

O/573/18

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION NO. 3274074 BY

SUPERNATURALBABY LIMITED

TO REGISTER:

Yummy by nature

AS A TRADE MARK IN CLASS 5

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 600000827 BY

SWATI KANOI

Background and pleadings

1. Supernaturalbaby Limited (“the applicant”) applied to register the trade mark **Yummy by nature** in the UK on 29 November 2017. It was accepted and published in the Trade Marks Journal on 22 December 2017 in respect of the following goods:

Class 5

Baby food

2. The application was opposed under the fast track opposition procedure by Swati Kanoi (“the opponent”). The opposition is based upon Section 5(2)(a) of the Trade Marks Act 1994 (“the Act”), with the opponent relying upon the earlier UK registered trade mark No. 3240442: **yummy by nature**. This mark was applied for on 29 June 2017 and registered on 29 September 2017 in respect of the goods listed in the **Annex**. The opponent is relying upon all these goods in this opposition.
3. The opponent argues that the applicant’s mark is identical to its earlier mark, and the goods covered are similar to the goods covered by the earlier marks. The opponent notes that:

“We market and sell food products for children. The use of this mark by the applicant will confuse consumers as the products are very similar and in the same category of foods. It will lead to unnecessary trademark issues if allowed onto the register.”

4. The applicant denies the opponent’s claims. It states that the mark will only be used for baby food, which it believes is not a similar product to those produced by the opponent. It also claims that it has used the mark on marketing material, labels, website and social media since 2016 without any difficulties arising.

5. Rule 6 of the Trade Marks (Fast Track Opposition)(Amendment) Rules, S.I. 2013/2235, disapplies paragraphs 1-3 of Rule 20 of the Trade Mark Rules 2008, but provides that Rule 20(4) shall continue to apply. Rule 20(4) states that:

“The registrar may, at any time, give leave to either party to file evidence upon such terms as the registrar thinks fit.”

6. The net effect of these changes is to require parties to seek leave in order to file evidence in fast track oppositions. No leave was sought in respect of these proceedings.
7. Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if (i) the Office requests it or (ii) either party to the proceedings requests it and the registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost; otherwise written arguments will be taken. A hearing was neither requested nor considered necessary. Neither party made written submissions.
8. In these proceedings, both parties are representing themselves.

Legislation

9. Section 5(2)(a) of the Act states that:

“A trade mark shall not be registered if because –

- (a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the 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.”

10. An “earlier trade mark” is defined in section 6(1) of the Act:

“In this Act an ‘earlier trade mark’ means –

(a) a registered trade mark, international trade mark (UK) or Community trade mark or international trade mark (EC) which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks.”

11. The registration upon which the opponent relies qualifies as an earlier trade mark under the above provision. In this opposition, the opponent is relying upon all the goods for which this earlier mark is registered. As the mark was registered within the five years before the date on which the applicant’s mark was published, it is not subject to proof of use and the applicant is therefore entitled to rely on all the goods for which the mark stands registered.

Decision

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

(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. The average consumer is deemed to be reasonably well informed and reasonably circumspect and observant, but who

rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- (d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;
- (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
- (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- (g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
- (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- (j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

- (k) if the association between the marks creates a risk that the public 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

13. The opponent has claimed that the goods covered by the applicant's mark are very similar to the goods covered by its trade mark and in the same category of foods. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account, per *Canon Kabushiki Kaisha*.
14. Guidance on these issues has come from Jacob J (as he was then) in *British Sugar Plc v James Robertson & Sons Limited ("Treat")* [1996] RPC 281, where the following factors were highlighted as being relevant:
- (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."

15. The earlier mark covers a long list of goods.¹ I have examined this list carefully to identify the goods that in my view are the most similar to the applicant's goods (baby food). Baby food tends to be smooth in texture and is often a puree. The opponent's goods include "fruit purees", and these are the goods that I consider to be the most similar.

16. The opponent states that:

"We understand that 'baby food' under class 5 refers to foods that MUST be eaten by babies because they are physically incapable of eating another type of food or because it is MEDICALLY required that they eat this particular type of food."

17. While the Nice Classification does contain a list of the goods and services that fall within each class, the terms are not strictly defined. In construing the meaning of the expressions used in specifications, I am required to adopt the "ordinary and natural" meaning of the words or phrases, as explained by Floyd J in *YouView TV Ltd v Total Ltd* [2012] EWHC 3158:

"... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47-49]. Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of 'dessert sauce' did not include jam, or because the ordinary and natural description of jam was not a 'dessert sauce'. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question."

¹ See Annex.

18. The ordinary and natural meaning of “baby food”, in my view, comprises food that is intended for consumption by babies. It may be specifically formulated to meet a baby’s nutritional needs or it may be in a form that makes it easy for the baby to consume it. It would not be consumed by members of the general public, as fruit purees would be. The users, therefore, are different, although the uses (nourishment) are the same. The physical nature of these goods is similar, as baby food will include purees. The trade channels are similar: both goods will be found in supermarkets and general grocery stores, although baby food will also be sold by specialist baby shops. However, the goods will be found on separate shelves in the supermarkets as goods for babies tend to be displayed together, whether they are nappies, food or toiletries.

