

O/0205/24

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION NO. 3670727

BY GKA GRANDSONS LIMITED

TO REGISTER:



AS A SERIES OF TWO TRADE MARKS IN CLASSES 6, 20 & 35

AND

IN THE MATTER OF THE OPPOSITION THERETO

UNDER NO. 429324 BY



DRUTEX S.A.

BACKGROUND AND PLEADINGS

1. On 20 July 2021, GKA Grandsons Limited (“the applicant”) applied to register the series of marks shown on the cover of this decision in the United Kingdom in respect of goods and services in Classes 6, 20 and 35. A full specification can be found in Annex A to this decision. Nothing turns on the differences between the two marks in the series and so I shall refer to them in the singular.

2. On 17 December 2021, the application was opposed by Drutex S.A. (“the opponent”). The opposition is based on sections 5(2)(b), 5(3), 5(4)(a) and 5(4)(b) of the Trade Marks Act 1994 (“the Act”)¹ and concerns all the goods and services for which registration is sought.

3. Under sections 5(2)(b) and 5(3), the opponent is relying on the following earlier marks, which have identical specifications:

<p>UKTM No. 915796774</p>  <p>Colour claimed: Black</p>	<p>Filing date: 6 September 2016 Registration date: 23 December 2016 Registered for goods and services in Classes 6, 19 and 37: see Annex B for a full specification.</p>
<p>UKTM No. 915796782</p>  <p>Colour claimed: black</p>	<p>Filing date: 6 September 2016 Registration date: 23 December 2016 Registered for goods and services in Classes 6, 19 and 37: see Annex B for a full specification.</p>

¹ The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK’s withdrawal from the EU.

UKTM No. 915804438



Colour claimed: black

Filing date: 6 September 2016

Registration date: 23 December 2016

Registered for goods and services in Classes 6, 19 and 37: see Annex B for a full specification.

4. These marks qualify as earlier marks under the provisions of section 6(1) of the Act by virtue of their earlier filing dates. Because they completed their registration processes within the five years preceding the application date for the contested mark, the opponent is not required to state that they have been used and may rely on all the goods and services for which they have been registered.

5. Under section 5(2)(b), the opponent claims that the marks are similar as the stylised D in the contested mark is identical to its own stylised D and the remainder of the contested mark is descriptive and should be ignored during the comparison. It also claims that the goods and services are identical or highly similar as they all relate to goods and services connected with building materials and services. Consequently, there exists the risk of confusion or association on the part of the public.

6. Under section 5(3), the opponent claims that the marks have a reputation in the EU and the UK for excellent quality for all the goods and services for which they are registered and that this reputation has been built up over 35 years. It claims that use of the contested mark without due cause would take unfair advantage of the distinctive character and repute of the earlier marks as it would enjoy a substantial saving on promotion of its own goods and services by “free riding” on the investment already made by the opponent. Secondly, it claims that registration and use of the contested mark would be detrimental to the reputation of the earlier mark if the quality of the goods or services offered by the applicant were below the expectations of consumers. Finally, the opponent claims that the power of attraction of the earlier marks would be diluted and they would no longer be capable of arousing an immediate association with the goods and services of the opponent.

7. Under section 5(4)(a), the opponent claims to have used the signs shown in paragraph 3 throughout the UK since 2016 for *Building materials and services, in*

particular related to doors, gates, windows and window coverings, window furniture, related to wood products and services, related to glass products and services, related to blind products and services, related to decks and services, related to glazing products and services, related to building construction, maintenance, repair and demolition services. It claims that use of the contested mark would be contrary to the law of passing off as its own highly similar signs have a reputation through their extensive use in relation to the listed goods and services. Consequently, the contested mark would misrepresent that there is a connection between the applicant and the opponent, causing damage to the goodwill of the opponent.

8. Under section 5(4)(b), the opponent claims that the contested mark contains a copy of the stylised D created by Jadwiga Sierocińska, a Polish citizen, on 1 December 2016, under a contract between Ms Sierocińska and DRUTEX OKNA SPÓŁKA AKCYJNA SPÓŁKA KOMANDYTOWA, which became the owner of the work. Ownership was later transferred to the opponent.

9. The applicant filed a defence and counterstatement denying the claims made and putting the opponent to proof of its claims to reputation and goodwill. In relation to the claim under section 5(4)(b), it states that the contested mark was created by the marketing agency Electric House and that evidence of this would be filed.

EVIDENCE AND SUBMISSIONS

10. The opponent's evidence comes from Leszek Konstanty Gierszewski, the chief executive officer of DRUTEX S.A., a position which he has held since 2002. His witness statement is dated 3 October 2022 and goes to the use made of the earlier marks and the creation of the stylised D. It is accompanied by 8 exhibits.

11. There is also a witness statement from Maria Magdalena Charyło-Samul, who has translated two of the exhibits from Polish to English. She declares that she is familiar with both languages. Her witness statement is dated 3 October 2022.

12. The applicant's evidence comes from Nipun Agrawal, Director of GKA Grandsons Limited and its parent company, Hiatt Hardware (UK) Limited. He states that it was in the latter position that he was responsible for initiating and overseeing the creation of

the contested mark. His evidence goes to this process. The witness statement is dated 23 November 2022 and is accompanied by 6 exhibits.

13. The opponent also filed written submissions dated 6 September 2022 and 30 January 2023.

HEARING

14. The matter came to be heard by me on 9 August 2023. The opponent was represented by Katarzyna Eliza Binder-Sony of Trademarkia and the applicant by Terry Rundle of Wilson Gunn.

DECISION

Section 5(2)(b)

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

“A trade mark shall not be registered if because—

...

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

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

16. In considering the opposition under this section, I am guided by the following principles, gleaned from the decisions of the Court of Justice of the European Union (“CJEU”) 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 BV* (Case C-342/97), *Marca Mode CV v Adidas AG & Adidas Benelux BV* (Case C-425/98), *Matratzen Concord GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (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-334/05 P) and *Bimbo SA v OHIM* (Case C-519/12 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 someone who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them they have kept in their 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 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; and

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

17. The parties were both agreed that at least some of the contested goods in Class 6 were identical to some of the Class 6 goods on which the opposition is based. For reasons of procedural economy, the Tribunal will not undertake a full comparison of the goods and services at issue. The examination of the opposition under this ground will proceed on the basis that the contested goods and services are identical to those covered by the earlier trade marks. If the opposition under section 5(2)(b) fails where the goods and services are identical, it follows that it will also fail where they are only similar.

Average consumer and the purchasing process

18. In *Hearst Holdings Inc & Anor v A.V.E.L.A. Inc & Ors* [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 word ‘average’ denotes that the person is typical. The term ‘average’ does not denote some form of numerical mean, mode or median.”

19. The parties were agreed on the identity of the average consumer, who would be either a member of the public or a professional such as a designer, architect or builder. For the opponent, Ms Binder-Sony submitted that their level of attention would generally be high and that the consumer would consider quality, durability, aesthetic

design, function and safety, as well as the cost of the goods and services. For the applicant, Mr Rundle agreed that the consumer would pay a high degree of attention.

20. In my view, the purchasing process will largely be a visual one, as the average consumer would see the goods in shops or showrooms or on websites. They may also see both the goods and the services advertised in print media or on websites. I shall not ignore the aural aspects of the marks, as the average consumer may also receive word-of-mouth recommendations or seek advice from sales staff or tradespeople.

Comparison of marks






21. It is clear from *SABEL* (particularly paragraph 23) that the average consumer normally perceives a 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 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 in *Bimbo* that:

“... it is necessary to ascertain in each individual case, the overall impression made on the target public by the sign for which the 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.”²

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

23. The respective marks are shown below:

² Paragraph 34.

Earlier marks	Contested marks
<p>The 774 mark:</p>  <p>The 782 mark:</p>  <p>The 438 mark:</p> 	 

24. I shall begin with the comparison between the contested mark and the 774 mark.

25. There was no dispute between the parties as to the law that I should apply. When it came to their detailed submissions, though, the approach varied. Mr Rundle stressed that I should consider each mark as a whole, while Ms Binder-Sony focused on a comparison of the two stylised letter Ds. She submitted that, if the applicant just used the stylised D, the average consumer would believe that the applicant's goods were those of the opponent. I must, however, base my comparison on the fair and notional use of all the marks as they are either registered or sought to be registered. I shall therefore consider each mark as a whole.

26. There is nothing else in the 774 mark but a stylised capital letter D shown in black and white. The outline of the letter is conventional. Inside the black D is a white shape that Mr Rundle described as a trapezium. Ms Binder-Sony submitted that the average consumer would perceive it to be a window or a door. I find it unlikely that they will see it as a door in the absence of any detail such as a handle that would bring that concept to mind. While I accept that it is more plausible that, in the context of the goods and

services for which the earlier mark is registered, the average consumer might see the shape as a window, I do not find this to be particularly likely. This is because making that connection requires conscious thought on the part of the consumer along the following lines: "This mark is applied to a window, therefore that shape in the middle of the D must be a window." As I have noted, the average consumer does not analyse the various details of a trade mark, and there is nothing about the shape, such as panes of glass or a handle, that would clearly indicate that it is meant to be seen as a window. Therefore, in my view, it is more likely that the average consumer will simply see it as a four-sided shape.

