

O-319-04

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO 2242582A
BY THE SECRETARY TO THE QUORN HUNT TO REGISTER A
SERIES OF TRADE MARKS IN CLASSES
9, 13, 16, 18, 21, 25 AND 41**

AND

**IN THE MATTER OF OPPOSITION NO 90056 BY
MARLOW FOODS LIMITED**

TRADE MARKS ACT 1994

IN THE MATTER OF Application No 2242582A by the Secretary to the Quorn Hunt to register a series of trade marks in Classes 9, 13, 16, 18, 21, 25 and 41

and

IN THE MATTER OF Opposition No 90056 by Marlow Foods Limited

Background

1. On 15 August 2000 The Secretary to the Quorn Hunt applied to register QUORN HUNT and THE QUORN HUNT as a series of two trade marks. The applicant specified the following goods and services:-

Class 09

Protective headgear, helmets, protective clothing; audio, video, photographic apparatus, alarms, computer programs, magnetic media, film, glasses, sunglasses, timeclocks, stopwatches, scales.

Class 13

Guns, rifles, shotguns, handguns, pistols, revolvers, parts and fittings therefor; ammunition, cartridges, gun cases, cartridge cases, cleaning brushes and utensils.

Class 16

Printed matter, stationery, writing and drawing instruments, cards, postcards, photographs, pictures, calendars, coasters, posters, diaries, instruction manuals; but not including any such goods relating to food preparation.

Class 18

Leather goods, saddlery, harnesses, straps, traces, tack for horses, horse blankets, horse collars, riding crops, whips, luggage, bags, holdalls (leather and non-leather), bandages.

Class 21

Kitchenware, kitchen utensils, glassware, porcelain, ceramics, earthenware, drinking flasks, cups, glasses, feeding troughs, grooming kits for horses, being brushes and combs, brushes, brooms, combs, comb cases, bottle openers, corkscrews, coasters.

Class 25

Headgear, footwear, shirts, trousers, skirts, pullovers, sweatshirts, T-shirts, polo shirts, ties, scarves.

Class 41

Education, training, cultural, sporting and entertainment services, organising events, competitions, club services, publishing, film making, training of horses and dogs; all in relation to horseriding, hunting and field sports.

The application is numbered 2242582A.

2. On 7 February 2002 Marlow Foods Ltd filed notice of opposition to this application. They are the proprietors of the trade marks listed in the Annex to this decision all of which are earlier trade marks within the meaning of Section 6 of the Act. They say that:

“The Opponents have used the word QUORN that is the subject of the Trade Marks continuously in the United Kingdom since at least as early as 1985. The Opponents are the market leaders in the United Kingdom in meat substitutes and meat free meals. As a consequence of the continuous use thereof, the Opponents enjoy a substantial reputation in the Trade Marks in relation to a wide range of foodstuffs, preparing food and healthy living. Furthermore, the Opponents products were initially aimed at the vegetarian market, although changes in lifestyle have resulted in the Opponents goods now being purchased by a far wider range of people. Consequently, the Opponents have an even greater reputation in the trade mark QUORN than the vegetarian market alone.”

3. On the basis of these registrations and the use referred to the opponents object as follows:-

- (i) Under Section 5(2)(b) on the basis of a likelihood of confusion, so far as the applicant's Class 16 specification is concerned, with the mark and goods of their registration No 2214827 and Community Trade Mark No 1404011;
- (ii) Under Section 5(3) in relation to the following goods of the application in suit:-

Class 18

Bags, holdalls (leather and non-leather),

Class 21

Kitchenware, kitchen utensils, glassware, porcelain, ceramics, earthenware, drinking flasks, cups, glasses, coasters,

Class 25

Headgear, shirts, pullovers, sweatshirts, T-shirts, polo shirts, trousers.

Class 41

Education, training, cultural, sporting and entertainment services, organising events, competitions, club services, publishing, film making; all in relation to field sports not involving horses and/or dogs.

The wording of the objection closely follows the wording of the Act. I note that the opponents consider the goods and services referred to above to be ‘not similar’ to those for which their own marks are registered. There was a late request to amend this ground of objection. This is dealt with below. I have recorded the objection in its original form for the purposes of comparison;

- (iii) Under Section 5(4)(a) having regard to the law of passing off. This ground of attack appears to be unrestricted in terms of its scope.

4. The opponents say that they have asked the applicant to provide an undertaking in order to reach an amicable settlement but have received no reply. They ask that this be taken into account in relation to costs.

5. The applicant filed a counterstatement denying the grounds of opposition. It is said that The Quorn Hunt Committee was formed about 300 years ago and has since then been entitled to organize hunting events in the East Midlands area. In particular the applicant points to the ‘unitary character’ of the mark and to the exclusion from its Class 16 specification. In relation to the opponents’ claim to a substantial reputation, the applicant puts the opponent to proof and submits that “the term Quorn is descriptive of a particular type of meat substitute and does not enjoy a substantial reputation as a trade mark”. Furthermore, it is said that even if the opponents do enjoy some reputation it does not extend to the goods and services covered by the application.

6. Only the opponents have filed evidence. The matter came to be heard on 28 September 2004 when the opponents were represented by Ms C Burchell of Carin Burchell Trade Mark Services. The applicant did not appear and was not represented at the hearing.

Opponents’ Evidence

7. The opponents have filed a considerable volume of evidence, much of it to do with surveys that they have commissioned. However, I will start with the evidence of Peter David Collins, the Technical Director of Marlow Foods Ltd. I should say that some of the information contained in Mr Collins’ statutory declaration has been made the subject of a confidentiality order in terms which provided for certain figures, mainly to do with retail sales and marketing, to be disclosed to the applicant and its

legal advisors but not to any other person. The applicant has not filed evidence or sought in submissions to challenge the information given.

8. The mark QUORN was first used in 1985. The opponents produce a range of meat-free and meat analogue foodstuffs, health foods and ready meals under the mark. The retail sales volumes given in paragraph 4 of Mr Collins' declaration confirm a substantial and growing trade. With one minor exception (between 1998 and 1999) there have been year on year increases in sales and very subsequent sales growth over the nine year period for which figures have been given.

