

O/0129/24

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00003704029

BY SKINS IP LIMITED

TO REGISTER THE TRADE MARK:

SKINS

IN CLASSES 9, 10, 18, 24, 25, 28 AND 35

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 434408 BY

SEMPERIT INVESTMENTS ASIA PTE LTD

BACKGROUND AND PLEADINGS

1. On 29 September 2021, Skins IP Limited (“the applicant”) applied to register the trade mark shown on the cover page of this decision, in the UK. The application was filed pursuant to Article 59 of the Withdrawal Agreement between the UK and the EU, meaning that the applicant can rely upon the earlier EU filing date i.e. 21 August 2019. The application was published for opposition purposes on 18 March 2022 and protection is sought for the goods and services set out in the Annex to this decision.¹

2. On 20 June 2022, the application was partially opposed by Semperit Investments Asia Pte Ltd (“the opponent”) based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is directed at the goods and services underlined in the Annex to this decision.² The opposition is based upon the following trade marks:

NITRILE SKIN²

UKTM no. 908600389

Filing date 7 October 2009; registration date 16 March 2010

Relying on some goods for which the mark is registered, namely:

Class 10 Gloves for use in hospital; gloves for medical purposes; gloves for medical and surgical use; disposable gloves for medical and dental use; latex and synthetic gloves for medical, surgical, dental and health care use; surgical gloves.

(“the First Earlier Mark”)

skin²

UKTM no. 916311342

Filing date 1 February 2017; registration date 17 May 2017

Relying on all goods for which the mark is registered, namely:

¹ The applicant’s specification was restricted following the filing of a Form TM21B dated 25 October 2023.

² Although the opposition was originally directed at a broader range of goods and services than those underlined in the Annex to this decision, the other opposed terms were removed from the applicant’s specification following the filing of the Form TM21B referred to above. Consequently, the opposition continues in respect of only those goods and services underlined in the Annex to this decision.

Class 10 Gloves for medical examinations; Gloves for use during operations; Gloves for use in hospitals; Gloves for medical purposes; Gloves for veterinary use; Gloves for dental use.

("the Second Earlier Mark")

3. The opponent claims that the marks are similar and the goods and services are similar, with the result that there is a likelihood of confusion.

4. The applicant filed a counterstatement denying the claims made and putting the opponent to proof of use of the First Earlier Mark.

5. Only the opponent filed evidence. A hearing took place before me on 1 November 2023, by video conference. The opponent was represented by Ms Laura Gardner of M.J.P. Deans and the applicant was represented by Mr Phillip Harris of Lane IP Limited. Both parties filed skeleton arguments in advance of the hearing.

EVIDENCE

6. The opponent filed evidence in chief in the form of the witness statement of Christian Rohrbach dated 24 November 2022, which is accompanied by 7 exhibits (CR1 to CR7). Mr Rohrbach is the Head of Business Strategy at Sempermed Europe GmbH, which is a subsidiary of the opponent in these proceedings.

7. I have taken this evidence into account in reaching my decision and will refer to it below where necessary.

DECISION

My Approach

8. As noted above, the opponent relies upon two earlier marks in these proceedings. Both the First and Second Earlier Marks qualify as earlier marks pursuant to section 6 of the Act.

9. The First Earlier Mark is subject to the use requirements set out in section 6A of the Act, whereas the Second Earlier Mark is not. The Second Earlier Mark plainly represents the opponent's best case as it does not include the additional word NITRILE contained within the First Earlier Mark. Further, whilst the specification for the First Earlier Mark is longer, both specifications cover (broadly speaking) gloves for medical use. Consequently, I do not consider that the First Earlier Mark will offer any advantage to the opponent over and above the Second Earlier Mark. Ms Gardner confirmed at the hearing that she agreed with this assessment. Consequently, I will carry out my assessment on the basis of the Second Earlier Mark only.

