can be sufficient to distinguish them. Reference is made to *Inter-Ikea Systems BV v Office of Harmonization of Internal Market (Trade Marks and Designs) (OHIM) case T-112/06*, in which the court concluded that the words IKEA and IDEA were visually dissimilar. Therefore, the earlier and later marks are visually different.”

56. I disagree with the applicant that there is a general principle applicable in case of “short” marks. In this regard, I refer to the appeal decision in the *Bosco* case¹⁴. In that case, the appellants referred to the General Court decision in *El Corte Ingles* T-241/16 in which the marks ‘WE’ and ‘EW’ (figurative) were compared, and the UKIPO decision in *TSS FACILITIES* O236-18 where the marks in question were the figurative marks shown below:



Addressing the appellant's proposition that there is a special test for “short” marks, James Mellor QC acting as the Appointed Person held:

¹⁴ O-301-20

“In my view, it is clear that none of these cases establish any sort of special test for short marks. The point is a common sense one – that if marks differ e.g. by one letter, the difference may have a greater impact in marks which consists of two letters than four etc. But every comparison must be conducted according to the approach laid down in the CJEU case law and every comparison will depend on its own facts.”

57. As noted by the Appointed Person, each case turns out on its own facts. The IKEA v IDEA case, the applicant refers to, concerns completely different marks and so the Court’s conclusions on the comparison of those marks cannot be transposed to the assessment in the current proceedings. To my understanding, the Court, in the IKEA case, did not lay down any new principle that I must follow in comparing marks.

58. On the facts of the present case, the respective marks consist of four and three letters. The coinciding three letters constitute the entirety of the opponent’s mark and are present at the beginning of the applicant’s mark. In terms of differences, the applicant’s mark ends with a letter u. Considering these factors and my assessment of the overall impression of the marks, I find that the marks are visually similar to a fairly high degree.

59. I now turn to the aural comparison. The opponent’s mark would be pronounced as three separate letters – I-M-O. The applicant argues that due to the presence of an umlaut above the letter u, the average consumer would pronounce the applicant’s mark as “immu”. An umlaut is commonly used in German to modify a letter’s pronunciation. Although German is taught in the UK, in the absence of evidence, it does not appear that the average consumer would be familiar with how an umlaut would modify the pronunciation of letters. Therefore, the consumer is likely to ignore its presence and pronounce the letters conventionally. On that basis, I find that the applicant’s mark would be pronounced as separate letters – I-M-O-U. In any event, the first three letters among the four letters that constitute the applicant’s mark would be pronounced identically to the opponent’s mark. On that basis, I find that the marks are aurally similar to a fairly high degree.

60. I now turn to the conceptual comparison. The letters IMOU in the applicant's mark do not convey any meaning to the average consumer. As mentioned earlier in the decision, the opponent's mark would be seen as an either invented word with no meaning or abbreviation for "in my opinion". Where the average consumer perceives the opponent's mark as invented, the conceptual position is neutral. However, if the opponent's mark is perceived as an abbreviation, I find that the marks are dissimilar.

Likelihood of confusion

61. The applicant submits that it has used the mark over a substantial period in the UK on a range of goods without any confusion. This line of argument is often raised in trade mark proceedings, however, they are rarely persuasive. In *Compass Publishing BV v Compass Logistics Ltd* Laddie J. noted:

"22. It is frequently said by trade mark lawyers that when the proprietor's mark and the defendant's sign have been used in the market place but no confusion has been caused, then there cannot exist a likelihood of confusion under Article 9.1(b) or the equivalent provision in the Trade Marks Act 1994 ("the 1994 Act"), that is to say s. 10(2). So, no confusion in the market place means no infringement of the registered trade mark. This is, however, no more than a rule of thumb. It must be borne in mind that the provisions in the legislation relating to infringement are not simply reflective of what is happening in the market. It is possible to register a mark which is not being used. Infringement in such a case must involve considering notional use of the registered mark. In such a case there can be no confusion in practice, yet it is possible for there to be a finding of infringement. Similarly, even when the proprietor of a registered mark uses it, he may well not use it throughout the whole width of the registration or he may use it on a scale which is very small compared with the sector of trade in which the mark is registered and the alleged infringer's use may be very limited also. In the former situation, the court must consider notional use extended to the full width of the classification of goods or services. In the latter it must consider

notional use on a scale where direct competition between the proprietor and the alleged infringer could take place.