9. The opponents' products are classified as "frozen", such as pieces, mince, fillets, nuggets, sausages and burgers; "chilled" such as pieces, mince, sausages, fillets, fajitas, balti, spaghetti Bolognese and pies; and "deli" such as flavored slices and pâté. Exhibits PDC 1 to 3 show sample packaging for the years 1999 and 2000 in respect of these broad classes of goods. In addition to those own brand goods the opponents produce items that are co-branded in conjunction with leading supermarkets such as Asda, Safeway, Sainsbury and Tesco. Samples of this co-branded packaging are exhibited at PDC 4. In relation to the years 1998/9 and 1999/2000 the opponents had a significant market share in the "meat-free" food market. That state of affairs is further confirmed by an independent report produced by Taylor Nelson Sofres (Exhibits PDC 5 and 6). I note that Quorn appears as the leading brand in these reports with almost double the share of the next highest ranked trader (Linda McCartney). Mr Collins goes on to produce store listings giving a breakdown of product types and the number of stores/supermarkets where the goods were available (Exhibits PDC 7 to 9). I conclude from this material that the opponents have achieved a high level of market penetration for their goods. Mr Collins also exhibits a list of awards which his company received between 1992 and 2002 both in relation to vegetarian and health foods (Exhibit PDC 10) along with a supermarket co-branded product award (Exhibit PDC 11).

10. The opponents' expenditure on promotion and advertising is subject to the terms of the confidentiality order. Suffice to say that figures have been given over a nine year period and have been on a significant scale. This advertising and promotional activity includes regional and national television, magazine and newspaper advertisements and sponsorship of events and campaigns. In support of this Mr Collins exhibits a summary of press coverage (Exhibits PDC 12) and a selection of press cuttings collected and collated by the opponents' PR agency, Hill and Knowlton, (Exhibits PDC 13 to 21). The latter cover both the national and regional press, and consumer and trade magazines. Mr Collins points out that his company believes that it is necessary to continually promote the QUORN products as being a healthy alternative to meat products.

11. In addition to the above, the opponents benefit from what Mr Collins describes as non-generated press coverage, that is to say coverage for which the company has not had to pay. Examples of this are at Exhibits PDC 22 to 25.

12. Mr Collins goes on to describe a number of campaigns and targeted promotions that have been conducted including the Sun Slimmer of the Century competition, press cuttings for which are at Exhibit PDC 26; co-sponsorship of the Slimming World Magazine Comfort Food Cookbook, a copy of which is at Exhibit PDC 27; and

a 20-step diet plan in conjunction with Lyndel Costain, a nutrition consultant Exhibit PDC 28.

13. The opponents have conducted regional and national television advertising campaigns from 1991 onwards often featuring sports personalities. Extensive details are given in Mr Collins' declaration supported by Exhibits PDC 29 to 34.

14. Mr Collins goes on to say:

“24. My company originally marketed its products sold under the QUORN trade mark to the Vegetarian market. The products sold under the QUORN trade mark are sold as meat analogues, which, when originally produced in 1985, were a new idea that provided vegetarians with a wider range of foodstuffs and ready meals than had previously been available in the UK. Since the introduction of my Company's products the number of vegetarians in the UK has increased. The Realeat Surveys show that in 1984, approximately 4% of the population were “non meat eaters”. By 1999, this figure had risen to 13.6%. The effect of such a rise is twofold. Firstly, there has been an increase in the actual number of vegetarians in the UK. Also, according to the Realeat Surveys, there has been an increase in the amount of vegetarian food being consumed within families which contain both vegetarians and non-vegetarians because vegetarians tend to influence the family diet, so as to avoid having to prepare separate meals.

There is now produced and shown to me marked Exhibit PDC 35 a copy of pages 15, 16 and 17 of a report entitled Vegetarian Foods, published by Key Note Ltd. This Exhibit summarises the results of The Realeat Surveys discussed above.

25. The increasing numbers of vegetarians can be attributed to a number of factors. Firstly, the public at large have in recent years changed their attitude towards eating meat. Following the BSE scare, there was a decline in the consumption of red-meat in the UK. Secondly, the public are increasingly conscious of healthy eating. Vegetarian foods are considered to be healthy and this has resulted in an increase in the number of vegetarians in the UK. Finally, many vegetarians state that they do not eat meat because they consider the rearing and killing of animals for food to be cruel. Such vegetarians are often described as ‘true’ vegetarians and make up approximately 3% of adults in Britain. A recent survey by TNS, dated 16 July 2002, indicates that 44% of ‘true’ vegetarians are vegetarian for moral reasons relating to animal suffering and cruel practices.

There is now produced and shown to be marked Exhibit PDC 36 a report produced by TNS entitled The Modern Day Vegetarian – Meat and Veg?

26. I understand that the primary interest of the Applicants for UK Trade Mark Application No 2242582A is fox hunting and field sports involving the hunting of animals. In the opinion of many vegetarians, these activities are barbaric and unnecessary ‘sports’. I would certainly suggest that ‘true’ vegetarians who are against rearing and killing animals for food would be

against cruelty to animals for the purposes of sport. In the opinion of my company, the use of the name QUORN HUNT by the Applicants in respect of goods with a connection to fox hunting would be very likely to damage the substantial reputation in the trade mark QUORN. My company has brought this Opposition so as to try to avoid the likelihood of damage being caused to the reputation in the name QUORN by use of the name QUORN HUNT.”

15. The final piece of Mr Collins’ evidence that I should refer to is a copy of Section 5 of the Brand Design and Communication Directory produced by his company and which was in use in August 2000 (Exhibit PDC 37). I note that it provides guidance on the nature of the product and the provisionary of the product in the marketplace.

16. A further 18 statutory declarations have been filed explaining the process of commissioning and conducting two surveys to gauge the public’s reaction to the words QUORN and QUORN HUNT. These include statements from the commissioning trade mark attorney, the Marketing Insight Manager of Marlow Foods Ltd, the employee at Hauck Research International, the market research firm responsible for the conduct of the survey and individuals (though not all) who conducted the surveys. Additionally, Mr Price, a trainee trade mark attorney at Carin Burchill Trade Mark Services explains that the model for the questions to be asked was taken from Opposition No 47746 (GALAXY Trade Mark), BL O/179/00. I will say a little more about the survey in my decision below. For the moment it will be sufficient to record the main findings to emerge. These are conveniently summarised in a statutory declaration by Helen Dodsworth, the employee at Hauck Research International who instructed the field supervisors and analysed the responses.