Preliminary Issues

The EUIPO Decision

10. During the course of this case and the submissions at the hearing, much reference was made to the parallel EU decision made in proceedings between the parties. For the avoidance of doubt, I am not bound by the factual findings of other courts and tribunals.³ The findings of the EUIPO as to matters such as the similarity of goods and the identity of the average consumer are findings of fact. I must decide this case anew, based upon the evidence and submissions before me. In any event, the EU decision was based on an assessment of the perception of the German-speaking section of the public, which is different to the assessment that I must undertake.

The restriction to the applicant's specification

11. At the hearing, Ms Gardner made submissions about the acceptability of the restriction applied to the applicant's specification i.e. whether it is a characteristic and therefore not acceptable. I do not agree with Ms Gardner that the restriction is unacceptable. It is, of course, correct that it is generally not permissible to limit goods by reference to their target market because this often does not impact upon the nature,

³ BANDIT BL O/0197/23

function or purpose of the goods, rendering it a characteristic and not a sub-category.⁴ An example of this was set out in the *Haylcon* decision to which Ms Gardener referred.⁵ In that case, the hearing officer found that shirts or polo shirts were not different in function, nature or purpose simply because they were sold as school uniform. However, that is not the case for all restrictions to goods. For example, the term “diver’s masks” limits goods by their target market, but it is an entirely acceptable term. This is because the identity of the user impacts upon the nature, function and purpose of the goods themselves. I consider it likely that the same applies in these circumstances; compression sleeves for athletic use are likely to differ in nature because they are likely to be made of different materials and are likely to be more pliable to enable the user to wear them whilst engaging in athletic pursuits. There is also likely to be an additional purpose i.e. improving or supporting athletic performance. Consequently, I will take the restriction applied to the applicant’s specification into account in my assessment.

Decision

12. Section 5(2)(b) of the Act reads as follows:

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

(a)...

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

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

⁴ *Croom’s Application* [2005] RPC 2

⁵ BL O/412/15

13. Section 5A of the Act is as follows:

“5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

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

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a greater degree of similarity between the marks, and vice versa;

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

(i) mere association, in the strict sense that the later mark brings to mind the earlier mark, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

(k) if the association between the marks creates a risk that the public will wrongly believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods and services

15. As the Second Earlier Mark is not subject to the use provisions in section 6A of the Act, the opponent is entitled to rely upon the full breadth of its specification. Consequently, the competing goods and services are as follows:

Opponent's goods	Applicant's goods and services
<p><u>Class 10</u> Gloves for medical examinations; Gloves for use during operations; Gloves for use in hospitals; Gloves for medical purposes; Gloves for veterinary use; Gloves for dental use.</p>	<p><u>Class 10</u> Body limb compression sleeves for athletic use.</p> <p><u>Class 35</u> Retail and wholesale services relating to the sale of [...] body limb compression sleeves for athletic use.</p>

16. When making the comparison, all relevant factors relating to the goods and services in the specifications should be taken into account. In the judgment of the Court of Justice of the European Union (“CJEU”) in *Canon*, Case C-39/97, the court stated at paragraph 23 that:

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

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

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;

(d) The respective trade channels through which the goods or services reach the market;

(e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and, in particular, whether they are or are likely to be found on the same or different shelves;

(f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance, whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

Class 10

18. The opponent's goods are all gloves for use in medical/healthcare settings. The applicant's goods are body limb compression sleeves for athletic use. At a very general level, there may be said to be some overlap in method of use to the extent that both are applied to the body. However, the specific methods of use will differ.

19. The purpose of the goods plainly differs; the opponent's goods are to prevent the transmission of dirt/infection from the wearer to the patient or vice versa, whereas the applicant's goods are for the purpose of applying compression to a particular part of the body. In light of the restriction that has been applied to the applicant's specification, the specific purpose of the applicant's goods is for enhancing or supporting athletic performance (perhaps by supporting the recovery of the user's limb that has been previously injured).