19. I have considered whether these goods can be said to be in competition with each other, and I think this is unlikely. While it may be possible for a baby to be fed fruit purees intended for general consumption, it is in my view more usual for them to eat baby food, which is likely, as I have already noted, to have been specifically formulated for them. Nor do I consider the goods to be complementary in the sense set out by the General Court in *Boston Scientific Ltd v OHIM*, T-325/06:

“... 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”.

20. Bearing in mind all the “Treat” factors, I find that there is a medium level of similarity between baby food and fruit purees.

Average consumer and the nature of the purchasing act

21. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, I must bear in mind that the average consumer’s level of attention is likely to vary according to the category of goods or services in question: see *Lloyd Schuhfabrik Meyer*.

22. 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:

“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 word ‘average’ denotes that the person is typical. The term ‘average’ does not denote some form of numerical mean, mode or median.”²

23. The average consumer of baby food is a member of the general public who is buying the food to give to a baby. The goods are relatively inexpensive and will typically be a frequent purchase, bought in a physical shop or from a website. In my view, the purchaser will be paying an average level of attention when purchasing the goods, as they are likely to check the nutritional content of the products.

24. The average consumer of fruit purees is a member of the general public who is purchasing the food for consumption by themselves or others. Again, the goods are relatively inexpensive and will typically be a frequent purchase, either from a physical shop or a website. I consider that the purchaser will be paying a below-average level of attention when purchasing these goods.

Comparison of marks

25. The marks to be compared are shown below:

Earlier mark	Contested mark
yummy by nature	Yummy by nature

² Paragraph 60.

26. I find that the two marks are identical. In doing so, I have borne in mind the comments of Professor Ruth Annand, sitting as the Appointed Person, in *Bentley Motors Limited v Bentley 1962 Limited*, BL O/158/17, that a word mark protects the words written in any normal font, “irrespective of capitalisation”.³

Distinctiveness of earlier mark

27. There is, as has already been noted, a greater likelihood of confusion if the earlier mark is highly distinctive. The CJEU provided guidance on assessing a mark’s distinctive character in *Lloyd Schuhfabrik Meyer*.

“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).”

³ Paragraph 16.

28. The opponent has not provided evidence of use of its mark, so is not entitled to claim that its distinctive character has been enhanced through use. I must consider only the inherent distinctiveness of the mark.
29. While the mark does not specifically describe the goods for which it is registered, it does allude to some of the qualities the consumer can expect to find in those goods. “Yummy” is a colloquial word, meaning “delicious”, and it tends to be used in the context of food or drink. “Yummy by nature” implies that the food will be natural, with no, or minimal, artificial flavourings. These are not words chosen at random from a dictionary, but allusive of the quality of the goods on offer. Consequently, I find that the inherent distinctiveness of this mark is low.

Conclusions on likelihood of confusion

30. Deciding whether there is a likelihood of confusion is not a scientific process. Rather, it is a matter of considering all the factors, weighing them and looking at their combined effect, in the light of the authorities set out earlier in this decision. As the CJEU stated in *Canon Kabushiki Kaisha*:

“A global assessment of the likelihood of confusion implies some interdependence between the relevant factors, and in particular a similarity between the trade marks and between these goods or services. Accordingly, a lesser degree of similarity between these goods or services may be offset by a greater degree of similarity between the marks, and vice versa. The interdependence of these factors is expressly mentioned in the tenth recital of the preamble to the Directive, which states that it is indispensable to give an interpretation of the concept of similarity in relation to the likelihood of confusion, the appreciation of which depends, in particular, on the recognition of the trade mark on the market and the degree of similarity between the mark and the sign and between the goods or services identified.”⁴

⁴ Paragraph 17.

31. The applicant claims that since 2016 it has been using the contested mark in connection with goods which it sells under a previously registered trade mark. The applicant also states that the fact that it has been using the contested mark means that the two marks in question can coexist. This does not help the applicant as there is no evidence that the opponent has used its mark and therefore no inferences can be drawn that the public has become used to distinguishing between the two marks.
32. I have found that there are differences between baby food and fruit purees, notably their users and the places they will be found in a supermarket. The marks, however, are identical. It is to my mind likely that a consumer will mistakenly believe that one company has diversified into a similar line of goods, that is, those sold by the other company. It is the case that not all of the opponent's customers – perhaps only a minority – will be in the market for baby food, and so it might be thought that the likelihood of confusion is reduced. In making my decision, I have borne in mind the guidance of Arnold J in *Interflora Inc v Marks and Spencer plc* [2013] EWHC 1291 (Ch):

“This is not a binary question: is the average consumer confused or is the average consumer not confused? Rather, it requires an assessment of whether it is likely that there is, or will be, confusion, applying the standard of perspicacity of the average consumer. It is clear from the case law that this does not mean likely in the sense of more probable than not. Rather, it means sufficiently likely to warrant the court's intervention. The fact that many consumers of whom the average consumer is representative would not be confused does not mean that the question whether there is a likelihood of confusion is to be answered in the negative if a significant number would be confused.”⁵

33. As the marks are identical and the goods similar, in my view it is likely that a significant number of consumers would be confused. The opposition therefore succeeds.