17. In response to the question “What would you think of if I said QUORN to you?” Some 256 respondents (70%) out of 367 interviews referred to foodstuffs as their first response. A further 40 (11%) referred to foodstuffs as an “other response”.

18. In relation to the above question 6 (2%) made reference to hunting as their first response and a further 9 (2%) made reference to hunting as an “other response”.

19. A second survey was conducted where the question asked was “What would you think of if I said QUORN HUNT to you”? Some 130 (37%) of the 352 people interviewed made reference to foodstuffs as their first response. A further 30 (9%) referred to foodstuffs as an “other response”.

20. In relation to the above question 72 (20%) of the 352 interviewees referred to hunting as their first response. A further 20 (6%) referred to hunting as an “other response”. The only additional point I need to make at this point is that the location of interviews is recorded. The results show the responses from interviews conducted in Leicester were “against trend.” Thus, the Leicester figures show that only 32% of first responses to the first survey question (QUORN) referred to foodstuffs against a 70% outcome for the interviews as a whole. By the same token, in response to the second survey question (QUORN HUNT) only 7% of those interviewed in Leicester referred to foodstuffs in their first response whereas 80% referred to hunting as their first response against the overall average of 20%.

21. I believe it is reasonable to infer that these apparently aberrant figures for Leicester are the result of local familiarity with the Quorn Hunt which I note is based in Melton Mowbray, Leicestershire.

22. That concludes my review of the evidence.

Preliminary Issue

23. Under cover of a letter dated 15 September 2004 the opponents’ attorney requested an amendment to the pleaded case. The proposed amendment had the effect of broadening the scope of the objection under Section 5(3) to cover all the goods and services in Classes 9, 13, 18, 21, 25 and 41. The correspondence was copied to the applicant’s attorneys for comment on or before 23 September 2004. They neither commented on nor objected to the proposed amendment within the time allowed. Nor did they request further time in which to consider the matter. The amendment request was, therefore, dealt with as a preliminary issue at the hearing. Ms Burchell explained that the opponents had restricted the scope of their claim as a gesture of goodwill with a view to reaching a negotiated settlement with the applicant. It was said that the applicant was not willing to enter into such negotiations. The opponents therefore wished to revert to the more broadly based attack to avoid having to subsequently file an invalidity action. Ms Burchell also considered that the ground as currently worded (in relation to Class 41) required clarification in order to bring out the true intention behind the opponents’ objection.

24. I indicated at the hearing that I was prepared to allow the requested amendment to the Section 5(3) ground. In doing so I paid particular regard to the timing of the request (which had admittedly come late on in the course of the proceedings), the desirability of having all relevant issues properly considered, the need to avoid multiplicity of proceedings and the possible prejudice to the applicant. On balance, consideration of these factors and the fact that the applicant by not commenting or objecting appeared to have adopted a neutral stance, suggested that I should accede to the opponents’ request.

25. I declined to entertain a further amendment request that arose out of Ms Burchell’s skeleton argument and submissions – namely that the Section 5(3) objection should be further extended to cover any goods in Class 16 which I found to be not similar to the opponents’ own Class 16 goods. The applicant would have been unsighted on this further amendment and (not being represented at the hearing) would have had no opportunity to comment on or deal with this.

Section 5(2)(b)

26. The relevant part of the statute reads:

“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.”

27. Ms Burchell referred me to the well established guidance provided by the European Court of Justice (ECJ) in *Sabel BV v. Puma AG* [1998] E.T.M.R. 1, *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc* [1999] R.P.C. 117, *Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V.* [2000] F.S.R. 77 and *Marca Mode CV v. Adidas AG* [2000] E.T.M.R. 723. I accept that these are the appropriate guiding authorities.

28. The Section 5(2)(b) ground is restricted to the parties’ respective Class 16 goods. For ease of reference I reproduce the specifications as follows:

APPLICANT’S

Printed matter, stationery, writing and drawing instruments, cards, postcards photographs, pictures, calendars, coasters, posters, diaries, instruction manuals; but not including any such goods relating to food preparation.

OPPONENTS’

Printed matter, books and periodicals concerning the use of myco-protein in food preparation.

29. The principles to be applied in considering similarity of goods are to be found in the *Canon case* where the ECJ stated at paragraph 23:

“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 end users and their method of use and whether they are in competition with each other or are complementary.”

30. In *British Sugar Plc v James Robertson & Sons Ltd (TREAT)* [1996] RPC 281 it was considered that channels of trade should also be brought into the reckoning.

31. It is apparent that both specifications contain printed matter. In the opponents’ case the term is restricted by the phrase “concerning the use of myco-protein in food preparation” (an issue may arise as to whether the qualification of the opponents’ goods applies only to the periodicals or the whole specification – the more natural reading allied to a purposive approach to the specification suggests that the qualification relates to all the preceding items). In the applicant’s case there is an exclusion of “any such goods relating to food preparation”. I infer that that the latter was an attempt to avoid a direct clash with the opponents’ goods. I have not been asked to consider the appropriateness of the exclusion in the light of the ECJ’s observations in *Koninklijke KPN Nederland NV and Benelux-Merkenbureau, Case C-363/99* at paragraphs 111 et seq. However, I take the view that the exclusion does not in any case achieve the intended purpose. Even assuming that it avoids an identical

goods problem it is bound to leave similar goods. On a plain reading of the words the applicant's exclusion does not, for instance, deal with printed matter on related subjects such as food itself, cookery or dietary matters. Such goods would be closely similar to the opponents' goods.

32. There remains the balance of items in the applicant's specification that is to say goods other than printed matter. As I have already suggested the opponents' specification is not without ambiguity but approaching it on the basis indicated I think it must be taken to cover the sort of printed matter, books and periodicals that would be associated with or ancillary to their core business (in myco-protein foodstuffs). The broad term printed matter falls to be considered in this context. Even so it is not an easy matter to determine (in this respect see also Mr Justice Jacob's (as he was then) observations on the term printed matter in *Minerva Trade Mark* [2000] FSR 734). By way of illustration of the sort of difficulty that arises, the term stationery in the applied for specification would include printed stationery such as forms. Such goods would arguably be similar if not identical to an unrestricted printed matter specification. But can the same be said when the limitation in the opponents' specification is taken into account. I think not. Nevertheless, 'printed matter ... concerning the use of myco-protein in food preparation' will on a natural construction of the words include the various publications that food companies are wont to issue in support of, or to promote, their goods. Most obviously this would include recipe books and recipe cards but I am also aware that it is possible to purchase cookery calendars and diaries.

