

**BL O/0468/26**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF UK REGISTRATION NO. 4089134  
IN THE NAME OF WEALTH AT WORK LIMITED  
IN RESPECT OF THE FOLLOWING SERIES OF TRADE MARKS**

**my wealth**

**MY WEALTH**

**IN CLASSES 9, 35, 36, 41 AND 42**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NUMBER 451134**

**BY AJ BELL BUSINESS SOLUTIONS LIMITED**

## **BACKGROUND AND PLEADINGS**

1. Wealth at Work Limited (“the applicant”) applied to register the series of trade marks displayed on the cover page of this decision in the UK on 19 August 2024 (UK trade mark no. (“UKTM”) 4089134). It was accepted and published in the Trade Marks Journal on 30 August 2024 in respect of the following goods/services:

Class 9 Computer software; computer software relating to the management of finance; computer software relating to the management of funds and investments; computer software relating to the provision of financial guidance and financial education; downloadable computer software; Mobile application software; downloadable publications; Interactive games, videocasts, webcasts, animation and tailored microsites relating to financial guidance and education.

Class 35 Advertising and marketing; Preparation of advertising campaigns; Development of promotional campaigns; Marketing, advertising and promotion services; On-line advertising marketing and promotional services; Digital marketing and advertising services; Business management; business administration; business management and organisation consultancy; business research; business information; providing business information via a web site; marketing of funds and investments; advisory, consultancy and information services relating to the aforesaid.

Class 36 Financial services; Financial assistance; Financial consultation; Financial advice; Financial guidance; Financial planning; Financial Support; Pension planning; Investment advice; Investment management; Financial affairs; creation, operation and management of funds; portfolio management and asset allocation services; administration, custodial or registry services; advice regarding Defined Benefit Transfers; providing financial guidance; monetary affairs; capital investment; financial management; financial analysis; providing financial information via a website; financial appraisals; advising on finance during retirement; conducting financial feasibility studies; estate trust management; estate trust planning; financial asset management; financial forecasting; financial management of employee pension plans; financial

management via the Internet; financial planning and investments; financial research; financial risk assessment services; financial trust planning; funds investment; provision of stock market information; Financial advice relating to pensions; Financial advice relating to trusts; Financial advice relating to investment; Financial advisory services relating to tax; advisory, consultancy and information services relating to the aforesaid.

Class 41 Education; providing of training; arranging and conducting of conferences, congresses, seminars webinars, webcasts, animations, interactive calculators; gamified learning; know-how (training); Providing online training seminars and webinars; Financial education and training; Financial coaching; Coaching relating to finance; Financial educational programmes; Financial health check programmes; publication services; publication of texts, other than publicity texts; publication of books; online publication of books and journals; providing online electronic publications, not downloadable; teaching services; instruction services; arranging and conducting of workshops; Financial coaching; advisory, consultancy and information services relating to the aforesaid.

Class 42 Design and development of computer hardware and software; computer programming; computer software design; computer system design; computer software consultancy; installation of computer software; platform as a service (PaaS); server hosting; software as a service (SaaS).

2. On 2 December 2024, AJ Bell Business Solutions Limited (“the opponent”) opposed the trade mark on the basis of Section 3(1)(b) and (c) of the Trade Marks Act 1994 (“the Act”).

3. In its statement of grounds, in respect of its claim under 3(1)(b), the opponent states:

“The mark consists solely of descriptive terms that are commonly used in the financial services industry. The phrase "MY WEALTH" directly refers to the management, ownership, or status of personal assets or finances, making it generic and incapable of distinguishing the goods or services of one entity from those of another. As such, it fails to serve as a unique identifier of the origin of

the goods or services and is unlikely to function as a badge of origin in the marketplace. The opponent therefore respectfully requests that the application is refused in its entirety, with an award of costs in favour of the opponent”.

4. In its statement of grounds, in respect of its claim under 3(1)(c), the opponent states:

“The phrase "MY WEALTH" directly conveys information about the personal ownership or management of financial assets. It merely describes the intended purpose and value of the claimed goods and services, which are intended for wealth management, investment, or financial planning (i.e. "management of my wealth"), rather than functioning as an identifier of trade origin. Consequently, it lacks the necessary distinctiveness to differentiate the services of one undertaking from those of others. The opponent therefore respectfully requests that the application is refused in its entirety, with an award of costs in favour of the opponent.”