27. The contested mark begins with a stylised capital letter D. The outline of the letter is the same as in the earlier mark, although given the conventionality of that outline this is not particularly noteworthy. The letter is in black on a gold background or white on a black background. Inside it, there is a trapezium that is the same colour as the background with a contrasting dot halfway up the right side. In my view, the average consumer will perceive this to be a door because of the placement of this dot. Apart from the door, the D is solid. The capital letters H and S follow this stylised D. Below this are the words "Door Handle" in title case in either white letters on a black background or black letters on a white background. Finally, at the bottom of the mark there is the word "STORE" in capital letters on the same-coloured background as the letters at the top of the mark. Mr Rundle accepted that the words "Door Handle Store" were descriptive. Ms Binder-Sony submitted that the stylised letter D was the dominant element of the contested mark. The letters "DHS" will be perceived by the average consumer as standing for the descriptive "Door Handle Store". For this reason, I consider that the stylisation of the letter D and "DHS" will make roughly equal contributions to the overall impression of the mark, with the contrasting colour arrangements making a smaller contribution.

28. Ms Binder-Sony submitted that the marks are visually similar to a high degree and argued that I could ignore the descriptive element of the contested mark. However, descriptiveness in itself does not make an element of a mark invisible: see *The Stockroom (Kent) Ltd v Purity Wellness Group Ltd*, BL O-115-22, paragraph 31. I come back to the point that each mark must be viewed as a whole, giving proper weight to any elements that are dominant and distinctive. The distinctive element of the 774

mark is the stylised letter D. The fact that in both marks the letter D is stylised is not sufficient, in my view, for me to find any visual similarity between the marks, when I view each of them as a whole. The contested mark contains a door and a considerable amount of additional matter, while the 774 mark does not. I find that the marks are visually dissimilar.

29. The 774 mark would be pronounced as “DEE”, while the contested mark would be “DEE-AITCH-ESS-DOR-HAN-DEL-STORE”. They are considerably different in length. I find that the marks are aurally dissimilar.

30. Conceptually, the 774 mark has no meaning beyond the letter D, as I am not persuaded that the average consumer will ascribe any meaning to the white trapezium. The contested mark would bring to mind a shop in which door handles could be purchased. They are therefore conceptually dissimilar.

31. The 782 and 438 marks put the opponent in no better a position. This is because they contain the additional word “DRUTEX” and, in the case of the 438 mark, a strapline “ENGINEERED FOR YOU”. If anything, this additional matter creates a greater distance between the contested and the earlier marks.

32. For the opposition under this section to succeed, there must be some similarity between the marks. As I have found the marks to be dissimilar, the opposition fails under section 5(2)(b). However, in case I am wrong in this, I shall proceed on the basis that there is a low degree of visual similarity between the contested mark and the 774 mark based on their both containing a stylised letter D.

Distinctive character of the 774 mark

33. Distinctive character is a measure of how strongly a mark distinguishes the goods or services of one undertaking from those of others. The factors that I must take into account in assessing the level of distinctive character were set out by the CJEU in *Lloyd Schuhfabrik Meyer*.

“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).”

34. Registered trade marks possess varying degrees of inherent distinctive character from the very low, because they are suggestive of, or allude to, a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

35. The CJEU noted in paragraph 39 of its decision in *OHIM v BORCO-Marken-Import Matthiesen GmbH & Co. KG*, Case C-265/09 P that “it may prove more difficult to establish distinctiveness for marks consisting of a single letter than for other words marks”. The letter D has no specific meaning in the context of the goods for which it is registered and I have found that the average consumer is not likely to attribute any meaning to the inner shape. It is, however, a somewhat unusual representation of the letter without being hugely striking. I find the inherent distinctive character of the 774 mark to be at a level between low and medium.

36. The distinctiveness of a mark can be enhanced by the use that has been made of it. For the present purposes, it is use in the United Kingdom that is relevant. Mr Gierszewski states that the opponent has been present on the UK market since at least 2016.³ The documentary evidence of use in the UK consists of five invoices for windows, doors and goods described as “connectors”.⁴ The earliest of these invoices is dated 11 February 2017 and the latest 5 April 2019. The total value of the invoices is 95,348.79 Polish złotys.⁵ The 774 mark does not appear on these invoices. Mr Gierszewski also draws my attention to a UK-based Drutex fan account on Facebook which he states has been in use since 11 July 2021, i.e. nine days before the relevant date.⁶ There is no indication of the number of followers of this account at

³ Paragraph 2.

⁴ Exhibit LKG5, a certified translation of which can be found in Exhibit TS1.

⁵ At the exchange rate available at the time of writing, this is around £18,900.

⁶ Exhibit LKG4.

the relevant date, or where they might have been located. Finally, Mr Gierszewski refers to the opponent undertaking promotional activities in the UK, but the only example given is the Grand Designs Live event at Excel London between 30 April and 8 May 2022, which is after the relevant date.⁷ In my view, the evidence falls short of what would be required to show that the distinctive character of the 774 mark has been enhanced through the use made of it.

Conclusions on likelihood of confusion

37. The likelihood of confusion must be assessed globally, taking into account all relevant factors. It is not simply a case of applying a formula and seeing what comes out at the end. I am required to make my assessment from the perspective of the average consumer and should also take account of the interdependency principle, i.e. that a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods or services or vice versa. I keep in mind 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 they have in their mind.

38. There are two types of confusion that may occur. Direct confusion is where the average consumer mistakes one mark for the other, while indirect confusion is where the average consumer recognises that the marks are different, but assumes that the later mark also identifies the goods or services of the owner of the earlier mark, or that the two undertakings are related: see *L.A. Sugar Limited v Back Beat Inc*, BL O/375/10, paragraph 16.

39. I am proceeding on the basis that the goods and services are identical. It will be recalled that I found that the stylisation of the letter D and the combination of letters “DHS” made roughly equal contributions to the overall impression of the mark, that were nevertheless larger than those made by the other elements, while the sole element of the 774 mark is the stylised D. I consider that the marks are sufficiently different that the average consumer would not mistake one for the other even where the goods and services are identical. I find there is no likelihood of direct confusion.

⁷ Paragraph 4.

40. I therefore turn to consider whether there is likelihood of indirect confusion. In paragraph 17 of his decision in *LA Sugar*, Mr Iain Purvis QC, sitting as the Appointed Person, gave the following examples of when indirect confusion could occur:

“(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (‘26 RED TESCO’ would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as ‘LITE’, ‘EXPRESS’, ‘WORLDWIDE’, ‘MINI’, etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (‘FAT FACE’ to ‘BRAT FACE’ for example).”

41. In *Liverpool Gin Distillery Limited & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ commented that:

“12. This is a helpful explanation of the concept of indirect confusion, which has frequently been cited subsequently, but as Mr Purvis made clear it was not intended to be an exhaustive definition.

13. As James Mellor QC sitting as the Appointed Person pointed out in *Cheeky Italian Ltd v Sutaria* (O/291/16) at [16] ‘a finding of likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion’. Mr Mellor went on to say that, if there is no likelihood of direct confusion, ‘one needs a reasonably special set of circumstances for a finding of a likelihood of indirect confusion’. I would prefer to say that there must be a proper basis for concluding that there is a likelihood of indirect confusion given that there is no likelihood of direct confusion.”

42. Ms Binder-Sony submitted that the opponent owned a family of earlier marks, all beginning with the same stylised letter D, and consequently the risk of confusion was heightened. This point was not pleaded up front. Even if it had been, I do not consider that it would assist the opponent, given that the invented (and inherently highly distinctive) word “DRUTEX” is used in all the other marks relied upon by the opponent and has no counterpart in the contested mark. It is my view that the average consumer would consider that the stylised D in the 782 and 438 marks stands for “DRUTEX”.

43. The element common to the marks is a stylised letter D, but I found there to be some similarities and some differences between the letters. I do not consider that the 774 mark is so strikingly distinctive that the average consumer would assume no one else would be using a letter that at best is similar. Indeed, Ms Binder-Sony submitted at the hearing that *“It is a normal thing in this world that first letters can be stylised and can be used on its own as the trade mark”*.⁸ Neither do I consider that all the additional elements in the contested mark are non-distinctive. I see no reason why the average consumer would assume that the contested mark was a brand extension of the earlier mark, given the noticeable differences between the marks. I also recall that both parties agreed that the average consumer would be paying a high degree of attention during the purchasing process, which is a factor pointing away from a likelihood of confusion.

44. Ms Binder-Sony also submitted that the average consumer, on seeing the 774 mark, could think that the applicant had started using just the stylised letter D. While not explicitly said in such terms, I understand this to be an argument that the stylised letter D in the contested mark is an independent distinctive element. I have therefore considered the application of the CJEU’s judgment in *Medion* (and subsequent case law) to the instant case. In *Whyte and Mackay Ltd v Origin Wine UK Ltd & Anor* [2015] EWHC 1271 (Ch), Arnold J (as he then was) considered the impact of the CJEU’s judgment in *Bimbo* on the judgment in *Medion*. He said:

“18. The judgment in *Bimbo* confirms that the principle established in *Medion v Thomson* is not confined to the situation where the composite trade mark for which registration is sought contains an element which is

⁸ Transcript, page 3.

identical to an earlier mark, but extends to the situation where the composite mark contains an element which is similar to the earlier mark. More importantly for present purposes, it also confirms three other points.