33. Allowing for the notional scope of the respective specifications and applying the *Canon* and *Treat* tests it seems to me that, whilst at a general level users may be the same, the nature, uses and channels of trade of certain goods in the applied for specification must be held to be different to those of the opponents. I regard these goods as being 'stationery', 'writing and drawing instruments', 'postcards', 'photographs', 'pictures', 'coasters', 'posters' and 'instructional manuals'. Nor would such goods generally be held to be competitive with or complementary to the opponents' goods. I have hesitated over photographs and pictures in the above list. I doubt whether such goods would naturally be described as printed matter allowing for the construction that is normally placed on this latter term. On the other hand it may be said that there will be photographs and pictures of the opponents' food products. That may be so but they would in my view be likely to occur within the body of recipe books etc rather than represent a trade in their own right. I do not therefore regard photographs and pictures as falling within the opponents' specification. The other item that has caused me to hesitate is instructional manuals. But again taking the normal meaning of the words I do not think that such items would be identical or similar to the opponents' goods even allowing for the fact that their specification would include for instance recipe books (the latter would not normally be described as instruction manuals).

34. I have not found this an easy matter to decide. In the event I find the following items in the applied for specification to be similar to the opponents' goods - "printed matter", "cards" (recipe cards), "calendars" and "diaries" (both of which may be on a food/cookery theme).

35. Turning to the marks themselves I must consider the visual, aural and conceptual similarities and dissimilarities bearing in mind their distinctive and dominant components. The matter is to be judged through the eyes of the average consumer.

36. The mark QUORN is an invented word and one that has no descriptive or allusive significance in relation to the goods. I note that the applicant has suggested that it is generic but they have filed no evidence to support that claim. On the basis of the material before me that is not the case. Use of a mark in relation to the goods for which it is registered may lead to an enhanced distinctive character. Almost all of the evidence in this case goes to use in relation to foodstuffs rather than Class 16 goods. On a fair reading of the evidence I do not think the opponents can claim that the distinctiveness of the mark has been enhanced through use in relation to the Class 16 goods. But that is largely an academic point given what I consider to be the highly distinctive inherent characteristics of the mark.

37. Self evidently, the applied for series of marks incorporates the whole of the opponents' mark as a separate element. Ms Burchell was inclined to dismiss the contribution made by the word HUNT because it is simply a dictionary word. That is not necessarily reason enough to dismiss or discount its significance though it seems likely that in relation to the similar goods under consideration the word would describe or allude to the underlying subject matter. If or to the extent that that is not the case, the mark would simply be seen as a collocation of two words but with the unusual and invented word, QUORN, being the element most likely to attract attention and stick in the memory. In these circumstances the combination QUORN HUNT/THE QUORN HUNT is unlikely to create a sufficiently different concept to counteract the significance of the first, dominant and most memorable element. In short in visual, aural and conceptual terms I find the marks to be similar.

38. Before coming to a view on the likelihood of confusion I should comment briefly on the average consumer. So far as the applicant's Class 16 goods are concerned the relevant consumer must be considered to be the public at large. The opponents' more restricted range of goods may at first sight be thought to be directed at a rather narrower sub-set of consumers. Ms Burchell suggested that the average consumer should be seen as being vegetarians or the public at large. Her reason for suggesting that the wider public should be brought into the reckoning was that Mr Collins' evidence indicated that his company's foodstuffs now appeal to a far wider audience than vegetarians, (see, for instance, paragraph 28 of his declaration). I accept that this is likely to be the case and that accordingly I should not adopt too narrow a view of the average consumer.

39. Likelihood of confusion is a matter of considering the net effect of the similarities and dissimilarities in the marks and the goods. I find that, bearing in mind particularly the strength of the mark/element QUORN, the opponents have made out their case in relation to those goods that I have found to be similar. The opposition should succeed to this extent under Section 5(2)(b).

Section 5(3)

40. In its original form the Section reads:

"5-(3) A trade mark which -

- (a) is identical with or similar to an earlier trade mark, and
- (b) is to be registered for goods or services which are not similar to those for which the earlier mark is protected,

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 Community trade mark, in the European Community) 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."

41. By virtue of regulation 7 of the Trade Mark (Proof of Use, etc) Regulations 2004, Section 5(3)(b) has now been repealed. The equivalent provision in Section 10 of the Act dealing with infringement has also been amended. As the explanatory note indicates:

"These amendments implement the decision of the European Court of Justice in *Davidoff & Cie SA and Zino Davidoff SA v Gofkid Ltd* of 9th January 2003 (C-292/00) which was confirmed by its decision in *Adidas-Saloman AG and Adidas Benelux v Fitnessworld Trading Limited* of 23rd October 2003 (C-408/01). Those decisions determined that Article 5(2) of the Directive, which on the face of it, grants a right to the proprietor of a trade mark to prevent third parties from using an identical or similar trade mark in relation to goods or services which are not similar where the earlier trademark has a reputation and use of that sign takes unfair advantage or is detrimental to the distinctive

character of that earlier trade mark, also applies to goods or services which are similar or identical to those for which the earlier trade mark is registered."

42. Notwithstanding the broader interpretation of Section 5(3) (Article 5(2)) that has now been confirmed by the ECJ, the opponents' claim here is based on the fact that the respective goods and services are dissimilar.

43. The scope of the Section has been considered in a number of cases notably *General Motors Corp v Yplon SA (Chevy)* [1999] ETMR 122 and [2000] RPC 572, *Premier Brands UK Limited v Typhoon Europe Limited (Typhoon)* [2000] RPC 767, *Daimler Chrysler v Alavi (Merc)* 2001 [RPC] 42, C.A. *Sheimer (M) Sdn Bhd's TM Application (Visa)* 2000 RPC 484 *Valucci Designs Ltd v IPC Magazines (Loaded)* O/455/00 and, more recently *Mastercard International Inc and Hitachi Credit (UK) Plc* [2004] EWHC 1623 (Ch) and *Electrocoin Automatics Limited and Coinworld Limited and others* [2004] EWHC 1498 (Ch).