5. The applicant filed a defence and counterstatement denying the claims made.

6. The applicant is represented by Freeths LLP and the opponent by WP Thompson. Both parties filed evidence during the evidential rounds. Neither party requested a hearing, though both elected to file written submissions in lieu.

## **RELEVANCE OF EU LAW**

7. 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.

## **EVIDENCE AND SUBMISSIONS**

8. The opponent filed evidence in chief in the form of a witness statement of Mr Matthew Bush, Trainee Trade Mark Attorney at WP Thompson, dated 14 March 2025 accompanied by exhibits MB1 – MB3.

9. The opponent filed written submissions dated 17 March 2025.
10. The applicant filed evidence in chief in the form of a witness statement of Mr Jonathan Roy Watts-Lay, Director of Wealth at Work Limited, dated 23 May 2025 accompanied by exhibits JRWL1 – JRWL9.
11. The applicant filed written submissions dated 23 May 2025.
12. The opponent filed observations in reply dated 21 August 2025.
13. The opponent filed evidence in the form of a witness statement of Mr Francesco Simone, Chartered Trade Mark Attorney at WP Thompson, dated 21 August 2025 accompanied by exhibits FS1 – FS12.
14. I have given due consideration to all of the documents filed by both parties but will only refer to the evidence/submissions as appropriate to the extent that is necessary in my decision.

## **LEGISLATION**

15. Section 47(1) of the Act states:

“The registration of a trade mark may be declared invalid on the ground that the trade mark was registered in breach of section 3 or any of the provisions referred to in that section (absolute grounds for refusal of registration). Where the trade mark was registered in breach of subsection (1)(b), (c) or (d) of that section, it shall not be declared invalid if, in consequence of the use which has been made of it, it has after registration acquired a distinctive character in relation to the goods or services for which it is registered.

[...]

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

[...]

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made.

Provided that this shall not affect transactions past and closed.”

16. Sections 3(1)(b) and 3(1)(c) read as follows:

“3.— Absolute grounds for refusal of registration

(1) The following shall not be registered—

(a) trade marks which are devoid of any distinctive character.

(b) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of services, or other characteristics of goods or services,

Provided that, a trade mark shall not be refused registration by virtue of paragraph (b), (c) or (d) above if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it”.

17. The relevant date for assessment under 3(1)(b) and 3(1)(c) is the date of filing of the contested mark, i.e. 19 August 2024.

18. I bear in mind that the above grounds are independent and have differing general interests. It is possible, for example, for a mark not to fall foul of section 3(1)(c) but still to be objectionable under section 3(1)(b).<sup>1</sup>

19. The position under the above grounds must be assessed from the perspective of the average consumer, who is deemed to be reasonably observant and circumspect.<sup>2</sup> In the present case, the relevant public is likely to predominantly comprise both members of the general public at large and business users or professionals, for example, in the financial sector. Given the wide-ranging nature of the goods and

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<sup>1</sup> *SAT.1 SatellitenFernsehen GmbH v OHIM*, Case C-329/02 P at [25]

<sup>2</sup> *Matratzen Concord AG v Hukla Germany SA*, Case C-421/04

services at issue, I find that the frequency of selection and cost of the goods/services will vary quite considerably. For example, “computer software” is a very broad term and will inevitably cover some cheaper and more frequently selected goods whereas some “investment portfolio management services” will be expensive and selected on a more infrequent basis. Plainly, some goods will attract a lower degree of attention (where “computer software” covers cheap downloadable apps, for example) and some will attract a high degree of attention. There may be some services, particularly in class 41, where a medium degree of attention is paid, such as *Gamified learning* and *Providing online electronic publications, not downloadable*. However, many of the services are specialised and consumers would be alive to matters such as return for investment, security, interest rates and service standard. Typically, for these services, prior consultation or research may be conducted before purchase. This leads me to conclude that the consumer groups would pay a high degree of attention in relation to these services.

## **EVIDENCE ASSESSMENT**

### Evidence in chief - Witness statement of Matthew Bush for the opponent

20. Mr Bush is a Trade Mark Attorney at the opponent’s representative. I take the following from Mr Bush’s evidence:

- Mr Bush has provided internet screenshots showing use of the term “My Wealth” within the financial industry and within financial news articles<sup>3</sup>. I note that these screenshots are taken from various financial websites and include phrases such as “manage my wealth”.