19. The first is that the assessment of likelihood of confusion must be made by considering and comparing the respective marks – visually, aurally and conceptually – as a whole. In *Medion v Thomson* and subsequent case law, the Court of Justice has recognised that there are situations in which the average consumer, while perceiving a composite mark as a whole, will also perceive that it consists of two (or more) signs one (or more) of which has a distinctive significance which is independent of the significance of the whole, and thus may be confused as a result of the identity or similarity of that sign to the earlier mark.

20. The second point is that this principle can only apply in circumstances where the average consumer would perceive the relevant part of the composite mark to have distinctive significance independently of the whole. It does not apply where the average consumer would perceive the composite mark as a unit having a different meaning to the meaning of the separate compounds. That includes the situation where the meaning of one of the components is qualified by another component, as with a surname and a first name (e.g. BECKER and BARBARA BECKER).

21. The third point is that, even where an element of the composite mark which is identical or similar to the earlier trade mark has an independent distinctive role, it does not automatically follow that there is a likelihood of confusion. It remains necessary for the competent authority to carry out a global assessment taking into account all relevant factors.”

45. I also remind myself that in *Bimbo* the CJEU said that

“33. ... the purpose of examining whether any of the components of a composite sign has an independent distinctive role is to determine which of those components will be perceived by the public.”

46. I found that both the stylisation of the letter D and the letter combination “DHS” made roughly equal contributions to the overall impression of the contested mark. Both these components will, therefore, be perceived by the public. The parties agree that the average consumer will pay a high degree of attention and this reduces the likelihood of either mark being imperfectly recollected. I do not see why the average consumer would assume that the applicant had shortened its DHS mark.

47. There is no likelihood of indirect confusion. The section 5(2)(b) ground would fail, even if I had found the marks to be similar.

Section 5(3)

48. Section 5(3) of the Act is as follows:

“A trade mark which –

(a) is identical with or similar to an earlier trade mark,

[...]

shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom 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.”

49. The conditions of section 5(3) are cumulative. First, the opponent must show that the earlier mark is similar to the application. Secondly, it must satisfy me that the earlier mark has achieved a level of knowledge/reputation amongst a significant part of the relevant public. Thirdly, it must be established that the level of reputation and the similarities between the marks will cause the public to make a link between them, in the sense of the earlier mark being brought to mind by the application. Fourthly, assuming that the first three conditions have been met, section 5(3) requires that one or more of the three types of damage claimed will occur. It is unnecessary for the purposes of section 5(3) that the goods/services be similar, although the relative distance between them is one of the factors which must be assessed in deciding whether the public will make a link between the marks.

50. I have found that the earlier marks are dissimilar to the contested mark, and so the opposition under section 5(3) falls at the first hurdle. However, as with the section 5(2)(b) ground, I shall assess what the position would be if I found the contested mark to be similar to the 774 mark to a low degree.

Reputation

51. In *General Motors Corp v Yplon SA*, Case C-375/97, the CJEU held that:

“24. The public amongst which the earlier trade mark must have acquired a reputation is that concerned by that trade mark, that is to say, depending on the product or services marketed, either the public at large or a more specialised public, for example traders in a specific sector.

25. It cannot be inferred from either the letter or the spirit of Article 5(2) of the Directive that the trade mark must be known by a given percentage of the public so defined.

26. The degree of knowledge required must be considered to be reached when the earlier mark is known by a significant part of the public concerned by the products or services covered by that trade mark.

27. In examining whether this condition is fulfilled, the national court must take into consideration all the relevant facts of the case, in particular the market share held by the trade mark, the intensity, geographical extent and duration of its use and the size of the investment made by the undertaking in promoting it.

28. Territorially, the condition is fulfilled when, in the terms of Article 5(2) of the Directive, the trade mark has a reputation ‘in the Member State’. In the absence of any definition of the Community provision in this respect, a trade mark cannot be required to have a reputation ‘throughout’ the territory of the Member State. It is sufficient for it to exist in a substantial part of it.”

52. The 774 mark is a comparable mark so Paragraph 10 of Part 1 of Schedule 2A of the Act applies. It says:

“(1) Sections 5 and 10 apply in relation to a comparable trade mark (EU), subject to the modifications set out below.

(2) Where the reputation of a comparable trade mark (EU) falls to be considered in respect of any time before IP completion day, references in sections 5(3) and 10(3) to-

(a) the reputation of the mark are to be treated as references to the reputation of the corresponding EUTM; and

(b) the United Kingdom include the European Union.”

53. IP completion day was 31 December 2020, so for the period up to this date I am to consider the position in the EU, with the UK being the relevant territory for the period between 1 January 2021 and the date of application for the contested mark (20 July 2021). Mr Gierszewski’s evidence contains few financial details, but he does state that in 2017 the opponent’s revenue was 861 million Polish złoty.⁹ He also says that almost 70 per cent of the company’s total sales can be accounted for by exports (meaning that over 30 per cent are sales in Poland), but he does not explain which year those particular figures relate to.¹⁰ Exhibit LKG3 contains an undated website printout describing the opponent as “*the leading producer of windows in Europe*”.¹¹ However, the opponent is referred to by the name “Drutex”. The same exhibit contains press releases dated between 20 June 2018 and 29 June 2021 testifying to the awards won by the opponent and its recognition in Poland and in Europe more widely. The opponent is referred to as Drutex. What the evidence does not show is that the 774 mark enjoyed a reputation in the relevant territory at the relevant date. Were I to have found any similarity between the contested mark and the 774 marks, the section 5(3) ground would fail at this point.

54. I accept that images in the evidence show the 782 or 438 marks. I have not considered whether these marks have a reputation as I found them to be dissimilar to the contested mark.

⁹ Paragraph 5.

¹⁰ Paragraph 3.

¹¹ Page 13.

Section 5(4)(a)

55. Section 5(4)(a) of the Act states that:

“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 or law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, where the condition in subsection 4(A) is met.

...”

56. Subsection 4(A) is as follows:

“The condition mentioned in subsection (4)(a) is that the rights to the unregistered trade mark or other sign were acquired prior to the date of application for registration of the trade mark or date of the priority claimed for that application.”

57. In *Reckitt & Colman Products Limited v Borden Inc. & Ors* [1990] RPC 341, HL, Lord Oliver of Aylmerton described the ‘classical trinity’ that must be proved in order to reach a finding of passing off:

“First, he must establish a goodwill or reputation attached to the goods or services which he supplies in the mind of the purchasing public by association with the identifying ‘get-up’ (whether it consists simply of a brand name or a trade description, or the individual features of labelling or packaging) under which his particular goods or services are offered to the public, such that the get-up is recognised by the public as distinctive specifically of the plaintiff’s goods or services. Secondly, he must demonstrate a misrepresentation by the defendant to the public (whether or not intentional) leading or likely to lead the public to believe that the goods or services offered by him are the goods or services of the plaintiff. Thirdly, he must demonstrate that he suffers or, in a quia timet action, that he is likely to suffer damage by reason of the erroneous belief engendered by the

defendant's misrepresentation that the source of the defendant's goods or services is the same as the source of those offered by the plaintiff."¹²

58. The signs that the opponent is relying on are identical to the earlier trade marks relied on under section 5(2)(b) and 5(3) and which I found to be dissimilar to the contested mark. Although the test for misrepresentation is different from that for likelihood of confusion in that it entails "deception of a substantial number of members of the public" rather than "confusion of the average consumer", it is unlikely, in the light of the Court of Appeal's decision in *Comic Enterprises Ltd v Twentieth Century Fox Film Corporation* [2016] EWCA Civ 41, that the difference between the legal tests will produce different outcomes. I believe that to be the case here. Given the dissimilarity between the mark and the signs, I find that the public will not be deceived into believing that the applicant's goods and services are the goods and services of the opponent or an entity linked to it. I would reach the same conclusion were I to find that the contested mark is similar to the opponent's stylised D to a low degree. The opposition under section 5(4)(a) fails.

Section 5(4)(b)

59. Section 5(4)(b) of the Act is as follows:

"A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented—

[...]

(b) by virtue of an earlier right other than those referred to in subsections (1) to (3) or paragraph (a) or (aa) above, in particular by virtue of the law of copyright, or the law relating to industrial property rights.

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."

60. In deciding this ground, I must address the following questions:

¹² Page 406.

- a. Is the material relied upon by the opponent a work under the Copyright, Designs and Patents Act 1988 (“CDPA”) and therefore capable of being protected by copyright?
- b. Who is the owner of the work and when was it created?
- c. Does the work meet the qualification criteria for copyright protection?
- d. Would use of the contested mark constitute an infringement of any copyright?