44. In the *Merc* case Pumphrey J took as his starting point the following:

"In my view, the best approach is just to follow the section remembering Jacobs A.G.'s warning that it is concerned with actual effects, not risks or likelihoods. The enquiry is as follows. (1) Does the proprietor's mark have a reputation? If so, (2) is the defendant's sign sufficiently similar to it that the public are either deceived into the belief that the goods are associated with the proprietor so that the use of the sign takes unfair advantage of the mark, or alternatively causes detriment in their minds to either (a) the repute or (b) the distinctive character of the mark, or (3) even if they are not confused, does use of the sign nonetheless have this effect, and (4) is the use complained of nonetheless with due cause."

45. Following the amendment to the statement of grounds the opponents' attack is now directed at all the goods and services in Classes 9, 13, 18, 21, 25 and 41.

46. Two issues can be disposed of fairly briefly. Firstly, in terms of the pleaded objection, I have no difficulty in accepting that the applicant's goods and services are not similar to the goods for which the opponents can claim a reputation, that is to say "a range of meat-free and meat analogue foodstuffs, health foods and ready meals" (per paragraph 2 of Mr Collin's declaration). Secondly, I indicated at the hearing that I accepted the opponents had a reputation for such goods within the terms of the test laid down in the *Chevy* case referred to above. That much is well established by the extensive evidence from Mr Collins and backed up by the results of the surveys conducted on the opponents' behalf.

47. I have also already found that the respective marks, though not identical, are similar in terms of one of their dominant and distinctive components (the only element in fact in the opponents' mark).

48. The key issue in this case is whether the opponents can be said to have established one or more of the adverse consequences envisaged in the Section. The question can be further refined as this is not a case where it is suggested that the applicant will gain any unfair advantage as a result of his choice of mark.

Furthermore, the detriment that is claimed is of the tarnishing kind rather than a blurring of the distinctive character of the mark QUORN.

49. I will deal firstly with Ms Burchell's submissions in relation to origin confusion. Her starting point was that it is well established that origin confusion is not a necessary ingredient for an action under Section 5(3) but that if an opponent is able to demonstrate such confusion it is likely that detriment would be suffered. She relied in particular on the *LOADED* case in support of this proposition. I accept the principle but have difficulty with the evidence relied on to support the claim to origin confusion. To explain why I need to return to the survey and the comments contained therein that were relied on by Ms Burchell in support of her claim.

50. For a survey to have validity it should comply with the criteria set out in *Imperial Group Plc v Philip Morris Ltd* [1984] RPC 293 (the *Raffles* case). These are summarised in the headnote as being:

“If a survey is to have validity (a) the interviewees must be selected so as to represent a relevant cross-section of the public, (b) the size must be statistically significant, (c) it must be conducted fairly, (d) all the surveys carried out must be disclosed including the number carried out, how they were conducted, and the totality of the persons involved, (e) the totality of the answers given must be disclosed and made available to the defendant, (f) the questions must not be leading nor should they lead the person answering into a field of speculation he would never have embarked upon had the question not been put, (g) the exact answers and not some abbreviated form must be recorded, (h) the instructions to the interviewers as to how to carry out the survey must be disclosed and (j) where the answers are coded for computer input, the coding instructions must be disclosed.”

51. Surveys rarely escape criticism and it would be possible to voice minor concerns about the surveys conducted in this case, most notably whether there was adequate control over the use of and responses to a second box on the questionnaire sheet for recording “any other things respondent says”. There is some suggestion in the responses that interviewers may have been encouraging secondary responses (with the attendant increased risk of speculation) rather than recording spontaneously offered comments. It is also not clear what locations within towns or cities were used for the interviews.

52. Nevertheless, I am satisfied that, these points apart, the conduct of the survey, the questions asked and the recordal of the answers was in broad conformity with the *Raffles* principles.

53. In terms of results, the first (QUORN) survey confirmed that the trading activities comprehensively described by Mr Collins have generated the sort of reputation and awareness of the brand that is necessary to underpin an action under Section 5(3). The second survey (the QUORN HUNT question) was intended to go a step further and assist in showing that use of the applied for mark(s) could damage the reputation and distinctive character of the opponents' mark. Ms Burchell relied on some of the responses to the second survey to suggest that there was origin confusion. I was referred to the following from interviews conducted by Sylvia Parsons:

“It (QUORN HUNT) would remind me of vegetarian food”;

“..to look for QUORN in a supermarket”;

“Quorn is a vegetarian meat/Hunt I don’t know about”;

“Quorn is a mushroom based food. Hunt doesn’t go well with it”.

54. There are other responses in a similar vein. Perhaps unsurprisingly, there are also a range of responses suggesting that some people were perfectly well aware of the Hunt and others who were simply puzzled by the juxtaposition of words (even if they knew of the Quorn food products).

55. Helen Dodsworth of Hauck Research analysed the result of the surveys and concluded in relation to the ‘QUORN HUNT’ survey that:

“..... 46% of individuals interviewed made reference to a food product in either their first response or other responses when asked “What would you think of if I said QUORN HUNT to you?”, whereas 26% of individuals interviewed referred to hunting in their first response or other responses. It would thus appear that interviewees were much more likely to associate the term QUORN HUNT with foodstuffs than hunting.”

56. The applicant has not suggested that this analysis of the results of the survey in any way distorts the position. I accept it as a fair reflection of the results. But I do not accept that this finding can lead to any conclusion in the opponents’ favour on the issue of origin confusion. The questions asked were open and fair but did not present the words in any sort of context in terms of goods or services that might have enabled a conclusion to be drawn on the likelihood of confusion which in the legal sense is a product of the use of marks in relation to the goods and/or services. Furthermore, the sort of answers recorded above do not suggest anything more than an association in the minds of the interviewees. I note too that Ms Dodsworth uses the word “associate” in the passage from her summary recorded above. Allowing for the fact that it is notoriously difficult to secure spontaneous and non-speculative answers to questions asked in surveys, I am satisfied that a significant proportion of those questioned made an unprompted and spontaneous association with QUORN as the name of a well known food product.