21. Within its written submissions, the opponent states that the exhibits provided show use of “my wealth” as a non-distinctive expression.

### Witness statement of Mr Jonathan Roy Watts-Lay for the applicant

22. Mr Watts-Lay is a Director of Wealth at Work Limited, a position that he has held since 2009. I take the following from Mr Watts-Lay’s evidence:

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<sup>3</sup> Exhibits MB2 – MB3

- The applicant's company, Wealth at Work Limited was established in 2005, and is a "financial wellbeing and retirement specialist helping employees and pension scheme members to improve their financial future...Wealth at Work Limited is our corporate facing brand offering financial education, financial guidance, investment advice, employee engagement, digital communications and workplace ISAs."<sup>4</sup>
- The applicant's trading names include the brands "my wealth", "my wealth INVEST" and "my wealth private".
- My Wealth Limited was incorporated at Companies House in 2014 (Company no. 09055776).
- Part of the applicant's business is the provision of education, training, conferences, seminars, webinars etc. The "my wealth" logo is displayed on the applicant's feedback form which is sent to delegates. This has been in use since 2012.
- Seminar attendees are made aware of "my wealth" products and services and would have had access to "my wealth". Details of the seminar attendees are as follows:

Year	WEALTH at work	Affinity Connect	Total
2015	10,296	7,287	17,583
2016	10,595	13,354	23,949
2017	13,367	14,633	28,000
2018	25,997	16,503	42,500
2019	18,274	22,225	40,499
2020	15,380	14,723	30,103
2021	17,544	22,959	40,503
2022	25,059	28,185	53,244
2023	24,426	42,858	67,284
2024	29,058	56,923	85,981
<b>Totals</b>	<b>189,996</b>	<b>239,650</b>	<b>429,646</b>

- The applicant's retail clients include Marks & Spencer, Sage, Serco, BT Group, Drax, Haleon, GSK, HSBC, NatWest, United Utilities and JPMorgan. Mr Watts-Lay states "across our service offerings, we have a total of 246,547 individuals subscribed to the "my wealth" mailing list shown in the "yes" column below. The

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<sup>4</sup> Witness statement of Mr Watts-Lay, para 2

“no” column shows the number of clients under the “my wealth” branded service who have not opted in to receive marketing, but who are aware of the “my wealth” brand”<sup>5</sup>:

	Yes	No
<b>My Wealth Private Clients</b>	83091	43764
<b>My Wealth Private Leads</b>	160251	62800
<b>Self-Select</b>	545	37
<b>MWGI</b>	2660	207
<b>Total</b>	<b>246547</b>	<b>106808</b>

- Client testimonials have been provided<sup>6</sup> from Patricia Appleby, the Engagement Director of the Pearson Pension Plan, and Kerry Shields the Total Reward Experience & Risk Manager Director at BT. These amount to ‘hearsay evidence’ as section 1 of the Civil Evidence Act 1995. The factors that are relevant to the weight to be attributed to hearsay evidence are set out in section 4 of the Civil Evidence Act 1995. I also note section 4.8.10 of the Manual of trade marks practice, which states:

“Parties to proceedings have on occasions solicited letters from third parties for the purposes of the proceedings, rather than getting the third party to file evidence by witness statement, affidavit or statutory declaration. These are often headed ‘to whom it may concern’, or, in some cases, are addressed directly to the Tribunal. Such letters will be treated as hearsay evidence. Parties are encouraged to present such evidence in the form of a witness statement rather than in the form of a letter if they wish to rely on it. A signatory to a witness statement, who can be cross-examined, is likely to exercise greater care and precision than a signatory to a letter”.

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<sup>5</sup> Witness statement of Mr Watts-Lay, para 8

<sup>6</sup> Exhibit JRWL5

Having consideration for all of these factors, I find that it is highly likely that the testimonials were solicited for use in these proceedings, and as such, very little weight can be attributed to these endorsements.