Whether the material relied upon is a work under the CDPA

61. Section 1 of the CDPA states that:

“Copyright is a property right which subsists in accordance with this Part in the following descriptions of work–

- (a) original literary, dramatic, musical or artistic works,
- (b) sound recordings, films or broadcasts, and
- (c) the typographical arrangement of published editions.”

62. Section 4 of the CDPA is as follows:

“(1) In this Part ‘artistic work’ means-

- (a) a graphic work, photograph, sculpture or collage, irrespective of artistic quality,
- (b) a work of architecture being a building or a model for a building, or
- (c) a work of artistic craftsmanship.

(2) In this Part –

...

‘graphic work’ includes –

- (a) any painting, drawing, diagram, map, chart or plan, and
- (b) any engraving, etching, lithograph, woodcut or similar work;

...”

63. Mr Rundle accepted that the stylised letter D of the 774 mark was a graphic work and so a work which could be protected by copyright.

Ownership of the work and its creation

64. Mr Gierszewski said in his witness statement that the stylised letter D was created by Jadwiga Sierocińska for DRUTEX OKNA SPÓŁKA AKCYJNA SPÓŁKA KOMANDYTOWA. The contract between the two parties, signed on 9 May 2016, is exhibited at LKG6 and in an English translation at TS2. §11 of this contract assigns the copyright to DRUTEX OKNA SPÓŁKA AKCYJNA SPÓŁKA KOMANDYTOWA.

65. Mr Rundle raised concerns about the validity of this evidence:

“Rather surprisingly, from my experience, when I had dealings with copyright issues involving trade marks, it has been easy to provide evidence in the form of such a contract or a witness statement, attached to which is a copy of the copyright work. To me, rather surprisingly, there is no copy of this graphic work associated with the said contract. This must raise some uncertainty in my mind, certainly, as to whether the stylised letter D is protected by copyright that is owned by the opponent. It is not at all clear...”¹³

66. This challenge was made for the first time in Mr Rundle’s skeleton argument. The applicant’s pleaded defence of this ground was that it “*did not copy the Opponent’s works attached to the Notice of Opposition*”.¹⁴ It did not deny, or even put the opponent to proof of, ownership of works protected by copyright.

67. In *Pan World Brands Ltd v Tripp Ltd (EXTREME Trade Mark)*, BL O/161/07, Mr Richard Arnold QC (as he then was), sitting as the Appointed Person, said:

“36. Where, however, evidence is given in a witness statement filed on behalf of a party to registry proceedings which is not obviously incredible and the opposing party has neither given the witness advance notice that

¹³ Transcript, page 33.

¹⁴ Paragraph 6.

his evidence is to be challenged nor challenged the evidence in cross-examination nor adduced evidence to contradict the witness's evidence despite having had the opportunity to do so, then I consider that the rule in *Browne v Dunn* applies and it is not open to the opposing party to invite the tribunal to disbelieve the witness's evidence.

37. Despite this, it is not an uncommon experience to find parties in registry hearings making submissions about such unchallenged evidence which amount to cross-examination of the witness in his absence and an invitation to the hearing officer to disbelieve or discount his evidence. There have been a number of cases in which appeals have been allowed against the decisions of hearing officers who have accepted such submissions. Two recent examples where this appears to have happened which were cited by counsel for the proprietor are *Score Draw Ltd v Finch* [2007] EWHC 462 (Ch), [2007] BusLR 864 and *EINSTEIN Trade Mark* (O/068/07). Another recent example is *Scholl Ltd's Application* (O/199/06). I consider that hearing officers should guard themselves against being beguiled by such submissions (which is not, of course, to say that they should assess evidence uncritically)."

68. This case, along with later decisions, was reviewed by Ms Emma Himsworth QC in *Robot Energy Limited v Monster Energy Company (HYBRID Trade Mark)*, BL O/308/20. She said:

"54. With regard to the approach set out in *EXTREME* it is clear that Richard Arnold QC did not regard a tribunal evaluating the evidence as bound to accept everything said by a witness without analysing what it amounts to (see paragraph [37] of the Decision)."

69. She then went on to consider the decision of Mr Geoffrey Hobbs QC, sitting as the Appointed Person, in *Williams and Williams v Canaries Seaschool SLU (CLUB SAIL)*, [2010] RPC 32. The following paragraphs of that decision are relevant here:

"38. ... it is not obligatory to regard the written evidence of any particular witness as sufficient, in the absence of cross-examination, to establish the fact or matter (s)he was seeking to establish. That is brought out by the

following observations of Mann J. in *Matsushita Electric Industrial Co. v Comptroller-General of Patents* [2008] EWHC 2071, [2008] RPC 35 (Pat).

‘24. As I have said, the act of being satisfied is a matter of judgment. Forming a judgment requires the weighing of evidence and other factors. The evidence required in any particular case where satisfaction is required depends on the nature of the inquiry and the nature and purpose of the decision which is to be made. For example, where a tribunal has to be satisfied as to the age of a person, it may sometimes be sufficient for that person to assert in a form or otherwise what his or her age is, or what their date of birth is; in others, more formal proof in the form of, for example, a birth certificate will be required. It all depends who is asking the question, why they are asking the question, and what is going to be done with the answer when it is given. There can be no universal rule as to what level of evidence has to be provided in order to satisfy a decision-making body about that of which that body has to be satisfied.’

39. Thirdly, when assessing the evidence in the witness statements it is appropriate to do so from the perspective identified by Lord Bingham of Cornhill in *Fairchild v Glenhaven Funeral Services Ltd* [2002] UKHL 22; [2003] 1 AC 32 (HL) at para. [13]:

‘... And I think it is salutary to bear in mind Lord Mansfield’s aphorism in *Blatch v Archer* (1774) 1 Cowp 63 at 65, 98 ER 969 at 970 quoted with approval by the Supreme Court of Canada in *Snell v Farrell*:

“It is certainly a maxim that all evidence is to be weighed according to the proof which it was in the power of one side to have produced and in the power of the other to have contradicted.”

...

41. Fifthly, the veracity of the evidence in the witness statements could not be taken to have been challenged on the basis of any contention which the witness has not had a fair opportunity to consider and address as best (s)he could: *Pan World Brands Ltd v Tripp Ltd (EXTREME Trade Mark)* [2008] RPC 2 at paras. [33] to [37] (Appointed Person, Mr Richard Arnold QC)."

70. Ms Himsworth said:

"73. As was made clear in the decision in *CLUB SAIL* grounds of opposition cannot be rejected automatically on the basis that the witness who sought to refute them was not cross-examined. It is necessary to form a view as a matter of judgment whether the evidence is sufficient to establish the relevant fact which requires, as the Hearing Officer correctly said, the decision taker to consider the evidence as a whole. That the Hearing Officer took this view is entirely consistent with the guidance set out in *CLUB SAIL* (and *EXTREME* and *MULTISYS*). This includes weighing up in particular (1) the power of one side to produce the evidence and the other to contradict it; and (2) the plausibility of the positions that have been adopted in the context of the evidence as a whole which entails where the parties have elected to proceed without cross-examination accepting that the evidence of one witness might be found to have been disproved or displaced by the evidence of another." (My emphasis.)

71. More recently, the Supreme Court considered in *TUI UK Ltd v Griffiths* [2023] UKSC 48 the scope of the rule that a party should challenge by cross-examination evidence that it wishes to impugn in its submissions at the end of the trial. Lord Hodge considered that there were instances in which this rule would not apply and stressed the principle of fairness in litigation.

72. I am prepared to accept that the opponent refreshed its brand in 2016. This is recorded in the company history filed in Exhibit LKG3. Applications for all three earlier marks, each containing the stylised D, were made on 6 September 2016, which coincides with the timing of the contract between the opponent's predecessor in title and Ms Sierocińska. I do not consider it to be obviously incredible that the work was produced by Ms Sierocińska under the contract with DRUTEX OKNA SPÓŁKA

AKCYJNA SPÓŁKA KOMANDYTOWA, the original proprietor of the earlier marks. Exhibit LKG8 contains the official documentation filed to transfer the ownership of the EUTMs to the opponent.

73. In my view, it is not fair to the opponent to raise concerns about the evidence at this late stage, when the opportunity existed to make these submissions during the evidence rounds, allowing the opponent to file evidence in reply. I find that the opponent is the owner of the work and that it was created and published before the relevant date in these proceedings.

Whether the work meets the qualification criteria for copyright protection

74. Section 153 of the CDPA states that copyright does not subsist in a work unless certain conditions are met. These are set out in the following sections of the Act and relate to the citizenship or residence of the author at the time the work was created or published, or the place where it was first published. The contract shows that Ms Sierocińska had an address in Poland at the time the contract was signed. She is also shown as having a “*Polish Personal Identification Number*”.

75. Section 159(1) of the CDPA states that:

“Where a country is party to the Berne Convention or a member of the World Trade Organisation, this Part, so far as it relates to literary, dramatic, musical and artistic works, films and typographical arrangements of published editions-

...

(c) applies in relation to a work first published in that country as it applies in relation to a work first published in the United Kingdom.”

76. Poland is party to the Berne Convention and a member of the World Trade Organisation and so the work qualifies for copyright protection.