57. A few may only have reacted in this way because they considered an answer of some kind was expected of them. In this category, for instance, I count those who responded with a question such as “Is that to do with that Soya stuff?” and “Is it one of those vegetarian things?” (from the interviews conducted by Mr Barrett and Ms Henderson). Even allowing for such tentative and possibly speculative responses, it does not in my view detract from the finding that there was a significant degree of association between QUORN HUNT and the mark used in relation to the opponents’ food products. But the evidence is a long way from establishing origin confusion and would probably have been incapable of doing so on the basis of the absence of any context to the questions.

58. The opponents have established that a significant number of people will make an association between the mark applied for and the QUORN foodstuffs. But association is not enough on its own. The opponents need to show that it will lead to detriment to the reputation of their mark.

59. Before considering the opponents' case it is necessary to say something about the nature of the test and the standard of proof that is required.

60. In the *Chevy* case, the Advocate General said:

“43. It is to be noted in particular that Article 5(2), in contrast to Article 5(1)(b), does not refer to a mere risk or likelihood of its conditions being fulfilled. The wording is more positive: “takes unfair advantage of, or is detrimental to” (emphasis added). Moreover, the taking of unfair advantage or the suffering of detriment must be properly substantiated, that is to say, properly established to the satisfaction of the national court: the national court must be satisfied by evidence of actual detriment, or of unfair advantage. The precise method of adducing such proof should in my view be a matter for national rules of evidence and procedure, as in the case of establishing likelihood of confusion see the tenth recital of the preamble.”

61. More recently in *Mastercard International Incorporated and Hitachi Credit (UK) Plc* Mr Justice Smith dealt with a submission by Counsel for the Appellant (on appeal from a Registry opposition decision) that Section 5(3) was concerned with possibilities rather than actualities. Commencing with the above passage from *Chevy*, the judge reviewed the leading cases dealing with the point including observations by Pumfrey J in the *Merc* case and Patten J in *Intel Corporation v Kirpal Singh Sihra* [2003] EWHC 17 (Ch). He concluded that the Registry Hearing Officer had been right to conclude that there must be “real, as opposed to theoretical, evidence” that detriment will occur and that the Registry Hearing Officer was “right to conclude that there must be real possibilities as opposed to theoretical possibilities”.

62. I should just add that, whilst the above extract refers to real evidence of the claimed form of damage, this cannot necessarily mean that there must be actual evidence of damage having occurred. In many cases that come before Registry Hearing Officers the applicant's mark is either unused or there has been only small scale and recent use. No evidence of actual damage is possible in such circumstances. I, therefore, interpret the above reference to mean that the tribunal must be possessed of sufficient evidence about an opponent's use of its own mark, the qualities and values associated with it and the characteristics of the trade etc that it is a reasonably foreseeable consequence that use of the applied for mark will have the claimed adverse consequence(s).

63. Moreover, even if it is accepted that there will be damage it must be more than simply of trivial extent as is evident from the following passage from *Oasis Stores Ltd's Trade Mark Application* [1998] RPC 631:

“It appears to me that where an earlier trade mark enjoys a reputation, and another trader proposes to use the same or similar mark on dissimilar goods or services with the result that the reputation of the earlier mark is likely to be

damaged or tarnished in some significant way, the registration of the later mark is liable to be prohibited under Section 5(3) of the Act. By ‘damaged or tarnished’ I mean affected in such a way so that the value added to the goods sold under the earlier trade mark because of its repute is, or is likely to be, reduced on scale that is more than de minimis”.

64. I note too the following from Mr Geoffrey Hobbs QC (sitting as a Deputy Judge) in *Electrocoin Automatics and Coinworld*:

“102. I think it is clear that in order to be productive of advantage or detriment of the kind prescribed, ‘the link’ established in the minds of people in the market place needs to have an effect on their economic behaviour. The presence in the market place of marks and signs which call each other to mind is not, of itself, sufficient for that purpose.” (footnotes omitted)

65. Mr Collins says in his evidence:

“I understand that the primary interest of the applicants for UK Trade Mark Application No 2242582A is fox hunting and field sports involving the hunting of animals. In the opinion of many vegetarians, these activities are barbaric and unnecessary ‘sports’. I would certainly suggest that ‘true’ vegetarians who are against rearing and killing animals for food would be against cruelty to animals for the purposes of sport. In the opinion of my company, the use of the name QUORN HUNT by the applicants in respect of goods with a connection to fox hunting would be likely to damage the substantial reputation in the trade mark QUORN. My company has brought this opposition so as to try to avoid the likelihood of damage being caused to the reputation in the name QUORN by use of the name QUORN HUNT.”

66. Strictly there is no evidence before me to indicate the prevailing attitude (if there is one) of vegetarians to hunting and related field sports. My impression is that vegetarians may be motivated in their choice of diet by different things. Some may simply dislike the taste of meat, others may consider that a vegetarian diet is more healthy and yet others, as Mr Collins suggests, may have adopted vegetarianism because they do not approve of rearing animals for food. But, whatever the primary motive for choosing a vegetarian diet, there are, in my view, likely to be significant numbers of vegetarians who will disapprove of hunting. In addition, Mr Collins’ unchallenged evidence is that vegetarians tend to influence the family diet with the result that vegetarian food products are consumed by a wider cross section of people and awareness of such products extends beyond those who are themselves vegetarians. Moreover, in one respect Mr Collins’ submission may underplay the position. Attitudes to hunting and fieldsports are not, it seems to me, dependent on whether an individual is a vegetarian. There are likely to be many who are content to eat meat or meat products but who have a deep aversion to hunting.

67. It is true that I have not been presented with evidence as to the public at large’s reaction to hunting and related activities. But I do not consider such evidence to be necessary. The fact that at the time of writing a Hunting Bill is before Parliament and the strength of views held by those on opposing sides of the argument is well known. It is clear too from some of the responses to the survey questions that any association

with hunting is apt to arouse strong emotions. There are many, certainly in my view a significant proportion of the general population, who find such activities to be repugnant. I think it is appropriate, therefore, to take a broad view of the constituency of those who may be influenced by the applicant's mark(s).

68. To summarise, I have found that the opponents have a reputation for meat free and meat analogue foodstuffs that appeal particularly to vegetarians but which also have a somewhat wider appeal; that QUORN is a strong distinctive component in both marks; and that the evidence establishes that a significant number of people would make an association between the words QUORN HUNT and the opponents' mark and goods. It is also in my view undeniable that hunting and associated activities arouse strong feeling on both sides of the debate with many finding such activities abhorrent. What is the consequence of these findings in terms of the objection under Section 5(3)?