23. This is of significance in this case because, as noted above, there is no suggestion that there has been any confusion in the market place between the activities of the Defendant under the sign “COMPASS LOGISTICS” and the Claimant, or any other member of the Compass Group, under the mark “COMPASS”. Mr Wyand relies on this as being a good indication that there is no likelihood of confusion. But in my view Mr Purvis is right when he argues that the question of infringement has to be answered by assessing the likelihood of confusion were the Claimant to use the mark “COMPASS” in a normal way in respect of all services covered by the registration, including for business consultancy services in the field of logistics, that is to say the same specialist field the Defendant operates in.”

62. A similar point was also made by the Court of Appeal in *The European Limited v The Economist Newspaper Ltd* in which Millett L.J. stated that:

“Absence of evidence of actual confusion is rarely significant, especially in a trade mark case where it may be due to differences extraneous to the plaintiff's registered trade mark.”

63. There could be many reasons for the absence of evidence of likelihood of confusion. The applicant's evidence only shows the use of the mark in relation to security cameras. As mentioned earlier, it is also not clear if the turnover figures referred to in Mr Yun's statement relate to those generated in relation to the use of the mark in the UK. Therefore, I am unable to assess to what extent the applicant has used its mark and on which goods. It is, therefore, plausible that the consumers may have not yet been exposed to concurrent use of the marks.

64. I now proceed to the assessment of likelihood of confusion. In the notional assessment I undertake to determine whether there is a likelihood of confusion,

I need to bear in mind several factors. The first is the interdependency principle, i.e. a lesser degree of similarity between the respective goods may be offset by a greater degree of similarity between the trade marks, and vice versa (*Canon* at [17]). It is also necessary for me to bear in mind the distinctive character of the opponent's trade mark, as the more distinctive the trade mark is, the greater the likelihood of confusion (*Sabel* at [24]). I must also keep in mind the average consumer for the goods, the nature of the purchasing process and the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks, relying instead upon the imperfect picture of them they have retained in mind (*Lloyd Schuhfabrik* at [26]).

65. Confusion can be direct (which occurs when the average consumer mistakes one mark for the other) or indirect (where the average consumer realises the marks are not the same but puts the similarity that exists between the marks/goods down to the responsible undertaking being the same or related).

66. The difference between direct and indirect confusion was explained in *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, by Iain Purvis Q.C., sitting as the Appointed Person, where he explained that:

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

67. Earlier in this decision, I concluded:

- That the contested goods are either identical or similar to a medium degree;
- That the goods will be selected primarily by visual means, with a medium to fairly high degree of attention paid by the general public and a fairly high degree of attention by business users;
- That the marks are visually and aurally similar to a fairly high degree and the conceptual position is either neutral or dissimilar, depending on how the average consumer perceives the opponent's mark;
- That the opponent's mark is inherently distinctive to a medium degree and the distinctiveness has been enhanced through use to a high degree.

68. In arriving at a conclusion, I also bear in mind that the distinctive character of the point in common between the respective marks is key in determining a likelihood of confusion.¹⁵ I have already concluded that the similarity between the marks arises from the letters IMO. This verbal element whose distinctive character has been enhanced to a high degree through the use constitutes the entirety of the opponent's mark and the first three letters of the applicant's mark. As the average consumer will generally pay more attention to the first element of the mark, in imperfect recollection, the consumer is likely to misremember the additional letter u present at the end of the applicant's mark. Even if they pay a fairly high degree of attention during the purchasing process, the identity and similarity between the goods are such that direct confusion is inevitable.

69. The opposition, therefore, succeeds under section 5(2)(b).

Section 5(3)

70. Section 5(3) states:

“(3) A trade mark which-

¹⁵ *Kurt Geiger v A-List Corporate Limited*, BL O-075-13

(a) is identical with or similar to an earlier trade mark, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a European Union trade mark or international trade mark (EC), in the European Union) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.