20. The nature of the goods is, in my view, likely to be different. Gloves for medical purposes are, of course, shaped to fit the hands of the wearer and are likely to be made of a material suitable for their purpose (i.e. one that is thin enough to ensure that the wearer's use of their hands is not restricted by the presence of the gloves) and may involve some sort of material or coating to minimise the risk of dirt/infection transmission. By contrast, a compression sleeve is typically tubular in shape to enable

it to fit upon the wearer's limbs (be that arms or legs). Ms Gardner did suggest that compression sleeves may be worn on the hand, but the fact that it is described as a sleeve suggests to me that it is unlikely to be glove-shaped to enable it to fit a hand. They are likely to be made of material that is sufficiently tight to ensure the necessary degree of compression for the wearer and, given their athletic purpose, they are likely to be made of materials that lend themselves to use in athletic pursuits (perhaps being particularly breathable).

21. I note that the opponent has filed evidence to show that some businesses sell medical gloves and bandages.⁶ Whilst I note that some of the bandages shown in the evidence are described as having compression qualities, they are not actually compression sleeves. The businesses in question also sell goods such as Covid tests, stethoscopes, masks, ice packs, fetal dopplers, protective clothing, pregnancy tests, antibacterial sanitizing gel, paper towels, speculums and weighing scales. I do, of course, accept that the goods may be sold through the same trade channels at a very broad level; whilst not specifically shown in the evidence, it is entirely possible that there are general medical supply companies that sell a whole host of medical-related goods including both compression sleeves and gloves. I do not consider that the restriction applied to the applicant's specification prevents this from being the case because compression sleeves for athletic purposes might include those used in recovery from an injury. However, this overlap is at such a high level that it carries little weight in my assessment. I consider that the producers of the goods are likely to differ, and I have no evidence before me to the contrary. I have also borne in mind Ms Gardner's submission that both parties' products may be sold as part of a first aid kit. In support of this, the opponent has filed an example of an online retailer selling a first aid kit which includes both medical gloves and bandages.⁷ However, there is no evidence of first aid kits containing compression sleeves. I do not consider that to be a matter of which I can take judicial notice, so in the absence of any supporting evidence I see no basis upon which to make such a finding.

⁶ Exhibits CR4 and CR6

⁷ Exhibit CR4

22. The opponent argues that the users are the same because, for example, sports physiotherapists may use medical gloves when they are performing their duties and may also purchase compression sleeves for the athletes that they treat. I am not convinced by this line of argument. It seems to me that the user of the applicant's goods is the wearer of the compression sleeve (i.e. the athlete) even if they are advised to wear it by their physiotherapist or even if they are supplied with it by a physiotherapist (or other medical professional). However, even if that is wrong, any overlap in user arising from the fact that medical professionals might purchase and use both medical gloves and other types of products which have a medical purpose is at such a general level that it has little weight in my assessment. If that were sufficient for a finding of similarity to be made, then medical gloves would be similar to every medical product that it is possible to think of (from X-ray machines to syringes). Plainly, that cannot be correct. Similarly, in respect of Ms Gardner's submission that both parties' goods may be purchased by members of the general public, that in itself is not sufficient for a finding of similarity.

23. There is no competition between the goods, given their differing purposes. I also do not consider there to be any complementarity as, even if they are used together in the sense that a physiotherapist may use gloves whilst applying a compression sleeve, that is not sufficient in my view to render the goods important or indispensable for each other.⁸ I also do not consider that the average consumer would expect the goods to originate from the same undertaking. The fact that they may be sold by the same retailers that sell a wide array of medical-related goods does not mean that the average consumer would consider the same undertaking to be responsible for the goods. If that were the case, then the mere fact that two products were sold in a supermarket would be sufficient to satisfy that limb of the complementarity test. That cannot be right; where there is a very general retailer who sells a broad range of goods, the average consumer is likely to look to the producer of the product as the undertaking responsible for it, not the retailer itself. I do not consider the goods to be complementary.