69. The survey evidence is said to have been designed to "assist in showing that the applicant's trade mark, QUORN HUNT, could damage the reputation and distinctive character held by the opponents in the trade mark QUORN" (Ms Burchell's declaration at paragraph 2). I do not think the nature of the questions asked could have hoped to achieve that end. It may well be difficult for any survey to deal adequately with such a matter without leading the interviewees or inviting speculation. But the inability of the survey to elicit evidence as to consequences is not to say that there will not be tarnishing of the reputation associated with the opponents' mark if the applied for mark(s) is used in relation to the goods and services specified. I must form my own view on that question.

70. I have come to the conclusion in this case that, bearing in mind particularly the nature of the opponents' goods and the consumer group that forms their core market, the association with hunting will damage the distinctive character of the QUORN mark to a material extent. In the Visa case Mr Geoffrey Hobbs QC, sitting as the Appointed Person said:

"it seems to me that if a trade mark proprietor ought to be free to decide for himself by what goods he will make (or break) the reputation of his trade mark in the United Kingdom (*Colgate-Palmolive Ltd v Markwell Finance Ltd* [1998] RPC 497 at page 531, per Lloyd LJ) he ought also to be able to prevent other traders, on the terms and conditions laid down in Section 5(3), from using his trade mark so as to cause it to carry connotations, when used by him, that are truly detrimental to the distinctive character or repute that the trade mark would otherwise enjoy in his hands".

71. That seems to me to be the case here in so far as the services at the heart of the Section 5(3) objection are concerned. The opposition should succeed in relation to the Class 41 services.

72. That leaves the objection against Classes 9, 13, 18, 21 and 25. The goods in question appear to be a mixture of items that are part of the paraphernalia of hunting (such as the protective clothing in Class 9, firearms in Class 13, saddlery etc in Class 18) or items that are of a merchandising character or ancillary trade (the Class 21 and 25 goods for instance).

73. I bear in mind here that the goods will in each case bear the words QUORN HUNT or THE QUORN HUNT. The marks serve in themselves to make the association with the hunt and the activities it undertakes. Indeed the sale of goods under the marks are likely to be taken as being trading activities related to or in support of a hunt or hunting (no matter whether the public is aware of the identity of the trade mark owner). Ms Burchell put it a slightly different way at the hearing and suggested that trade in such goods will draw attention to the existence of the Class 41 services. I believe there is force to that argument. If successful the proprietor would be free to use the resulting registration throughout the UK and in trading circumstances where the goods in question could be placed before sections of the public who find the idea of hunting to be objectionable. Moreover, whilst those who find hunting objectionable would find it easy to avoid contact with the hunt itself, it may be rather less easy to avoid contact with the mark(s) if they were applied to goods which could appear in the normal range of retail premises.

74. The nature and consequence of the association might be somewhat different in the case of goods as distinct from hunting itself. It may be rather more insidious but no less real for that. The passage from *Visa* referred to above indicates that “a trade mark proprietor ought to be free to decide for himself by what goods he will make or break the reputation of his trade mark” and that “he ought also to be able to prevent others from using his trade mark so as to cause it to carry conditions, when used by him, that are truly detrimental to the distinctive character or repute that the trade mark would otherwise enjoy in his hands”. The adverse association here is present in the applied for series of marks and I believe that that association can be expected to erode the reputation the opponents have built up in their mark. I have come to the conclusion, therefore, that the detriment to the distinctive character of the QUORN mark would be sufficiently material that the opponents should also succeed in their opposition to the goods in Classes 9, 13, 18, 21 and 25.

75. There remains the question of whether use of the applicant’s marks could be said to be with due cause. It is a defence claimed by the applicant in the counterstatement but the basis for it is not explained. I note that the Quorn Hunt Committee is said to have been formed some 300 years ago and has since then been entitled to organise hunting events in the East Midlands area. No evidence has been supplied either to substantiate the bare claim, to demonstrate continuity of use or to indicate the extent of trade in goods or services. In the circumstances no purpose would be served by speculating on what (if any) defence would have been available within the terms of the guidance on what might constitute “due cause” in, principally, *Premier Brands UK Ltd v Typhoon Europe Ltd* and *Electrocoin Automatics and Coinworld*.

Section 5(4)(a)

76. The Section reads as follows:

“5.-(4) A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented –

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, or

(b)

A person thus entitled to prevent the use of a trade mark is referred to in this Act as the proprietor of an “earlier right” in relation to the trade mark.”

77. I was referred by Ms Burchell to the decision of Mr Geoffrey Hobbs QC, sitting as the Appointed Person, in *Wild Child Trade Mark* [1998] RPC 455, which sets out the requirements in relation to a passing off action. Adapted to opposition proceedings, the three elements that must be present can be summarised as follows:

(1) that the opponents’ goods or services have acquired a goodwill or reputation in the market and are known by some distinguishing feature;

(2) that there is a misrepresentation by the applicant (whether or not intentional) leading or likely to lead the public to believe that goods or services offered by the applicant are goods or services of the opponents; and

(3) that the opponents have suffered or are likely to suffer damage as a result of the erroneous belief engendered by the applicant’s misrepresentation.

78. I do not think I do any disservice to the opponents’ case if I say that their principal grounds of opposition were under Sections 5(2)(b) and 5(3). In the light of their success under those heads I propose to restrict my consideration of the Section 5(4)(a) ground to the only goods which have so far escaped objection. That is to say the balance of the Class 16 goods (stationery, writing and drawing instruments, postcards, photographs, pictures, coasters, posters and instruction manuals).

79. The goodwill on which the opponents’ case is based derives from their trade in meat free and meat analogue food products. There is evidence that as part and parcel of that trade they have produced a diet booklet and have been associated with, for instance, Slimming World magazine and others, in co-sponsoring a cookbook (see paragraphs 20 to 22 of Mr Collins’ declaration and Exhibits PDC 26 and 27). However, such activity appears to have been on a modest scale and the effect is likely to have been to reinforce the reputation attaching to the food products. The opponents’ goodwill is, in my view, essentially that surrounding their trade in meat free food products.