Whether use of the mark would constitute an infringement of the copyright in the work

77. Section 16 of the CDPA is the relevant legislation and reads as follows:

“(1) The owner of the copyright in a work has, in accordance with the following provisions of this Chapter, the exclusive right to do the following acts in the United Kingdom–

- (a) to copy the work (see section 17);
- (b) to issue copies of the work to the public (see section 18);
- (ba) to rent or lend the work to the public (see section 18A);
- (c) to perform, show or play the work in public (see section 19);
- (d) to communicate the work to the public (see section 20);
- (e) to make an adaptation of the work or do any of the above in relation to an adaptation (see section 21);

and those acts are referred to in this Part as the ‘acts restricted by the copyright’.

(2) Copyright in a work is infringed by a person who without the licence of the copyright owner does, or authorises another to do, any of the acts restricted by the copyright.

(3) References in this Part to the doing of an act restricted by the copyright in a work are to the doing of it –

- (a) in relation to the work as a whole or any substantial part of it, and
- (b) either directly or indirectly;

and it is immaterial whether any intervening acts themselves infringe copyright.”

78. Section 17 of the CDPA provides that:

“(1) The copying of the work is an act restricted by the copyright in every description of copyright work; and references in this Part to copying and copies should be construed as follows.

(2) Copying in relation to a literary, dramatic, musical or artistic work means reproducing the work in any material form.

This includes storing the work in any medium by electronic means.

(3) In relation to an artistic work copying includes the making of a copy in three dimensions of a two-dimensional work and the making of a copy in two dimensions of a three-dimensional work.

...

(6) Copying in relation to any description of work includes the making of copies which are transient or are incidental to some other use of the work.”

79. In *Designers Guild Ltd v Russell Williams (Textiles) Ltd (t/a Washington DC)*, [2000] 1 WLR 2416, Lord Millett set out the approach to assessing whether artistic copyright has been infringed at [2425]-[2426]. He said:

“The first step in an action for infringement of artistic copyright is to identify those features of the defendant’s design which the plaintiff alleges to have been copied from the copyright work. The court undertakes a visual comparison of the two designs, noting the similarities and the differences. The purpose of the examination is not to see whether the overall appearance of the two designs is similar, but to judge whether the particular similarities relied on are sufficiently close, numerous or extensive to be more likely to be the result of copying than of coincidence. It is at this stage that similarities may be disregarded because they are too commonplace, unoriginal or consist of general ideas. If the plaintiff demonstrates sufficient similarity, not in the works as a whole but in the features which he alleges have been copied, and establishes that the defendant had prior access to the copyright work, the burden passes to the defendant to satisfy the judge that, despite the similarities, they did not result from copying.

...

Once the judge has found that the defendant’s design incorporates features taken from the copyright work, the question is whether what has been taken

constitutes all or a substantial part of the copyright work. This is a matter of impression, for whether the part taken is substantial must be determined by its quality rather than its quantity. It depends upon its importance to the copyright work. It does not depend upon its importance to the defendant's work, as I have already pointed out. The pirated part is considered on its own (see *Ladbroke (Football) Ltd v William Hill (Football) Ltd* [1964] 1 WLR 273, 293, *per* Lord Pearce) and its importance to the copyright work assessed. There is no need to look at the infringing work for this purpose."

80. Mr Rundle drew my attention to a further passage from *Designers Guild*. This time the judge was Lord Hoffmann. It can be found at [2422]–[2423]:

"Plainly there can be no copyright in an idea which is merely in the head, which has not been expressed in copyrightable form, as a literary, dramatic, musical or artistic work.

...

Generally speaking, in cases of artistic copyright, the more abstract and simple the copied idea, the less likely it is to constitute a substantial part. Originality, in the sense of the contribution of the author's skill and labour, tends to lie in the detail with which the basic idea is presented."



81. He also submitted that I should bear in mind the following commentary from *Copinger and Skone James on Copyright*, Vol. 1, 18th edition:

"As has been pointed out, where the claimant's and the defendant's works are similar, there are four possible explanations: the defendant's work was copied from the opponent's; the claimant's from the defendant's; both from a common source; or mere chance or coincidence. It is only in the first case that an infringement of the claimant's work can have occurred. Although the concept of copying is expressed differently in relation to the different categories of work, the underlying principle is that there can be no infringement unless use has been made, directly or indirectly, of the copyright work. Copyright is not a monopoly right and no infringement occurs by an act of independent creation. This is often expressed as saying

there must be a causal connection between the copyright work and an infringing work. This is one of the ways in which copyright differs from true monopoly rights such as patents and registered designs. In the case of the latter rights, a person can infringe even though he has arrived at his result by independent creation.”¹⁵

82. Ms Binder-Sony submitted that the applicant had not shown that it had created the contested mark independently. I agree, though, with Mr Rundle that it is for the opponent to establish a *prima facie* case that the copyright work was copied, which it would then be for the applicant to rebut, as Lord Millett said in *Designers Guild*, quoted in paragraph 79 above.

83. For convenience, I again reproduce the copyright work and the contested mark:

Copyright Work	Contested Mark
	

84. I have already found that the copyright work (which is also the 774 mark) is a stylised letter D, with a conventional outline, inside of which is a white trapezium. The contested mark also contains a stylised letter D, also with a conventional outline, inside of which is a shape that will be seen by the average consumer as a door. This shape takes up a smaller area of the letter than the trapezium does in the copyright work. I do not consider that the idea of a letter D containing a four-sided shape by itself would constitute a substantial part of the opponent’s work. Rather, the expression of the ideas lies in the precise shape and proportions of the different elements. The differences between the stylised letters in each mark lead me to conclude that it is more likely that

¹⁵ §7-21.

any similarities that exist are a coincidence. The opponent has not raised a *prima facie* case that the applicant needs to answer. The opposition fails under section 5(4)(b).

OUTCOME

85. The opposition has failed and Application No. 3670727 will proceed to registration.

COSTS

86. The applicant has been successful and is entitled to a contribution towards its costs. While Mr Rundle accepted at the hearing that the costs awarded should be on the scale published in Tribunal Practice Notice No. 2/2016, he submitted that there had been a number of deficiencies in the proceedings which had resulted in extra work on behalf of his client. He elaborated as follows:

“First of all, was the deficiency when the Notice of Opposition was filed with regard to the grounds of opposition on copyright. Then again, they had to resubmit what were submissions – they filed submissions as evidence, or was it evidence as submissions, but then had to redo the whole thing at the request of the tribunal.”¹⁶

87. It is the case that the originally filed Notice of Opposition was inadmissible, as the pleadings on the section 5(4)(b) ground were deemed to be deficient. The Registry wrote to the opponent on 23 January 2022 requesting that this ground be fully particularised and an amended Notice of Opposition was filed on 8 February 2022. This was served on the opponent.

88. Turning now to the evidence, I note that the opponent originally filed written submissions and eight exhibits, without a signed witness statement, statutory declaration or affidavit. In addition, a number of the exhibits were in a foreign language. The Registry wrote to the opponent on 17 September 2022 requesting that it be resubmitted in the prescribed format. This was done on 3 October 2022. It is not clear to me how either of these deficiencies caused extra work for the applicant. In particular, I note that no case management conferences were held.

¹⁶ Transcript, page 36.

89. In the circumstances, I award the applicant the sum of £1950, which has been calculated as follows:

<i>Preparing a statement and considering the other side's statement:</i>	<i>£350</i>
<i>Preparing evidence and considering the other side's evidence:</i>	<i>£800</i>
<i>Preparing for and attending a hearing:</i>	<i>£800</i>
TOTAL:	£1950

90. I therefore order Drutex S.A. to pay GKA Grandsons Limited the sum of £1950. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 2 days of the conclusion of the appeal proceedings.

Dated this 8th day of March 2024

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

ANNEX A: SPECIFICATION OF THE CONTESTED MARK

Class 6

Metal building materials; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; strap-hinges of metal; floor hinges of metal; hinges of metal incorporating a spring; hinges of metal having a spring action; hinges of metal for the fastening of electrical cables; door hinges of metal; metal handles; metal door handles; window handles of metal; drawer handles of metal; door handles of metal; handles of metal for doors; metal knobs; drawer knobs of metal; door knobs of common metal; ring pulls of metal; metallic rails; metal rails; steel rails; hooks of metal for clothes rails; metal brackets; metal shelf brackets; anchor sockets for posts (metal-); drawer gliders of metal; wire hooks; cleats of metal [other than for nautical use]; brackets of metal for hanging window draperies; gutter brackets of metal; cantilevered brackets of metal; screw rings; metal rings; metal fastening anchors [for securing pictures to walls]; picture rails of metal; metal picture hangers; metal hooks; metal mirror hangers; screws of metal; set screws of metal; metallic mountings; mountings of metal for glass; metal hardware; metal frames; ferrules of metal; furniture ferrules of metal; metal key rings; key tags of common metal; metal dog tags; metal gate hooks and eyes; screw eyes of metal; castors of metal for furniture; wedges of metal; window-stops of metal; door stops of metal; window stops of metal; handrails of metal; door locks; locks and keys, of metal; padlocks; metal padlocks; metal chain door guards; door chains of metal; bolts (lock-); metal door viewers [non-magnified]; hasps of metal; staples for construction use; cylinder locks of metal; metal security lock cylinders; door bells, non-electric; door bells of metal, non-electric; non-electric door bells; numerals (letters and-) of common metal, except type; letters and numerals of common metal, except type; door knockers; window furniture of metal; casement bolts (metal-); window casement bolts; fasteners of metal for casement windows; baskets of metal; stays of metal; metal sash windows; metal window sashes; sash fasteners of metal for windows; sash window pulls of metal; window pulleys; sash pulleys; sash fasteners of metal; metal window fasteners; window fasteners of metal; metal gates; iron gates; drawer runners of metal; drawer sliders of metal; drawer guides of metal; metal studs [other than for football boots, clothing or vehicle tyres]; ironmongery; metal ironmongery; metal corner tapes; metal tapes; metal connectors for decking and decking joists; cupboard fittings of metal; caps (metal-) for screws; nails; metal nuts;