⁸ *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06

24. Taking all of the above into account, I consider the goods to be dissimilar. For the avoidance of doubt, even if I am wrong in my finding that the restriction applied to the applicant's specification is acceptable, that would not have altered my finding. In my view, the same reasoning would apply even if the term simply read "body limb compression sleeves". In those circumstances, I would have reached the same finding.

Class 35

25. In my view, all of the same findings above apply to the applicant's class 35 services. Indeed, they are plainly even further removed in terms of nature, purpose and method of use. I consider the goods and services to be dissimilar.

Conclusion

26. As some degree of similarity between the goods and services is required for a successful claim under section 5(2)(b), the opposition must fail.⁹ However, for the sake of completeness, I will go on to consider whether the opponent would have been successful had I found a low degree of similarity between the parties' goods and a very low degree of similarity between the opponent's goods and the applicant's services (which is, in my view, the opponent's best possible case).

The average consumer and the nature of the purchasing act

27. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods and services. I must then determine the manner in which the goods and services are likely to be selected by the average consumer. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*,

⁹ *eSure Insurance v Direct Line Insurance* [2008] ETMR 77 CA

[2014] EWHC 439 (Ch), Birss J (as he then was) described the average consumer in these terms:

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

28. The average consumer for the applicant’s goods and services is most likely to be a member of the general public who is engaged in athletic pursuits for recreational purposes or a professional athlete. The average consumer for the opponent’s goods is most likely to be medical professionals and healthcare workers, although there may also be some members of the general public who would also purchase medical protective gloves (although this would be on a very small scale). The goods and services are unlikely to be particularly expensive, but the average consumer will take account of materials used, suitability for particular condition and comfort for the goods and customer services standards, product range and location for the services. Consequently, I consider that a medium (or average) degree of attention is likely to be paid during the purchasing process. However, I recognise that a higher than medium (although not high) degree of attention may be paid by professional users given the impact upon their professional work.

29. The goods are likely to be selected from the shelves of a retail outlet or their online or catalogue equivalents. Similarly, the services are likely to be purchased following perusal of physical signage on premises or online equivalents. Consequently, visual considerations are likely to dominate the selection process. However, I do not discount an aural component to the purchase given that advice may be sought from retail assistants or medical professionals (such as physiotherapists, as discussed above).

Comparison of trade marks

30. It is clear from *Sabel* that the average consumer normally perceives a trade mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the trade marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

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

32. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
skin ²	SKINS

33. The opponent's trade mark consists of the word SKIN followed by a small numeral 2. I consider that the overall impression lies in the combination of these elements. The applicant's mark consists of the word SKINS, in which the overall impression resides.

34. Visually, the marks overlap in the first four letters – SKIN. They differ in the last letter in the applicant’s mark (being the letter S) and the numeral 2 in the opponent’s mark. I bear in mind that the beginnings of marks tend to make more of an impact than the ends.¹⁰ However, I also bear in mind that differences in shorter marks tend to have more of an impact.¹¹ I also accept Ms Gardner’s submission that the letter S and the numeral 2 are, in themselves, reasonably similar. I consider the marks to be visually similar to between a medium and high degree.

35. Aurally, the opponent’s mark is likely to be pronounced SKIN TWO or SKIN SQUARED. The applicant’s mark will be pronounced SKINS. In my view, the marks are aurally similar to a medium degree.

36. Conceptually, there will be an overlap by virtue of the fact that both marks make reference to the skin. The applicant’s mark is, of course, the plural (referring to multiple skins, although not specific about how many). Whilst the opponent’s mark includes the numeral two, I am not convinced that this will convey any particular conceptual message to the average consumer other than perhaps it being a reference to two skins. In my view, the marks are conceptually highly similar.