71. Section 5(3A) states:

“(3A) Subsection (3) applies irrespective of whether the goods and services for which the trade mark is to be registered are identical with, similar to or not similar to those for which the earlier trade mark is protected.”

72. The relevant case law can be found in the following judgments of the CJEU:

Case C-375/97, General Motors, Case 252/07, Intel, Case C-408/01, Adidas Salomon, Case C-487/07, L’Oreal v Bellure, Case C-323/09, Marks and Spencer v Interflora and Case C383/12P, Environmental Manufacturing LLP v OHIM. The law appears to be as follows:

- a. The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors*, paragraph 24.
- b. The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors*, paragraph 26.
- c. It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas Saloman*, paragraph 29 and *Intel*, paragraph 63.

- d. Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark's reputation and distinctiveness; *Intel*, paragraph 42.
- e. Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel*, paragraph 68; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel*, paragraph 79.
- f. Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel*, paragraphs 76 and 77.
- g. The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel*, paragraph 74.
- h. Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact of the earlier mark; *L'Oreal v Bellure NV*, paragraph 40.

- i. The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora*, paragraph 74 and the court's answer to question 1 in *L'Oreal v Bellure*).

Reputation

73. In order to succeed under section 5(3) ground, the opponent must demonstrate by way of evidence that the earlier marks are known by a significant part of the relevant public for the goods relied upon. The first earlier mark is registered in the UK. For the reasons given in paragraph 49, I am prepared to accept that the applicant's mark had a strong reputation in the UK at the relevant date in relation to all the goods in Class 9.

74. The second earlier mark is a EUTM. I have already found reputation of the first earlier mark in the UK (the two earlier marks relied upon are identical), which at the time of filing this opposition was a member state of the EU. Consequently, I consider that the evidence established in the UK is sufficient to claim reputation in the EU.

Link

75. The next step is to assess whether the public will make a link between the competing marks. This is a multi-factorial assessment identified in *Intel*. They are:

The degree of similarity between the conflicting marks

I have found that the marks are visually and aurally similar to a fairly high degree and conceptually neutral or dissimilar depending how the opponent's mark is perceived.

The nature of the goods for which the conflicting marks are registered, or proposed to be registered, including the degree of closeness or dissimilarity between those goods, and the relevant section of the public

I have found the goods for which the opponent has demonstrated a reputation are either identical or similar to a medium degree to the applicant's goods.

The strength of the earlier mark's reputation

I have found that the earlier mark has a strong reputation in the UK for the goods covered by the registration.

The degree of the earlier mark's distinctive character, whether inherent or acquired through use

I have found that the degree of similarity arises from the presence of the letters "IMO" which is inherently distinctive to a medium degree. I have also concluded that the opponent established an enhanced distinctive character through use to a high degree.

Whether there is a likelihood of confusion

I have found that there is a likelihood of confusion in relation to all the goods covered by the application.

76. Taking into account the strength of reputation of the earlier mark, the degree of distinctiveness of the earlier mark, the extent of the overlap between the relevant consumers for those goods and the degree of similarity between the respective marks and the goods, I conclude that a significant proportion of the consumers of the goods sold under the contested mark would make a mental link with the opponent's IMO mark.

Damage

77. The third requirement under Section 5(3) is that the proprietor of the earlier mark with a reputation must establish the existence of one of three kinds of

injury against which Section 5(3) of the Act ensures protection, namely, detriment to the distinctive character of the mark, detriment to the repute of the mark and unfair advantage taken of the distinctive character or the repute of the mark

Unfair advantage

78. In *Jack Wills Limited v House of Fraser (Stores) Limited*,⁸ Arnold J. considered the earlier case law and concluded that:¹⁶

“80. The arguments in the present case give rise to two questions with regard to taking unfair advantage. The first concerns the relevance of the defendant's intention. It is clear both from the wording of Article 5(2) of the Directive and Article 9(1)(c) of the Regulation and from the case law of the Court of Justice interpreting these provisions that this aspect of the legislation is directed at a particular form of unfair competition. It is also clear from the case law both of the Court of Justice and of the Court of Appeal that the defendant's conduct is most likely to be regarded as unfair where he intends to benefit from the reputation and goodwill of the trade mark. In my judgment, however, there is nothing in the case law to preclude the court from concluding in an appropriate case that the use of a sign the objective effect of which is to enable the defendant to benefit from the reputation and goodwill of the trade mark amounts to unfair advantage even if it is not proved that the defendant subjectively intended to exploit that reputation and goodwill.”