⁵ Paragraph 224.

Conclusion

34. The opposition has succeeded. The application will be refused.

Costs

35. The opponent has been successful. I therefore make an award to the opponent of a contribution towards its costs. For fast track opposition proceedings, costs are capped at £500, excluding the official fee.⁶ I have awarded £200 as a contribution towards the cost of preparing the statement and considering the other side's statement. The breakdown of the award is as follows:

Official fee - £100

Preparing a statement and considering the other side's statement - £200

Total: £300

36. I therefore order Supernaturalbaby Limited to pay Swati Kanoi the sum of £300. The above sum should be paid within 14 days of the expiry of the appeal period or, if there is an appeal, within 14 days of the conclusion of the appeal proceedings.

Dated this 13th day of September 2018

Clare Boucher

**Clare Boucher
For the Registrar,
The Comptroller-General**

⁶ TPN 2/2015.

Annex A: Goods Covered by the Earlier Trade Mark

Class 29

Almonds (prepared-); Apple chips; Apple flakes; Apple puree; Banana chips; Berries, preserved; Bottled fruits; Bottled sliced fruits; Bottled vegetables; Broth [soup]; Butter (Chocolate nut); Butter (Cocoa); Butter (Coconut -); Butter made of nuts; Butter (Peanut -); Candied fruits snacks; Candied fruits; Candied nuts; Canned fruits; Canned peanuts; Canned sliced fruits; Canned sliced vegetables; Cashew nut butter; Chocolate nut butter; Cocoa butter; Coconut; Coconut butter; Crisps; Cut fruits; Cut vegetables; Dairy desserts; Dairy produce; Dairy puddings; Dairy spreads; Dairy-based beverages; Dried coconuts; Dried cranberries; Dried dates; Dried durians; Dried figs; Dried fruit mixes; Dried fruit products; Dried fruit-based snacks; Dried fruits; Dried mangoes; Dried pieces of agar jelly (kanten); Dried pineapples; Dried strawberries; Edible dried flowers; Edible seaweed; Edible sunflower seeds; Eggs; Extracts of vegetables [juices] for cooking; Flavoured nuts; Flavoured milk; Flavoured milk beverages; Flavoured milk powder for making drinks; Freeze-dried tofu pieces (kohri-dofu); Fromage frais; Frosted fruits; Frozen fruits; Fruit chips; Fruit conserves; Fruit desserts; Fruit jams; Fruit jellies; Fruit juices for cooking; Fruit marmalade; Fruitpaste; Fruit pectin; Fruit peel; Fruit pie fillings; Fruit Powders; Fruit, preserved; Fruit preserved in alcohol; Fruit preserves; Fruit pulp; Fruit puree; Fruit rinds; Fruit salads; Fruit snacks; Fruit spread; Fruit, stewed; Fruit-based fillings for cobblers; Fruit-based snack food; Fruits (Crystallized); Fruits (Frosted); Fruits, tinned [canned (Am.)]; Ground nuts; Groundnut oil; Guacamole; Jellies, jams, compotes; Milk and milk products; Milk based beverages [milk predominating]; Milk based drinks [milk predominating]; Milk beverages; Milk beverages, milk predominating; Milk curds; Milk drinks; Milk of almonds for culinary purposes; Milk powder for nutritional purposes; Milk products; Milk shakes; Milk solids; Milk-based beverages containing fruit juice; Milk-based beverages flavoured with chocolate; Nut and seed-based snack bars; Nut toppings; Nut-based snack foods; Nuts being preserved; Nuts, prepared; Organic nut and seed-based snack bars; Peanut butter; Peanuts, processed; Pectin for culinary purposes;

Peel (Fruit); Pickled fruits; Prepared almonds; Prepared fruits; Preserved plums; Processed apples; Processed blueberries; Processed cherries; Processed dates; Processed edible flowers; Processed, edible seaweed; Processed mangos; Processed olives; Processed oranges; Processed papayas; Processed peaches; Processed peas; Processed peppers; Processed plantain seeds; Processed potatoes; Processed pumpkin seeds; Processed roots; Processed shallots [used as a vegetable, not seasoning]; Processed soybeans; Processed spirulina; Processed sweet potatoes; Processed tomatoes; Processed vegetables; Pulses; Pulses [for food]; Ready grated cheese; Rhubarb in syrup; Salads (Fruit); Salads (Vegetable); Seasoned nuts; Seaweed extracts for food; Seeds (Processed); Seeds (Processed sunflower); Snack food (Fruit-based); Snack foods based on legumes; Snack foods based on nuts; Snack foods based on vegetables; Snack mixes consisting of dehydrated fruit and processed nuts; Stewed apples; Stewed fruits; Strawberries being preserved; Sugar coated fruits on a stick; Sultanas; Tomatoes [preserved]; Vegetable jellies; Vegetable-based snack foods; Yoghurt; Yoghurt desserts; Yogurt; Apple sauce; Fruit slices; Almonds (Milk of -) [beverage]; Coconut milk [beverage]; Coconut milk used as beverage; Milk of almonds [beverage]; Milk of almonds for beverage; Milk (Peanut -) [non-alcoholic beverage].