Distinctive character of the earlier mark

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

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-

¹⁰ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

¹¹ See, for example, *F1T* BL O/013/21

108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR 1-2779, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in 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)."

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

39. Ms Gardner confirmed at the hearing that the opponent does not claim that the distinctive character of its mark has been enhanced through use. Consequently, I have only the inherent position to consider. The Second Earlier Mark consists of the word SKIN and the small numeral 2. I agree with Mr Harris' submission that the word SKIN used in the context of these goods is likely to be relatively low in distinctive character because it alludes to goods that are not cumbersome for the wearer i.e. in the sense of forming a "second skin". I consider the earlier mark as a whole to be inherently distinctive to between a low and medium degree.

Likelihood of confusion

40. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that

exists between the marks and the respective goods and services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the goods and services may be offset by a greater degree of similarity between the marks and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the Second Earlier Mark, the average consumer for the goods and services and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

41. I have found as follows:

- a) My primary finding is that the goods and services are dissimilar. However, I will carry out my assessment on the basis that the parties' goods are similar to a low degree and the applicant's services are similar to the opponent's goods to a very low degree, as I consider that to represent the opponent's best case.
- b) The average consumer for the goods and services is a member of the general public or a professional user who will pay either a medium or higher than medium (but not high) degree of attention during the purchasing process.
- c) The purchasing process is predominantly visual, although I do not discount an aural component to the purchase.
- d) The marks are visually similar to between a medium and high degree, aurally similar to a medium degree and conceptually highly similar.
- e) The earlier mark is inherently distinctive to between a low and medium degree.

42. Taking all of the above factors into account, I do not consider it likely that the marks will be mistakenly recalled or misremembered as each other. Whilst I acknowledge

that the marks are visually similar to between a medium and high degree, and the purchasing process is predominantly visual, the interdependency principle means that this similarity is offset by the distance between the goods and services. Even accounting for the principle of imperfect recollection, I do not consider that the differences between the marks would be overlooked when used on goods and services that are similar to only a low or very low degree. I do not consider there to be a likelihood of direct confusion.

43. Having recognised the differences between the marks, I do not consider it likely that the average consumer will assume that they originate from the same or economically connected undertakings. Ms Gardner submitted that the words SKIN/SKINS will be mistakenly recalled or misremembered and the numeral 2 in the Second Earlier Mark will be perceived as referring to the second edition of the product in question. However, given the distance between the goods and services, and the relatively low distinctiveness of the common element, it seems to me far more likely that the average consumer will believe the common use of the word SKIN/SKINS to be coincidence, rather than indicative of a common or connected origin. I do not consider there to be a likelihood of indirect confusion.

CONCLUSION

44. The opposition is unsuccessful, and the application may proceed to registration.

COSTS

45. As the applicant has been successful it is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the applicant the sum of **£1,550**, calculated as follows:

Considering the Notice of opposition and preparing a counterstatement	£250
Considering the opponent's evidence	£550

Preparing for and attending the hearing

£750

Total

£1,550

46. I therefore order Semperit Investments Asia Pte Ltd to pay Skins IP Limited the sum of **£1,550**. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 19th day of February 2024

S WILSON

For the Registrar

ANNEX

Class 9

Computer software; computer hardware; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs, compact discs, and DVDs or other media carrying electronic publications, musical recordings, images or audio-visual works; electronic publications, musical recordings, audio-visual works and images downloadable from an on-line database; electronic publications, musical recordings, audio-visual works and images downloadable from an Internet website, the worldwide web, or a communications network; sunglasses; cases for sunglasses; cords and chains for sunglasses; eyeglass cases.

Class 10

Body limb compression sleeves for athletic use.