nuts, bolts and fasteners, of metal; ball catches of metal; catches (door-) of metal; catches (window-) of metal; catches (furniture-) of metal; metal cabinet door catches; metal door latches; metal latch bars; latches of metal; bars (latch-) of metal; latches (metal-) being fittings for doors; latches (metal-) being fittings for windows; turn-button fasteners (metallic); metal hooks; hooks for slate; metal cup hooks; metal garment hooks; hooks (door-) of metal; gate hooks of metal; ladder hooks of metal; pots hooks of metal; towel hooks of metal; hooks of metal for use in building; hooks of metal for clothes rails; hooks of metal for articles of clothing; cables, wires and chains; cables, wire and chains, of metals; chains of metal; safety chains of metal; tie plates; fixing plates of metal; metal hinges; door hinges of metal; bands of metal; tension links; fence links of metal; chain links, of metal; bolt snaps of metal; bolt snaps of metal; snap rings [fasteners] of metal; metal shackles; metal turnbuckles; hooks and eyes for turnbuckles; metal cable-clamps; thimbles [metal hardware]; thimbles (rope-) of metal; cable thimbles of metal; rope thimbles of metal; ball ended eyebolts of metal; wire rope; steel wire rope; metal wires for binding objects; snap rings [fasteners] of metal; plate hangers of metal; plate stands of metal; letter plates of metal.

Class 20

Furniture; mirrors; picture frames; hinges, not of metal; strap-hinges, not of metal; hinges for doors and windows (non-metallic-); hinges, not of metal incorporating a spring; hinges, not of metal having a spring action; hinges, not of metal for the fastening of electrical cables; plastic handles; handles; porcelain handles; wood tool handles; door handles of porcelain; window handles (non-metallic-); drawer handles (non-metallic-); furniture handles of plastic; handles (door-), not of metal; furniture handles, not of metal; door handles, not of metal; handles made of plastics for doors; glass knobs; ceramic knobs; plastic knobs; wood knobs; porcelain knobs; non-metal knobs; drawer knobs (non-metallic-); ring pulls, not of metal; garment rails; clothes rails; rails (curtain-); curtain rails; hooks for clothes rails; garment rails of non-metallic materials; hooks, not of metal, for clothes rails; brackets (non-metallic-) for frames; curtain rings; shower curtain hooks; shower curtain rods; shower curtain rings; blinds, and fittings for curtains and blinds; curtain runners; curtain tracks; curtain poles; curtain fittings; curtain hooks; curtain rods; curtain rollers; curtain suspending apparatus; curtain suspension devices; non-metal curtain rings; support rods for curtains; support rails for curtains; curtain embraces of plastics for holding back curtains; curtain embraces

of metal for holding back curtains; curtains (bead-) for decoration; bead curtains for decoration; curtain hooks made of metal; curtain hooks made of plastics; supports for supporting curtain rods; supports for supporting curtain poles; supports for fixing curtain poles; supports for fixing curtain rods; tie back hooks of brass [curtain]; curtain holders, not of textile material; tie back hooks made of wood [curtain]; tie back hooks made of plastics [curtain]; expanding rails of plastics for net curtains; indoor blinds, and fittings for curtains and indoor blinds; metal curtain rings; curtain tie-backs; curtain embraces for holding back curtains; poles for curtains; fittings for curtains; hooks (curtain-); rollers (curtain-); drawer gliders (non-metallic-); rings (curtain-); non-metal mirror hangers; screws, not of metal; mounts [frames] for photographs; coat pegs [wall mounted hooks] non-metallic; photographic mounting boards; concealed fastening devices of non-metallic materials; mirror frames; mirror stands; mouldings for mirrors; frames for mirrors;; frames; display frames; plastic key rings; door stops of wood; door stops of plastic; door stops, not of metal or rubber; window stops of plastic; window stops of wood; window stops, not of metal or rubber; brackets (non-metallic-) for furniture; locks and keys, non-metallic; locks, other than electric, not of metal; furniture locks (non-metallic-); spring locks (non-metallic-); safety locks [non-metallic, non-electric]; padlocks, not of metal; bolts, not of metal; non-metal door viewers [non-magnified]; hasps of non-metallic materials; door bells not of metal, non-electric; knockers (door-) of non-metallic materials; window furniture (non-metallic-); sash window pulls, not of metal; sash fasteners, not of metal for windows; sash pulleys, not of metal; pulleys of plastic for blinds; pulleys of plastics for blinds; door, gate and window fittings, non-metallic; drawers for furniture; drawer slides [furniture hardware]; drawer runners (non-metallic-); drawer sliders (non-metallic-); shelf supports (non-metallic-); shelf brackets (non-metallic-); furniture; castors; table legs; furniture parts; countertops [furniture parts]; drawers [furniture parts]; parts of furniture (non-metallic-); caps (non-metallic-) for screws; non-metallic nuts [fasteners]; plastic tubs; tubs [not bath tubs]; fixings, not of metal for shelves; fixings, not of metal for furniture; catches (door-), not of metal; ball catches (not of metal); catches (furniture-) not of metal; non-metal cabinet door catches; non-metal latches; non-metal door latch; latch furniture, not of metal; latch bars of non-metallic materials; turn-button fasteners (non-metallic-); clothes hooks; hooks (curtain-); shower curtain hooks; hooks for clothes rails; towel hooks (non-metallic); non-metallic coat hooks; wall hooks of non-metallic materials; hat hooks of non-metallic materials; hooks (door-) of non-metallic materials; hooks

(door-) of non-metallic materials; tie back hooks of brass [curtain]; hooks, not of metal, for clothes rails; non-metal hinges; door hinges [non-metallic]; turnbuckles (non-metallic); ball ended eyebolts [not of metal]; plate hangers (non metallic); plate stands (non metallic); plate racks; racks [furniture]; key racks [furniture]; storage racks [furniture]; display racks [furniture]; ferrules and pads for furniture; cable ties; chain links of non-metallic materials; tension links, not of metal.

Class 35

Retail services in relation to metal building materials, non-electric cables and wires of common metal, ironmongery, small items of metal hardware, pipes and tubes of metal, strap-hinges of metal, floor hinges of metal, hinges of metal incorporating a spring, hinges of metal having a spring action, hinges of metal for the fastening of electrical cables, door hinges of metal, metal handles, metal door handles, window handles of metal, drawer handles of metal, door handles of metal, handles of metal for doors, metal knobs, drawer knobs of metal, door knobs of common metal, ring pulls of metal, metallic rails, metal rails, steel rails, hooks of metal for clothes rails, metal brackets, metal shelf brackets, anchor sockets for posts (metal-), drawer gliders of metal, wire hooks, cleats of metal [other than for nautical use], brackets of metal for hanging window draperies, gutter brackets of metal, cantilevered brackets of metal, screw rings, metal rings, metal fastening anchors [for securing pictures to walls], picture rails of metal, metal picture hangers, metal hooks, metal mirror hangers, screws of metal, set screws of metal, metallic mountings, mountings of metal for glass, metal hardware, metal frames, ferrules of metal, furniture ferrules of metal, metal key rings, key tags of common metal, metal dog tags, metal gate hooks and eyes, screw eyes of metal, castors of metal for furniture, wedges of metal, window-stops of metal, door stops of metal, window stops of metal, handrails of metal, door locks, locks and keys, of metal, padlocks, metal padlocks, metal chain door guards, door chains of metal, bolts (lock-), metal door viewers [non-magnified], hasps of metal, staples for construction use, cylinder locks of metal, metal security lock cylinders, door bells, non-electric, door bells of metal, non-electric, non-electric door bells, numerals (letters and-) of common metal, except type, letters and numerals of common metal, except type, door knockers, window furniture of metal, casement bolts (metal-), window casement bolts, fasteners