Class 30

Almond cake; Almond confectionery; Almond pastries; Almonds covered in chocolate; Apple fritters; Apple pies; Apple tarts; Bakery desserts; Bakery goods; Banana fritters; Barley flakes; Barley meal; Barley prepared for human consumption; Bean jam buns; Bean meal; Beverages based on chocolate; Beverages (chocolate-based-); Beverages (Chocolate-based-); Beverages (cocoa-based); Beverages (Cocoa-based-); Beverages (coffee-based-); Beverages (Coffee-based-); Beverages consisting principally of chocolate; Beverages containing chocolate; Beverages made from chocolate; Beverages made from cocoa; Beverages made of tea; Beverages made with chocolate; Beverages (tea-based-); Beverages (Tea-based-); Beverages with a chocolate base; Beverages with coffee base; Beverages with tea base;

Biscotti; Biscotti dough; Biscuit mixes; Biscuit products; Biscuit rusk; Biscuits; Biscuits containing chocolate flavoured ingredients; Biscuits containing fruit; Biscuits flavoured with fruit; Biscuits for cheese; Biscuits for human consumption made from cereals; Biscuits for human consumption made from malt; Biscuits having a chocolate coating; Biscuits having a chocolate flavoured coating; Biscuits [sweet or savoury]; Biscuits with an iced topping; Boiled confectionery; Boiled sugar confectionery; Boiled sugar sweetmeats; Boiled sweets; Bonbons; Bonbons made of sugar; Boxed lunches consisting of rice, with added meat, fish or vegetables; Bran; Bran preparations for human consumption; Bread; Bread and buns; Bread biscuits; Bread buns; Bread casings filled with fruit; Bread crumb; Bread crumbs; Bread doughs; Bread flavoured with spices; Bread (Ginger-); Bread improvers being cereal based preparations; Bread mixes; Bread, pastry and confectionery; Bread pudding; Bread rolls; Bread sticks; Bread with soy bean; Bread with sweet red bean; Breadcrumbs; Breadsticks; Breakfast cake; Breakfast cereals; Breakfast cereals containing a mixture of fruit and fibre; Breakfast cereals containing fibre; Breakfast cereals containing fruit; Breakfast cereals containing honey; Breakfast cereals flavoured with honey; Breakfast cereals made of rice; Breath mints for use as a breath freshener; Breath-freshening chewing gum; Brine for cooking; Brioches; Brittle; Brownies; Bubble gum; Buckwheat flour [for food]; Buckwheat noodles; Buns; Burritos; Butter biscuits; Butterscotch chips; Cake decorations made of candy; Cake frosting; Cake icing; Cake mixes; Cake mixtures; Cake preparations; Cakes; Cakes (flavorings) [flavourings], (other than essential oils, for-); Cakes (Flavorings) [flavourings], (other than essential oils, for-); Cakes (Rice-); Calzones; Canapes; Candies (non-medicated-); Candies (non-medicated-) with honey; Candies (non-medicated-) with mint; Candies [sweets]; Candy; Candy; Candy bars; Candy cake; Candy cake decorations; Candy coated apples; Candy coated confections; Candy coated popcorn; Candy decorations for cakes; Candy for food; Candy mints; Candy (non-medicated-); Candy, other than for medical purposes; Candy [sugar]; Candy with caramel; Candy with cocoa; Canned pasta foods; Canned sauces; Canned spaghetti in tomato sauce; Cannelloni; Caramel; Caramel coated popcorn; Caramel coated popcorn with candied nuts; Caramel popcorn; Caramels [candy]; Caraway seeds; Cereal