80. It is well established that the law of passing-off does not require the parties to have a common field of activity (*Lego Systems A/S v Lego M Lemelstrich Ltd*, [1983] FSR 155). Nonetheless, the proximity of an applicant’s/defendant’s field of activity to that of an opponent/plaintiff is relevant as to whether the acts complained of amount to a misrepresentation (per the *Lego* case as above). The issue is, therefore, whether use of the marks QUORN HUNT/THE QUORN HUNT on the above-mentioned goods in Class 16 would amount to a misrepresentation leading or likely to lead the public to believe that those goods are goods of the opponent having regard to the goodwill associated with the latter’s sign.

81. I have accepted in the context of the Section 5(3) objection that the relevant public is likely to make an association between the parties' marks but not that the association had been shown to amount to origin confusion. I can see no reason why the nature of the association that may be made will be sufficiently different in relation to the balance of the applicant's Class 16 goods such that it can be said to amount to a misrepresentation within the terms of the test set out above. The opposition fails under Section 5(4)(a) in relation to the balance of the Class 16 goods which escaped objection under Section 5(2)(b).

82. In the event the opponents have been largely successful. The application will be allowed to proceed if, within 28 days of the expiry of the appeal period for the decision the applicant files a Form TM21 restricting the application to "stationery, writing and drawing instruments, postcards, photographs, pictures, coasters, posters and instruction manuals" in Class 16. If no Form TM21 is filed within the period set the application will be refused in its entirety.

Costs

83. Ms Burchell invited me to take into account the fact that the opponents had attempted to reach an amicable settlement but received no response from the applicant. Furthermore, she said that the opponents had been put to considerable expense in filing evidence, including the survey evidence, in view of the position taken by the applicant in its counterstatement. She invited me to make an award above the published scale.

84. As Tribunal Practice Notice TPN 2/2000 (Costs in Proceedings before the Comptroller) makes clear Hearing Officers will be prepared to exceed the published scale when circumstances warrant it, in particular but not exclusively to deal proportionately with breaches of rules, delaying tactics and other unreasonable behaviour. The leading authority that is referred to in TPN 2/2000 in support of this broad view of the discretion available to the tribunal is *Rizla Ltd's Application* [1993] RPC 365.

85. Parties do not usually divulge the nature of any negotiations that have taken place between them with a view to a settlement. That is the case here. I am unable, therefore, to say that, having regard to all the circumstances of the case, the applicant's apparent disinclination to engage in settlement negotiations can be characterised as unreasonable conduct. The applicant was, it seems to me, entitled to have his case determined on its merits.

86. However, it does seem to me that the opponents have been put to some additional effort and expense as a result of being put to proof of their reputation and the unsubstantiated suggestion that QUORN is descriptive of a particular type of meat substitute. That is not to say that the opponents would have been relieved of any evidential burden if the applicant had taken a more accommodating view of the opponents' position in trade. It seems highly likely, in the context particularly of the Section 5(3) case, that the opponents would in any case have wanted to adduce evidence as to the nature of the market they serve and the consumer base involved. The second survey, which forms the basis of the opponents' claim as to association

between the respective marks, would also, I think, have been necessary regardless of whether a concession had been made about the opponents' core reputation.

87. I take the view that the opponents are not entitled to an award outwith the published scale but, given the significant volume of evidence (including the surveys) filed to deal with the position taken by the applicant and their substantial success in the proceedings, they should receive an award towards the top end of the scale. I order the applicant to pay the opponents the sum of **£2,500**. This sum is to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of the case if any appeal against this decision is unsuccessful.

Dated this 20th day of October 2004

M REYNOLDS
For the Registrar
The Comptroller-General

Annex

Opponents' Earlier Trade Marks

NO	MARK	CLASS	SPECIFICATION
2214827	QUORN	16	Printed matter, books and periodicals concerning the use of myco-protein in food preparation.
		29	Myco-protein for food for human consumption; savouries consisting of or containing myco-protein; ready made meals; dairy products and substitutes therefor; cheese; cheese substitutes; pâtés; spreads, margarine and vegetable oils; milk shakes; shakes of milk substitutes; desserts; dessert puddings; dessert toppings; prepared snacks for human consumption but not included in any other classes.
		30	Prepared meals for human consumption; prepared rice dishes; prepared pasta dishes; pastry products; dry mixes; sandwiches; prepared frozen meals; desserts; dessert puddings; dessert toppings; mousse confections; spreads; prepared snacks included in class 30.
		42	Information and advice concerning cooking and preparing myco-protein; information and advice concerning dietary and health aspects of using myco-protein for food; providing recipe information over a global computer network.

2185440	QUORN	29 30	<p>Myco-protein for food for human consumption; savouries consisting of or containing myco-protein; ready meals containing myco-protein; prepared snacks for human consumption containing myco-protein.</p> <p>Prepared meals for human consumption; prepared rice dishes; prepared pasta dishes; prepared frozen meals.</p>
2186590	QUORN	29 30	<p>Myco-protein for food for human consumption; savouries consisting of or containing myco-protein; ready made meals; prepared snacks for human consumption.</p> <p>Prepared meals for human consumption; prepared rice dishes; prepared pasta dishes; prepared frozen meals.</p>
1404011 (CTM)	QUORN	16 29 30 42	<p>Printed matter, books and periodicals concerning the use of myco-protein in food preparation.</p> <p>Myco-protein for food for human consumption; savouries consisting of or containing myco-protein; ready made meals; dairy products and substitutes therefor; cheese; cheese substitutes; pâtés; spreads, margarine and vegetable oils; milk shakes; shakes of milk substitutes; desserts; dessert puddings; dessert toppings; prepared snacks for human consumption but not included in any other classes.</p> <p>Prepared meals for human consumption; prepared rice dishes; prepared pasta dishes; pastry products; dry mixes; sandwiches; prepared frozen meals; desserts; dessert puddings; dessert toppings; mousse confections, spreads; prepared snacks included in class 30.</p>

			Information and advice concerning cooking and preparing myco-protein; information and advice concerning dietary and health aspects of using myco-protein for food; providing recipe information over a global computer network.
1048362 (CTM)	QUORN	29	Myco-protein for food for human consumption; savouries consisting of or containing myco-protein; ready made meals; prepared snacks for human consumption.
		30	Prepared meals for human consumption; prepared rice dishes, prepared pasta dishes; prepared frozen meals.