of metal for casement windows, baskets of metal, stays of metal, metal sash windows, metal window sashes, sash fasteners of metal for windows, sash window pulls of metal, window pulleys, sash pulleys, sash fasteners of metal, metal window fasteners, window fasteners of metal, metal gates, iron gates, drawer runners of metal, drawer sliders of metal, drawer guides of metal, metal studs [other than for football boots, clothing or vehicle tyres], ironmongery, metal ironmongery, metal corner tapes, metal tapes, metal connectors for decking and decking joists, cupboard fittings of metal, caps (metal-) for screws, nails, metal nuts, nuts, bolts and fasteners, of metal, ball catches of metal, catches (door-) of metal, catches (window-) of metal, catches (furniture-) of metal, metal cabinet door catches, metal door latches, metal latch bars, latches of metal, bars (latch-) of metal, latches (metal-) being fittings for doors, latches (metal-) being fittings for windows, turn-button fasteners (metallic), metal hooks, hooks for slate, metal cup hooks, metal garment hooks, hooks (door-) of metal, gate hooks of metal, ladder hooks of metal, pots hooks of metal, towel hooks of metal, hooks of metal for use in building, hooks of metal for clothes rails, hooks of metal for articles of clothing, cables, wires and chains, cables, wire and chains, of metals, chains of metal, safety chains of metal, tie plates, fixing plates of metal, metal hinges, door hinges of metal, bands of metal, tension links, fence links of metal, chain links, of metal, chain links of non-metallic materials, tension links, not of metal, bolt snaps of metal, bolt snaps of metal, snap rings [fasteners] of metal, metal shackles, metal turnbuckles, hooks and eyes for turnbuckles, metal cable-clamps, thimbles [metal hardware], thimbles (rope-) of metal, cable thimbles of metal, rope thimbles of metal, ball ended eyebolts of metal, wire rope, steel wire rope, metal wires for binding objects, snap rings [fasteners] of metal, faucet handles, cistern lever handles, flusher handles [parts of sanitary installations], flushing apparatus for urinals, key rings and key chains, insulating felt, window stops of rubber, articles made of rubber for jointing purposes, adhesive tapes, strips, bands and films, tarred felts, asphalted felts, roofing felts, felt roof coverings, felt for building, cork [compressed], handrails, not of metal, non-metal window sashes, non-metal gates, furniture, mirrors, picture frames, hinges, not of metal, strap-hinges, not of metal, hinges for doors and windows (non-metallic-), hinges, not of metal incorporating a spring, hinges, not of metal having a spring action, hinges, not of metal for the fastening of electrical cables, plastic handles, wood, handles, porcelain handles, wood tool handles, door handles of porcelain, window handles (non-metallic-), drawer handles (non-metallic-), furniture handles of plastic, handles (door-), not of

metal, furniture handles, not of metal, door handles, not of metal, handles made of plastics for doors, glass knobs, ceramic knobs, plastic knobs, wood knobs, porcelain knobs, non-metal knobs, drawer knobs (non-metallic-), ring pulls, not of metal, garment rails, clothes rails, rails (curtain-), curtain rails, hooks for clothes rails, garment rails of non-metallic materials, hooks, not of metal, for clothes rails, brackets (non-metallic-) for frames, curtain rings, shower curtain hooks, shower curtain rods, shower curtain rings, blinds, and fittings for curtains and blinds, curtain runners, curtain tracks, curtain poles, curtain fittings, curtain hooks, curtain rods, curtain rollers, curtain suspending apparatus, curtain suspension devices, non-metal curtain rings, support rods for curtains, support rails for curtains, curtain embraces of plastics for holding back curtains, curtain embraces of metal for holding back curtains, curtains (bead-) for decoration, bead curtains for decoration, curtain hooks made of metal, curtain hooks made of plastics, supports for supporting curtain rods, supports for supporting curtain poles, supports for fixing curtain poles, supports for fixing curtain rods, tie back hooks of brass [curtain], curtain holders, not of textile material, tie back hooks made of wood [curtain], tie back hooks made of plastics [curtain], expanding rails of plastics for net curtains, indoor blinds, and fittings for curtains and indoor blinds, metal curtain rings, curtain tie-backs, curtain embraces for holding back curtains, poles for curtains, fittings for curtains, hooks (curtain-), rollers (curtain-), drawer gliders (non-metallic-), rings (curtain-), non-metal mirror hangers, screws, not of metal, mounts [frames] for photographs, coat pegs [wall mounted hooks] non-metallic, photographic mounting boards, concealed fastening devices of non-metallic materials, mirror frames, mirror stands, mouldings for mirrors, frames for mirrors, glass for use in framing art, frames, display frames, plastic key rings, door stops of wood, door stops of plastic, door stops, not of metal or rubber, window stops of plastic, window stops of wood, window stops, not of metal or rubber, brackets (non-metallic-) for furniture, locks and keys, non-metallic, locks, other than electric, not of metal, furniture locks (non-metallic-), spring locks (non-metallic-), safety locks [non-metallic, non-electric], padlocks, not of metal, bolts, not of metal, non-metal door viewers [non-magnified], hasps of non-metallic materials, door bells not of metal, non-electric, knockers (door-) of non-metallic materials, window furniture (non-metallic-), sash window pulls, not of metal, sash fasteners, not of metal for windows, sash pulleys, not of metal, pulleys of plastic for blinds, pulleys of plastics for blinds, door, gate and window fittings, non-metallic, drawers for furniture, drawer slides [furniture hardware], drawer runners (non-metallic-

), drawer sliders (non-metallic-), shelf supports (non-metallic-), shelf brackets (non-metallic-), furniture, castors, table legs, furniture parts, countertops [furniture parts], drawers [furniture parts], parts of furniture (non-metallic-), caps (non-metallic-) for screws, non-metallic nuts [fasteners], plastic tubs, wood, tubs [not bath tubs], fixings, not of metal for shelves, fixings, not of metal for furniture, catches (door-), not of metal, ball catches (not of metal), catches (furniture-) not of metal, non-metal cabinet door catches, non-metal latches, non-metal door latch, latch furniture, not of metal, latch bars of non-metallic materials, turn-button fasteners (non-metallic-), clothes hooks, hooks (curtain-), shower curtain hooks, hooks for clothes rails, towel hooks (non-metallic), non-metallic coat hooks, wall hooks of non-metallic materials, hat hooks of non-metallic materials, hooks (door-) of non-metallic materials, hooks (door-) of non-metallic materials, tie back hooks of brass [curtain], hooks, not of metal, for clothes rails, non-metal hinges, door hinges [non-metallic], turnbuckles (non-metallic), ball ended eyebolts [not of metal], towel rails and rings, rails and rings for towels, cords (Sash-), felt, roll felt, hooks (shoe-), hooks (rug-), snap hooks, hooks and eyes, snap hooks, snap fasteners, snap buttons, plate hangers, plate stands, letter plates of metal, plate racks, racks [furniture], key racks [furniture], storage racks [furniture], display racks [furniture], ferrules for furniture, pads for furniture, cable ties, hand tools for cutting, knives (hand tools), blades (hand tools), box cutters, scissors, apparatus for electricity, instruments for electricity, cable for electricity, electrical components, electronic components, crocodile clips [electrical connectors], alligator clips [electrical connectors], fuses, fuse wire, crutches, pads for crutches, ferrules for crutches, parts and fittings for crutches, Installations for sanitary purposes, apparatus for sanitary purposes, sanitary installations, bathroom installations, plumbing fixtures, bath fittings, basin fittings, sink fitting, shower fittings, cistern fittings, tap fittings, plugs for baths, plugs for basins, plugs for sinks, plugs for showers, strainers for baths, strainers for basins, strainers for sinks, strainers for showers, pipes [parts of sanitary installations], taps [faucets], cistern lever handles, flusher handles [parts of sanitary installations], valves being part of sanitary installations, stationery, pencils, pens, walking sticks, pads for walking sticks, ferrules for walking sticks, parts and fittings for walking sticks, luggage tags, luggage straps.

ANNEX B: SPECIFICATION FOR THE EARLIER MARKS

Class 6

Doors, gates, windows and window coverings of metal; Window furniture of metal; Aluminium residential doors; Aluminium patio doors; Turnstiles of metal; Gates of metal; Iron gates; Door openers, non-electric; Shutter doors of metal; Aluminium doors; Doors and windows of metal; Doors of metal; Doors of metal for buildings; Garage doors of metal; Doors of metal for indoor use; Patio doors (Metal framed -); Doors of metal for providing access to buildings by pets; Insect screens of metal; Metal door units; Door knobs of common metal; Door handles of metal; Trap doors of metal; Ventilation grilles of metal for fitting in windows; Glazing beads of metal; Awnings of metal; Metal door kick plates; Guard rails of metal; Building and construction materials and elements of metal; Metal goods for use in construction; Safety doors of metal; Insulating doors of metal; Revolving doors of metal; Patio doors of metal; Armored doors of metal; Fire resistant doors of metal; Sliding doors of metal for buildings; Metal roller shutter doors for security purposes; Roller doors of metal; Roller doors (Metal -) having insulating properties; Door flaps of metal; Metal screens [other than furniture]; Metallic insect screens for doors; Metallic insect screens for windows; Door friction stays of metal; Metal components for doors; Door pushes of metal; Window facades of metal; Gate hooks of metal; Handles of metal for windows; Metal window cranks; Door knockers of metal; Ventilation grilles of metal for fitting in doors; Shutter grilles of metal; Weatherbars of metal; Window guards of metal; Metal window trim; Espagnolette mechanisms of metal; Window surrounds of metal; Door buffers of metal; Metallic slatted shutters; Roof windows of metal; Dome shaped skylight windows (Metal -); Window sashes of metal; Safety fittings of metal for doors; Door guards of metal; Metal door frames for refrigerating rooms; Double glazing panels (Metal -) incorporating insulating glass; Window sills of metal; Armour door sheetings of metal; Sash pulleys of metal; Sash balances of metal for windows; Door holders of metal; Finger plates of metal; Skylight frames (Metal -) for use in buildings; Metal window pulleys; Window casing bolts of metal; Mullions of metal; Door chains of metal; Metal rolling window shutters; Blind pulls of metal; Escutcheons of metal; Door pulls of metal; Metal sash lifts; Sash window pulls of metal; Door holding devices of metal; Window protection devices of metal; Door seals of metal; Weatherstrippings of metal; Window seals of metal; Metal garage door rollers; Metal door viewers [non-magnified]; Locking