bars; Cereal based energy bars; Cereal based food bars; Cereal based foodstuffs for human consumption; Cereal based prepared snack foods; Cereal based snack food; Cereal based snack foods; Cereal breakfast foods; Cereal cakes for human consumption; Cereal powders; Cereal preparations; Cereal preparations coated with sugar and honey; Cereal preparations consisting of bran; Cereal preparations consisting of oatbran; Cereal preparations containing oatbran; Cereal products in bar form; Cereal seeds, processed; Cereal snack foods flavoured with cheese; Cereal snacks; Cereal based snack food; cereals; Cereals for food for consumption by humans; Cereals prepared for consumption by humans; Chai (tea); Chai tea; Cheese balls [snacks]; Cheese curls [snacks]; Cheese flavored puffed corn snacks; Cheese puffs; Cheesecake; Cheesecakes; Cheese-flavored biscuits; Chewing candy; Chewing gum; Chewing gum; Chewing gums; Chewing sweets (non-medicated-); Chewing sweets (non-medicated-) having liquid fruit fillings; Chewing-gums; Chips [cereal products]; Chocolate; Chocolate bark containing ground coffee beans; Chocolate bars; Chocolate based beverages; Chocolate based drinks; Chocolate based fillings; Chocolate based products; Chocolate beverages; Chocolate beverages containing milk; Chocolate beverages with milk; Chocolate biscuits; Chocolate cake; Chocolate cakes; Chocolate candies; Chocolate candy with fillings; Chocolate caramel wafers; Chocolate chips; Chocolate coated biscuits; Chocolate coated fruits; Chocolate coated macadamia nuts; Chocolate coated marshmallow biscuits containing toffee; Chocolate coated nougat bars; Chocolate coated nuts; Chocolate coating; Chocolate coffee; Chocolate confectionery; Chocolate confectionery containing pralines; Chocolate confectionery having a praline flavour; Chocolate confectionery products; Chocolate confections; Chocolate covered biscuits; Chocolate covered cakes; Chocolate covered pretzels; Chocolate covered wafer biscuits; Chocolate creams; Chocolate decorations for cakes; Chocolate decorations for christmas trees; Chocolate decorations for confectionery items; Chocolate drink preparations; Chocolate drink preparations flavoured with banana; Chocolate drink preparations flavoured with mint; Chocolate drink preparations flavoured with mocha; Chocolate drink preparations flavoured with nuts; Chocolate drink preparations flavoured with orange; Chocolate drink preparations flavoured with toffee; Chocolate eggs;

Chocolate extracts; Chocolate fillings for bakery products; Chocolate flavoured beverage making preparations; Chocolate flavoured beverages; Chocolate flavoured coatings; Chocolate flavoured confectionery; Chocolate flavourings; Chocolate fondue; Chocolate food beverages not being dairy based or vegetable based; Chocolate for confectionery and bread; Chocolate for toppings; Chocolate fudge; Chocolate marzipan; Chocolate milk; Chocolate pastes; Chocolate pastries; Chocolate powder; Chocolate sauce; Chocolate sauces; Chocolate shells; Chocolate spreads; Chocolate spreads containing nuts; Chocolate spreads for use on bread; Chocolate sweets; Chocolate syrup; Chocolate syrups for the preparation of chocolate based beverages; Chocolate topped pretzels; Chocolate topping; Chocolate truffles; Chocolate wafers; Chocolate waffles; Chocolate-based beverages; Chocolate-based beverages with milk; Chocolate-based fillings for cakes and pies; Chocolate-based ready-to-eat food bars; Chocolate-coated nuts; Chocolates; Chocolates in the form of pralines; Chocolates in the form of sea horses; Chocolates in the form of sea shells; Chocolates with mint-flavoured centres; Churros; Chutney; Chutneys; Coated nuts [confectionery]; Cocoa; Cocoa products; Coffee; Cones for ice cream; Cones for icecream; Confectioners glaze; Confectionery; Confectionery bars; Confectionery chips for baking; Confectionery chocolate products; Confectionery containing jam; Confectionery containing jelly; Confectionery for decorating Christmas trees; Confectionery having liquid fruit fillings; Confectionery having liquid spirit fillings; Confectionery having wine fillings; Confectionery ices; Confectionery items coated with chocolate; Confectionery items formed from chocolate; Confectionery items (non-medicated-); Confectionery made of sugar; Confectionery products (non-medicated-); Cooked rice; Cookie dough; Cookie mixes; Cookies; Corn candy; Corn chips; Corn curls; Corn flakes; Corn kernels being roasted; Corn kernels being toasted; Coulis (Fruit-) [sauces]; Couscous; Crackers filled with cheese; Crackers flavoured with cheese; Crackers flavoured with fruit; Crackers flavoured with herbs; Crackers flavoured with meat; Crackers flavoured with spices; Crackers flavoured with vegetables; Crackers made of prepared cereals; Cream cakes; Cream crackers; Cream puffs; Crepes; Crisp breads; Crisp rolls; Crispbread; Crispbread snacks; Crisps made of cereals; Croissants; Croutons; Crumble; Crumpets; Crushed