Class 18

Imitations of leather; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals; Alpenstocks; Attaché cases; Backpacks; Bags (envelopes, pouches) of leather, for packaging; Bags for campers; Bags for climbers; Bags for sports; Bandoliers; Bands of leather; Beach bags; Boxes of leather or leather board; Boxes of vulcanised fibre; Bridoons; Briefcases; Canes; Card cases (notecases); Cases, of leather or leather board; Casings, of leather, for springs; Chain mesh purses; Chin straps, of leather; Clothing for pets; Collars for animals; Envelopes, of leather, for packaging; Fastenings for saddles; Frames for umbrellas or parasols; Game bags (hunting accessories); Garment bags for travel; Halters; Handbag frames; Handbags; Harness fittings; Harness for animals; Harness straps; Harness traces; Hat boxes of leather; Haversacks; Horse blankets; Imitation leather; Key cases; Leather leads; Leather leashes; Leather shoulder belts; Leather straps; Leather thongs; Leather thread; Leather twist; Moleskin (imitation of leather); Mountaineering sticks; Music cases; Muzzles; Net bags for shopping; Parasols; Pocket wallets; Pouch baby carriers; Pouches, of leather, for packaging; Purses; Reins.

Class 24

Textiles and textile goods, not included in other classes; bed and table covers; textile articles; towels; bath towels; beach towels; hand towels; face towels, tea towels, flannels; bed linen including duvet covers, pillow cases, sheets, blankets; handkerchiefs; table linen; table cloths; napkins; place-mats; curtains, textile materials for use in the manufacture of blinds; pennants; banners; flags; textile wall hangings; table mats; cushion covers; throws (textile articles).

Class 25

Clothing, footwear, headgear.

Class 28

Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees.

Class 35

Advertising; marketing services; retail and wholesale services relating to the sale of Computer software, computer hardware, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, and DVDs or other media carrying electronic publications, musical recordings, images or audio-visual works, electronic publications, musical recordings, audio-visual works and images downloadable from an on-line database; retail and wholesale services relating to the sale of electronic publications, musical recordings, audio-visual works and images downloadable from an Internet website, the world-wide web, or a communications network, sunglasses, cases for sunglasses, cords and chains for sunglasses, eyeglass cases; retail and wholesale services relating to the sale of luggage and carrying bags; umbrellas and parasols, walking sticks, whips, harness and saddlery, collars, leashes and clothing for animals, Attaché cases, Backpacks, Bags (envelopes, pouches) of leather, for packaging, Bags for campers, Bags for climbers, Bags for sports, Bandoliers, Bands of leather, Beach bags, Boxes of leather or leather board, Boxes of vulcanised fibre, Bidoons, Briefcases, Canes, Card cases (notecases), Cases, of leather or leather board; retail and wholesale services relating to the sale of Chain mesh purses, Chin straps, of leather, Clothing for pets, Collars for animals, Envelopes, of leather, for packaging, Fastenings for saddles, Frames for umbrellas or parasols, Game bags (hunting accessories), Garment bags for travel,

Halters, Handbag frames, Handbags, Harness fittings, Harness for animals; retail and wholesale services relating to the sale of Harness straps, Harness traces, Hat boxes of leather, Haversacks, Horse blankets, Imitation leather, Key cases, Leather leads, Leather leashes, Leather shoulder belts, Leather straps, Leather thongs, Leather thread, Leather twist, Moleskin (imitation of leather), Mountaineering sticks, Music cases, Muzzles, Net bags for shopping, Parasols, Pocket wallets, Pouch baby carriers; retail and wholesale services relating to the sale of Pouches, of leather, for packaging, Purses, Reins; retail and wholesale services relating to the sale of clothing, footwear, headgear, Games, toys and playthings, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees, body limb compression sleeves for athletic use; Textiles and textile goods, bed and table covers, textile articles, towels, bath towels, beach towels, hand towels, face towels, tea towels, flannels, bed linen including duvet covers, pillow cases, sheets, blankets, handkerchiefs, table linen, table cloths, napkins, place-mats, curtains, blinds, pennants, banners, flags, textile wall hangings, table mats, cushion covers, throws (textile articles).