gate hasps of metal; Cremona bolts of metal for windows; Metal cabinet door catches; Double glazing units (Metal -); Metal vertical blinds [external]; Sun louvres of metal for buildings; Metal venetian blinds [external]; Louvre window assemblies (Metal -); Non-electric metal door bells; Window openers, non-electric; Window closers, non-electric; Protective screens of metal; Metal door frames; Door stops of metal; Shutters of metal; Security shutters of metal; Aluminium windows; Windows of metal; Armoured windows having metal frames; Casement windows of metal; Wall windows of metal; Door fittings, of metal; Ironwork for doors; Fittings of metal for windows; Ironwork for windows; Window glazing fixtures made of metal; Metal window frames; Double glazing panels (Metal -); Horizontal venetian blinds [outdoor], of metal; Door sections of metal; Sills of metal; Runners of metal for sliding doors; Tilting metal doors; Door panels of metal; Metallic frames for sliding doors; Blinds of metal; Window blinds [outdoor] of metal; Venetian blinds [outdoor] made of metal; Blackout blinds [outdoor] of metal; Outdoor blinds of metal; Roller shades [outdoor] of metal; Window pulleys; Latch bars of metal; Window casement bolts; Window casement bolts of metal; Sash fasteners of metal for windows; Self-adhesive lead strips for making a pattern on windows; Foot scrapers; Roller blinds of steel; Overhead suspension tracks of metal for use with doors; Rollers (Metal -) for sliding windows; Entrances of metal; Window fasteners of metal; Door closers, non-electric; Security closures of metal; Latches (Metal -) being fittings for doors; Latches (Metal -) being fittings for windows; Skylights [windows] of metal for use in buildings; Jalousies of metal; Horizontal slatted blinds [outdoor], of metal; Blinds of metal for external use; Vertical blinds [outdoor] of metal; Metal roll shutters; Catches (Door -) of metal; Catches (Window -) of metal; Latches of metal; Hinges for doors and windows (Metal -); Door hinges of metal; Window hinges of metal; Metal hardware; Metal wire [common metal].

Class 19

Halved timber; Wood moldings; Wood; Wood, semi-worked; Hobby wood; Moldable wood; Manufactured timber; Moulded wood; Preserved wood [anti-decay wood]; Shaped timber; Wood trim; Timber mouldings; Sawn timber; Rough sawn timber; Turnstiles, not of metal; Garage doors (Non-metallic -) for domestic use; Shutter doors (Non-metallic -); Glass bricks; Clear glass for building purposes; Shuttering made of wood; Wooden door frames; Roller blinds of wood for external use; Doors (Non-metallic -) for use in garages; Cat doors not of metal; Dog doors not of metal; Wooden

doors; Insulating doors of non-metallic materials; Mirror doors; Doors, not of metal; Safety doors, not of metal; Patio doors [non-metallic frame]; Armored doors, not of metal; Sliding doors, not of metal; Glass doors; Doors made of wood for buildings; Doors made of plastic for buildings; Door frames, not of metal; Door panels, not of metal; Flyscreens (non-metallic); Aquaria [structures]; Gazebo [non-metallic structures]; Scaffolding of wood; Platform staging (Non-metallic -) for use with scaffolding; Platform steps (Non-metallic -) for use with scaffolding; Safety scaffolding, not of metal; Working platforms [scaffolding], not of metal; Working platforms [scaffold towers], not of metal; Mobile aerial work platforms [scaffolding, not of metal]; Movable non-metallic framed stage platform units; Movable non-metallic framed studio platform units; Facing sheets of plywood; Cladding sheets (Non-metallic -); Beams (Non-metallic -) for building purposes; Glass elements for windows; Glass elements for building panels; Glazing elements made from glass; Window facades (non-metallic); Folding doors, not of metal; Insulating glass [building]; Japanese sliding screens of thin paper (shoji); Flaps (Non-metallic -) to allow dogs access into buildings; Coloured glass for windows; Window guards (Non-metallic -); Laminated building glass incorporating a liquid crystal film; Sheet glazing materials for use in building; Modified sheet glass [for building]; Insect screens (Non-metallic -) for windows; Insect screens (Non-metallic -) for doors; Insect screens, not of metal; Revolving doors not of metal; Tilttable doors (Non-metallic -) for buildings; Fireproof doors, not of metal; Transparent doors (Non-metallic -) for buildings; Roller doors (Non-metallic -) having insulating properties; Security door frames (Non-metallic -) for buildings; Trap doors (Non-metallic -); Skylights (Non-metallic -) for buildings; Security gratings (Non-metallic -) for the outside of buildings; Frames (Non-metallic -) for glazed doors; Non-metal window frames; Skylight frames (Non-metallic -) for use in buildings; Thermal blinds (non-metallic -) [slatted outdoor]; Louvre window assemblies (Non-metallic -); Window glass, except glass for vehicle windows; Wooden shutters; Shutters, not of metal; Shutters (Non-metallic -) for windows; Shutters made of non-metallic materials; Plastic shutters; Roof windows made of plastics; Armoured windows having non-metallic frames; Vinyl windows; Stained-glass windows; Stained glass windows (Glass for -); Skylights made from plastics materials for use in buildings; Sun louvres of glass for buildings; Cladding (Non-metallic -) for windows; Glass panels; Glass panels for doors; Vertically raisable rolling doors [non-metallic]; Tiles of glass; Glass tiles [not for roofing]; Glass slabs for use in building; Double glazing units (Non-metallic -); Double glazed hermetically

sealed units (Non-metallic -); Double glazing panels (Non-metallic -); Double glazing panels (Non-metallic -) incorporating insulating glass; Horizontal venetian blinds [outdoor], not of metal or textile; Frames (Non-metallic -) for skylights; Plastic window frames; Roller shades [outdoor] of plastic; Roller blinds for external use [not of metal or textile]; External shutters (Non-metallic -) for windows; Served grilles, not of metal; Glazing bars (Non-metallic -); Doors made of glass for buildings; Transparent doors of glass for buildings; Tinted glass for use in building; Safety glass; Security glass for use in building; Building glass; Laminated building glass incorporating fine electrical conductors; Heat protective glass for building; Decorative glass [for building]; Tempered glass for use in building; Heat reflecting glass for building; Dome shaped skylight windows (Non-metallic -); Non-metal skylights; Infrared reflective glass for use in building; Window glass; Window glass, for building; Sheets of glass for building; Fire retarding glass for use in construction; Float glass for building; Thermal insulating glass for use in building; Glass in sheet form for use in doors; Glass in sheet form for use in windows; Layered glass; Colored sheet glass [for building]; Toughened glass for building; Plastic security windows allowing communication; Glazing units (Non-metallic framed -); Outdoor blinds, not of metal and not of textile; Security shutters of non-metallic materials; Jalousies, not of metal; Horizontal slatted blinds [outdoor], not of metal or textile; Structures and transportable buildings, not of metal; Building and construction materials and elements, not of metal; Timber building boards; Building panels, not of metal; Building boards of plastics materials; Profiles for building construction (Non-metallic -); Wooden profiles; Moldings, not of metal, for cornices; Moldings, not of metal, for building; Panel mouldings of non-metallic materials; Deck profiles, not of metal; Non-metal windows.

Class 37

Building, construction and demolition; Plumbing installation, maintenance and repair; HVAC (Heating, ventilation and air conditioning) installation, maintenance and repair; Building maintenance and repair; Glazing, installation, maintenance and repair of glass, windows and blinds; Window cleaning; Installation of window coatings; Venetian blind installation and repair; Installation of windows; Installation of glazed building structures; Double glazing installation; Installation of window frames; Heat insulation of windows; Window maintenance; Painting of window frames; Installation of secondary glazing; Installation of window films; Plate glass installation and repair

services; Installation of window fittings; Installation of blinds; Application of security films to glazing; Window repair; Renovation of glazing; Glazier services; Glazing services for buildings; Installation of glass; Installation of glass and glazing units; Replacement of windows; Replacement of window frames; Carpentry services; Cleaning of blinds; Installation of insulating materials; Maintenance of property; Installation of doors and windows; Assembling [installation] of building framework; Installation of door fittings; Interior refurbishment of buildings; Renovation of property; Joinery [repair]; Rental of tools, plant and equipment for construction and demolition; Scaffolding; Building construction supervision.