barley; Crushed oats; Crusty rolls; Currant bread; Dairy chocolate; Dairy confectionery; Dairy ice cream; Danish bread; Danish bread rolls; Danish butter cookies; Danish pastries; Decorations [edible] for christmas trees; Desserts; Doughnuts; Dried cooked-rice; Dried fig-based condiment; Dried pasta foods; Drinks flavoured with chocolate; Drinks in powder form containing cocoa; Drinks prepared from chocolate; Drinks prepared from cocoa; Dry and liquid ready-to-serve meals, mainly consisting of pasta; Dry and liquid ready-to-serve meals, mainly consisting of rice; Easter eggs; Eclairs; Edible wafers; Empanadas; Extruded food products made of maize; Extruded food products made of rice; Extruded food products made of wheat; Extruded savory snackfoods; Extruded snacks containing maize; Extruded wheat snacks; Fajitas; Filled chocolate; Filled chocolate bars; Filled sweetmeats; Filled yeast dough with fillings consisting of fruits; Filled yeast dough with fillings consisting of vegetables; Flakes (Corn-); Flakes (maize-); Flakes (Maize -); Flakes (oat-); Flakes (Oat -); Flavorings for beverages; Flavoured popcorn; Flavoured rices; Flavoured sugar confectionery; Flavourings for snack foods [other than essential oils]; Flavourings made from fruits; Flavourings made from fruits [other than essential oils]; Flavourings made from vegetables [other than essential oils]; Flavourings of almond; Flavourings of almond for food or beverages; Flavourings of lemons; Flavourings of lemons for food or beverages; Flavourings of tea; Flour based chips; Flour based savory snacks; Flour confectionery; Flour preparations for food; Flour-based chips; Foamed sugar pastilles; Foamed sugar sweets; Fondants; Fondants [confectionery]; Foodstuffs in the form of snack foods; Foodstuffs made from cereals; Foodstuffs made from dough; Foodstuffs made from maize; Foodstuffs made from oats; Foodstuffs made from soya; Foodstuffs made of rice; Fortune cookies; Frozen dairy confections; Frozen flavoured waters; Frozen fruit desserts; Frozen ices; Frozen lollipops; Frozen pastries; Frozen pastry; Frozen yoghurt [confectionery ices]; Frozen yogurt; Frozen yogurt cakes; Frozen yogurt [confectionery ices]; Frozen yogurt confections; Frozen yogurt pies; Frozen yogurts; Fruit breads; Fruit cake snacks; Fruit cakes; Fruit drops [confectionery]; Fruit filled pastry products; Fruit flavorings, other than essential oils; Fruit flavoured tea [other than medicinal]; Fruit flavoured water ices in the form of lollipops; Fruit flavourings, except essences; Fruit gums

[other than for medical use]; Fruit ice; Fruit ice bars; Fruit ice cream; Fruit ices; Fruit jellies [confectionery]; Fruit jelly candy; Fruit pastries; Fruit pies; Fruit sauces; Fruit sugar; Fruit syrup; Fruit tea [other than for medical purposes]; Fruit teas; Fruit vinegar; Fruited malt loaf; Fruited scones; Fudge; Ginger tea; Gingerbread; Gingerbread nuts; Ginseng confectionery; Ginseng tea; Glazed popcorn; Graham crackers; Grain-based chips; Granola; Granola-based snack bars; Green tea; Honeys; Hot breakfast cereals; Hot chocolate; Ice candies; Ice candy; Ice confectionery; Ice confectionery in the form of lollipops; Ice confections; Ice cream; Ice cream bars; Ice cream cone mixes; Ice cream cones; Ice cream confectionery; Ice cream confections; Ice cream desserts; Ice cream drinks; Ice cream stick bars; Ice cream with fruit; Ice creams; Ice creams containing chocolate; Ice creams flavoured with chocolate; Icecream; Iced fruit cakes; Iced sponge cakes; Instant tea [other than for medicinal purposes]; Instant udon noodles; Jam buns; Jellies (Fruit-) [confectionery]; Jellies (fruit-) [confectionery]; Kettle corn [popcorn]; Kimchi pancakes (kimchijeon); Korean traditional pressed sweets (Dasik); Licorice; Liquorice [confectionery]; Liquorice flavoured confectionery; Lo mein [noodles]; Lollipops; Lollipops [confectionery]; Long-life pastry; Lozenges [confectionery]; Lozenges [non-medicated confectionery]; Madeleines; Maize-based snack products; Mallows [confectionery]; Malt biscuits; Malt cakes; Malted food drinks; Marshmallow; Marshmallow confectionery; Marshmallow filled chocolates; Marshmallow topping; Marzipan; Meals consisting primarily of pasta; Meals consisting primarily of rice; Microwave popcorn; Milk chocolate; Milk chocolate bars; Milk chocolate teacakes; Mint based sweets [non-medicated]; Mint flavoured confectionery (non-medicated-); Mint flavoured sweets (non-medicated-); Mint for confectionery; Mints [candies, non-medicated]; Miso bean paste; Mooncakes; Mousse confections; Muesli; Muesli bars; Muesli consisting predominantly of cereals; Muesli desserts; Muffins; Multigrain bread; Mung bean pancakes (bindaetteok); Nachos; Natural rice flakes; Non-medicated chocolate; Non-medicated chocolate confectionery; Non-medicated confectionery; Non-medicated confectionery candy; Non-medicated confectionery containing chocolate; Non-medicated confectionery containing milk; Non-medicated confectionery for use as part of a calorie controlled diet; Non-medicated confectionery having a milk flavour;