79. The opponent claims that the mental link the consumers will make between the contested mark and the opponent's mark will allow the applicant to benefit from the reputation and attractiveness of the opponent's mark. The opponent also states that the consumer's perception of the opponent's mark will be reflected onto the application and the applicant would consequently be able to free ride on the reputation of the opponent.

80. The applicant denies that there will be any such damage because of the dissimilarity between the marks and the lack of reputation of the earlier marks.

¹⁶ [2014] EWHC 110 (Ch)

81. I have already concluded that the marks are similar, and the earlier mark enjoys a strong reputation. Due to consumers establishing a link between the applicant's mark and the opponent's mark, the average consumer is likely to think that the goods are marketed by the same undertaking and are of the same quality. Accordingly, the applicant is likely to benefit from the earlier mark's strong reputation. I find that use of the applicant's mark would, without due cause, take unfair advantage of the reputation of the earlier mark IMO.

82. As damage is made out on the basis of unfair advantage, I do not consider it necessary to go on to consider the other heads of damage.

83. The opposition based upon section 5(3) succeeds in its entirety.

Section 5(4)(a)

84. As I have already found in favour of the opponent under sections 5(2)(b) and 5(3), I do not consider it necessary to go on to consider the opponent's section 5(4)(a) ground.

Conclusion

85. The opposition is successful. The application is refused.

Costs

86. The opponent has been successful and is entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 2/2016. I award costs to the opponent on the following basis:

Filing a Notice of opposition and considering the applicant's counterstatement	£400
Filing evidence	£800
Filing submissions	£300

Official fee	£200
Total	£1,700

87.I, therefore, order Hangzhou Huacheng Network Technology Co., Ltd. to pay IMO Precision Controls Limited the sum of **£1,700**. This sum should be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 4th day of March 2022

Karol Thomas
For the Registrar
The Comptroller-General

Annex

Variable speed drives for motors and starters for motors; motors (standard and geared) and parts and fittings thereof.

Routers; SIM cards; encoded cards; memory cards; smart cards; network interface cards; network adaptors; network servers; antennas; transmitters; fingerprint scanners; graphic display terminals; human machine interfaces; electrical and data cables; electrical terminals; isolators; surge suppressors; solar tracking units; mechanical switching components containing electrical contacts; electric and electronic components; electronic and electrical apparatus all for controlling machines, machine tools, robots and industrial processes; lighting control apparatus; telecommunications apparatus; data terminals; programming devices; electrical and electronic drives and controls; motor control equipment and motor controllers; alternating current drives; inverters; diverters; disconnectors; drivers; relays; sockets; electronic timers; counters; meters, including volt meters, ammeters and frequency meters; temperature controllers; control panels, switch boxes; switches, including push button switches, photo electric switches, proximity switches, limit switches, changeover switches and piezoelectric switches; level controllers, programmable controllers; computers; computer programmes; software; connectors; opto electric devices; fuses and fuse holders; sounders and sound transducers; buzzers; circuit breakers; isolators; surge suppressors; fire safety apparatus; locks; components for the emergency shut-down of electrical circuits; solar tracking units; electronic power supplies; power optimisers; electric convertors; electrical terminals; photoelectric sensors, proximity sensors, piezoelectric sensors; star delta starters; magnetometers; antennas; communication interface units and electric communication apparatus; screens; input modules; pilot lights; cable glands; charging apparatus; parts, fittings and enclosures for all the aforesaid goods.

Telecommunications services; providing access to portals on the internet.

Computer software technical support services; design and development of software, computer hardware, control systems, specialist machinery, communication systems, electronic systems, networks, and mechanical and electromechanical apparatus and

instruments; software installation, repair and maintenance; software consulting; software as a service; rental of computer software; hardware design services; industrial design services; scientific and technological design; design consultancy.