Non-medicated confectionery having toffee fillings; Non-medicated confectionery in jelly form; Non-medicated confectionery in the form of lozenges; Non-medicated confectionery in the shape of eggs; Nonmedicated confectionery products; Non-medicated flour confectionery; Non-medicated flour confectionery coated with chocolate; Non-medicated flour confectionery containing with chocolate; Nonmedicated infusions; Non-medicated lozenges; Non-medicated mint confectionery; Non-medicated mouth freshening lozenges; Non-medicated sugar confectionery; Non-medicated sweets; Non-medicinal infusions; Noodle-based prepared meals; Noodles; Nougat; Nut confectionery; Nut flours; Nutmeg; Nutmegs; Oat biscuits for human consumption; Oat cakes for human consumption; Oat flakes; Oat meal; Oat porridge; Oat-based food; Oat-based food for human consumption; Oat-based foods; Oatmeal; Oatmeal for human consumption; Oats (Crushed -); Onion biscuits; Onion or cheese biscuits; Orange based confectionery; Orange based pastry; Orange flavoured tea [other than for medicinal use]; Packaged tea [other than for medicinal use]; Panned sweets (non-medicated-); Paste (almond-); Paste (Soya bean -) [condiment]; Pastries containing fruit; Pastries filled with fruit; Pastries with fruit; Peanut butter confectionery chips; Peanut confectionery; Pearl barley; Peppermint bonbons [other than for medicinal use]; Peppermint candy; Peppermint for confectionery; Peppermint sweets; Peppermint sweets [other than for medicinal use]; Peppermints [other than for medicinal use]; Petit fours; Petit-beurre biscuits; Petits fours [cakes]; Plum-cakes; Polenta; Popcorn; Popcorn; Popped popcorn; Pretzels; Processed cereals; Processed cereals for food for human consumption; Processed corn; Processed garlic for use as seasoning; Processed ginseng used as an herb, spice or flavoring; Processed grains; Processed grains for food for human consumption; Processed herbs; Processed oats; Processed oats for food for human consumption; Processed popcorn; Processed quinoa; Processed semolina; Processed wheat; Profiteroles; Puffed corn snacks; Puffed rice; Pumpnickel; Rice based dishes; Rice biscuits; Rice cake snacks; Rice cakes; Rice chips; Rice crackers; Rice crackers [senbei]; Rice crisps; Rice puddings containing sultanas and nutmeg; Rice snacks; Rice sticks; Rice tapioca; Rice-based snack food; Rice-based snack foods; Roasted corn; Roasted maize; Rolled oats; Rolled oats and wheat; Rolled wafers [biscuits];

Rolls (Bread -); Sago palm starch [for food]; Salted biscuits; Salted wafer biscuits; Salty biscuits; Sandwich spread made from chocolate and nuts; Sauces; Sauces containing nuts; Sauces flavoured with nuts; Savoury biscuits; Scones; Semolina; Semolina pudding; Shortbread biscuits; Shortbread part coated with a chocolate flavoured coating; Shortbread part coated with chocolate; Shortbread with a chocolate coating; Shortbread with a chocolate flavoured coating; Shortbreads; Shortcake; Snack bars consisting of chocolate; Snack bars containing a mixture of grains, nuts and dried fruit [confectionery]; Snack bars containing dried fruits [confectionery]; Snack bars containing grains [confectionery]; Snack bars containing nuts [confectionery]; Snack food (Cereal-based -); Snack food products consisting of cereal products; Snack food products made from cereal flour; Snack food products made from cereal starch; Snack food products made from cereals; Snack food products made from maize flour; Snack food products made from potato flour; Snack food products made from rice; Snack food products made from rice flour; Snack food products made from rusk flour; Snack food products made from soya flour; Snack food (Rice-based -); Snack foods consisting principally of bread; Snack foods consisting principally of confectionery; Snack foods consisting principally of extruded cereals; Snack foods consisting principally of grain; Snack foods consisting principally of pasta; Snack foods consisting principally of rice; Snack foods made from cereals; Snack foods made from corn; Snack foods made from corn and in the form of puffs; Snack foods made from corn and in the form of rings; Snack foods made from wheat; Snack foods made of wheat; Snack foods made of whole wheat; Snack foods prepared from maize; Snack foods prepared from potato flour; Snack products made of cereals; Snacks manufactured from cereals; Snacks manufactured from muesli; Soba noodles [japanese noodles of buckwheat, uncooked]; Soya flour for food; Sugar almonds; Sugar candies (non-medicated-); Sugar coated pine nuts; Sugar confectionery; Sugar confectionery (non-medicated-); Sugar for making conserves of fruit; Sugar for making jams; Sugar for making jellies; Sugar, honey, treacle; Sugar-coated hard caramels; Sugared almonds; Sugared beans (ama-natto); Sugarless sweets; Sweeteners consisting of fruit concentrates; Sweetmeats [candy]; Sweetmeats [candy] being flavoured with fruit; Sweetmeats [candy] containing fruit; Sweets [candy]; Sweets (non-

medicated-); Sweets (non-medicated-) being honey based; Sweets (non-medicated-) containing herbal flavourings; Sweets (non-medicated-) in compressed form; Sweets (non-medicated-) in the nature of caramels; Sweets (non-medicated-) in the nature of chocolate eclairs; Sweets (non-medicated-) in the nature of fudge; Sweets (non-medicated-) in the nature of nougat; Sweets (non-medicated-) in the nature of sugar confectionery; Sweets (non-medicated-) in the nature of toffees; Sweets (Peppermint -); Taco chips; Tapioca and sago; Tea cakes; Tea essence (non-medicated-); Tea essences; Tea essences (non-medicated-); Tea extracts; Tea extracts (non-medicated-); Tea for infusions; Tea leaves; Tea mixtures; Tea pods; Tea-based beverages; Tea-based beverages with fruit flavoring; Teas (non-medicated-); Teas (non-medicated-) containing lemon; Teas (non-medicated-) flavoured with lemon; Toasted corn kernels; Toasts [biscuits]; Toffee; Tortilla chips; Tortilla snacks; Truffles [confectionery]; Turkish delight coated in chocolate; Udon (Japanese style noodles); Udon noodles [uncooked]; Wafer biscuits; Wafered pralines; Waffles; Waffles with a chocolate coating; Wheat-based snack foods; Wheatgerm; Whole wheat grains being cooked; Whole wheat grains being dried; Whole wheat grains being precooked; Wholemeal bread; Wholewheat crisps; Wild rice [prepared]; Wonton chips.

Class 32

Aerated fruit juices; Aerated fruit juices; Aerated juices; Aerated mineral waters; Aerated water; Alcohol free beverages; Alcohol free cider; Aloe juice beverages; Aloe vera drinks, non-alcoholic; Aloe vera juices; Apple juice beverages; Beverages consisting of a blend of fruit and vegetable juices; Beverages consisting principally of fruit juices; Beverages enriched with added minerals; Beverages enriched with added minerals [not for medical purposes]; Beverages enriched with added trace elements; Beverages enriched with added trace elements [not for medical purposes]; Beverages enriched with added vitamins; Beverages enriched with added vitamins [not for medical purposes]; Beverages (non-alcoholic-); Beverages (Non-alcoholic-); Carbonated mineral water; Carbonated non-alcoholic drinks; Carbonated water; Cider, non-alcoholic; Cocktails, nonalcoholic; Coconut water as

beverage; Concentrated fruit juice; Concentrates for making fruit drinks; Concentrates for making fruit drinks; Cordials; Cordials [non-alcoholic]; Cranberry juice; Energy drinks; Energy drinks [not for medical purposes]; Essences for making beverages; Extracts for making beverages; Flavoured mineral water; Frozen carbonated beverages; Frozen fruit beverages; Frozen fruit drinks; Frozen fruit-based beverages; Fruit beverages; Fruit beverages and fruit juices; Fruit extracts (Non-alcoholic -); Fruit flavoured drinks; Fruit juice; Fruit juice beverages (Non-alcoholic -); Fruit juice concentrates; Fruit juice for use as a beverage; Fruit juices; Fruit juices and fruit drinks; Fruit nectars, non-alcoholic; Fruit-based beverages; Fruit-based soft drinks flavored with tea; Fruit-flavored beverages; Fruit-flavoured beverages; Ginger ale; Grape juice; Grape juice beverages; Guarana drinks; Guava juice; Honey-based beverages (Non-alcoholic -); Jelly drinks; Juice (fruit-); Juice (Fruit -); Lemonade; Lemonades; Mango juice; Melon juice; Mineral and aerated waters; Mineral and aerated waters and other non-alcoholic beverages; Mineral water; Mineral water [beverages]; Mineral water (non-medicated-); Mineral water (Preparations for making -); Mineral waters; Mixed fruit juice; Mixes for making sorbet beverages; Nectars (Fruit -), non-alcoholic; Non-alcoholic drinks; Non-alcoholic fruit cocktails; Non-alcoholic fruit drinks; Nonalcoholic fruit extracts; Non-alcoholic fruit extracts used in the preparation of beverages; Non-alcoholic fruit juice beverages; Non-alcoholic fruit punch; Non-alcoholic grape juice beverages; Non-alcoholic honey-based beverages; Non-alcoholic malt drinks; Non-alcoholic punch; Non-alcoholic vegetable juice drinks; Orange juice; Orange juice drinks; Orange squash; Pineapple juice beverages; Pomegranate juice; Protein-enriched sports beverages; Root beer; Sherbets [beverages]; Smoked plum beverages; Smoothies; Smoothies [non-alcoholic fruit beverages]; Sorbets [beverages]; Sorbets in the nature of beverages; Sparkling water; Sports drinks; Sports drinks containing electrolytes; Spring waters; Squashes [non-alcoholic beverages]; Still water; Syrup for making beverages; Syrup for making lemonade; Syrups and other preparations for making beverages; Syrups for beverages; Syrups for lemonade; Syrups for making beverages; Syrups for making flavoured mineral waters; Syrups for making fruit-flavored drinks; Syrups for making non-alcoholic beverages; Table waters; Tomato juice [beverage]; Tomato juice

beverages; Vegetable juice; Vegetable juices [beverage]; Vegetable juices [beverages]; Vegetable smoothies; Vitamin enriched sparkling water [beverages]; Water; Waters [beverages]; Waters (Table -).