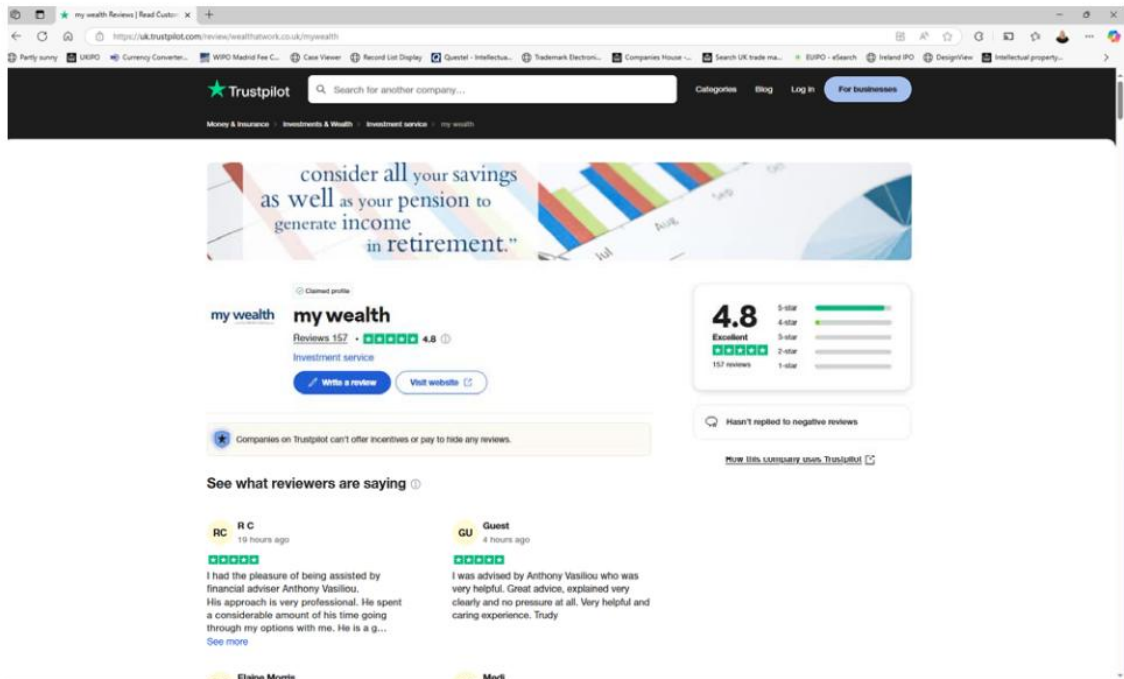
- The applicant has established a website and social media accounts. The website (<https://www.wealthatwork.co.uk/mywealth/>) was launched in 2013. The total number of visits to the website since 2013 to date is tabulated below:

<b>Year</b>	<b>TOTAL Number of Visits in '000's to: <a href="https://www.wealthatwork.co.uk/mywealth/website">https://www.wealthatwork.co.uk/mywealth/website</a></b>
2013	24,986
2014	27,878
2015	47,534
2016	105,387
2017	190,125
2018	162,516
2019	193,628
2020	381,630
2021	312,809
2022	266,782
2023	282,278
2024	224,030
2025	85,380

- The applicant has a Trustpilot account for “my wealth”, with an overall Trustpilot score of 4.8 stars. The “my wealth” trust pilot page has circa 157 reviews from 14 July 2023 to date. A screenshot has been provided<sup>7</sup>:

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<sup>7</sup> Exhibit JRWL8



- The applicant also has a LinkedIn profile with 3000 followers. However, I note that this is under the name of Wealth at work, rather than “my wealth”.
- Details of accreditations and awards have also been provided, dating from 2007 to 2024. However, I note that these are in the name of Wealth at work, rather than “my wealth”.
- Details of the turnover generated from ‘my wealth’ is shown in the Wealth at Work Limited accounts. A breakdown of figures during the relevant period is set out below. Mr Watts-Lay states that the fees have been classified differently post 2016 but this has no material impact, and that the company simply changed how revenue was recorded<sup>8</sup>:

<sup>8</sup> Witness statement of Mr Watts-Lay, para 12

<b>Year</b>	<b>Non-recurring investment management fees (£)</b>	<b>Recurring investment management fees (£)</b>
2024	5,328,000	42,007,000
2023	4,583,000	35,985,000
2022	4,645,000	32,065,000
2021	5,279,000	20,826,000
2020	3,800,000	20,826,000
2019	3,514,000	18,481,000
2018	3,109,000	15,544,000
2017	2,472,000	12,473,000

<b>Year</b>	<b>Investment management fees (£)</b>
2016	9,510,000
2015	8,696,000
2014	6,533,000
2013	4,863,000

Evidence in reply - Witness statement of Francesco Simone for the opponent

23. Mr Simone is a Chartered Trade Mark Attorney at the opponent's representative.


I take the following from Mr Simone's evidence:

- A copy of WEALTH AT WORK LIMITED's annual report and financial statements for the year ended 31 December 2024 is provided<sup>9</sup>. I understand that this has been obtained from the Companies House website. I note that the turnover from 2023 was £41,484 and from 2024 it was £48,469.
- A printout has been provided of website traffic results for wealthatwork.co.uk, obtained from the Website Traffic History Checker Tool on website lookkle.com<sup>10</sup>. Visits per month to the site are shown as follows:

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<sup>9</sup> Exhibit FS1

<sup>10</sup> Exhibit FS11

 Visits per Month

Month	Visits	Change (%)	Organic Traffic	Daily Visits
2025-07-01	4,363	-29.2%	2,007	145
2025-06-01	6,161	33.5%	2,809	205
2025-05-01	4,616	21.3%	2,086	154
2024-12-01	3,804	13.3%	1,703	127
2024-09-01	3,357	2.3%	1,489	112
2024-06-01	3,280	0%	1,442	109

24. Mr Simone has provided a number of articles relating to the size of the UK financial market as exhibits to his witness statement. I have read the same and note the opponent's submissions in which it states:

"43. The evidence at exhibits FS3, FS4, FS5, FS7, FS8, FS9, FS10, FS12 shows the UK market for financial services is extremely large, in terms of client base (more than 20% of the UK population in 2024) and turnover (9% of the UK economy).

44. Even considering the applicant's total turnover, the applicant's market share would likely be very small. Attendance/visits figures (par. 7, 8, 11 of the applicant's witness statement) are also very small compared to the size of the market for the relevant services. The Trustpilot page at JRWL8 shows a small number of reviews (157)."

25. That concludes my summary of the applicant's evidence, insofar as I consider it necessary.

## **DECISION**

### **Section 3(1)(c)**

26. I will start with the section 3(1)(c) ground because this goes to the heart of the opponent's case, which is that "my wealth" has a descriptive meaning in relation to the goods and services in the application, as it is used to identify a customer's wealth,

which the opponent submits is the object of the financial services and their intended purpose.

27. The case law under section 3(1)(c) (corresponding to article 7(1)(c) of the EUTM Regulation, formerly article 7(1)(c) of the CTM Regulation ) was set out by Arnold J. (as he then was) in *Starbucks (HK) Ltd v British Sky Broadcasting Group Plc* [2012] EWHC 3074 (Ch) as follows:

“91. The principles to be applied under art.7(1)(c) of the CTM Regulation were conveniently summarised by the CJEU in *Agencja Wydawnicza Technopol sp. z o.o. v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* (C-51/10 P) [2011] E.T.M.R. 34 as follows:

“33. A sign which, in relation to the goods or services for which its registration as a mark is applied for, has descriptive character for the purposes of Article 7(1)(c) of Regulation No 40/94 is – save where Article 7(3) applies – devoid of any distinctive character as regards those goods or services (as regards Article 3 of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks ( OJ 1989 L 40, p. 1), see, by analogy, [2004] ECR I-1699, paragraph 19; as regards Article 7 of Regulation No 40/94, see *Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) v Wm Wrigley Jr Co* (C-191/01 P) [2004] 1 W.L.R. 1728 [2003] E.C.R. I-12447; [2004] E.T.M.R. 9; [2004] R.P.C. 18, paragraph 30, and the order in *Streamserve v OHIM* (C-150/02 P) [2004] E.C.R. I-1461, paragraph 24).

36. ... due account must be taken of the objective pursued by Article 7(1)(c) of Regulation No 40/94. Each of the grounds for refusal listed in Article 7(1) must be interpreted in the light of the general interest underlying it (see, inter alia, *Henkel KGaA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* (C-456/01 P) [2004] E.C.R. I-5089; [2005] E.T.M.R. 44, paragraph 45, and *Lego Juris v OHIM* (C-48/09 P), paragraph 43).

37. The general interest underlying Article 7(1)(c) of Regulation No 40/94 is that of ensuring that descriptive signs relating to one or more characteristics of the goods or services in respect of which registration as a mark is sought may be freely used by all traders offering such goods or services (see, to that effect, *OHIM v Wrigley*, paragraph 31 and the case-law cited).

38. With a view to ensuring that that objective of free use is fully met, the Court has stated that, in order for OHIM to refuse to register a sign on the basis of Article 7(1)(c) of Regulation No 40/94, it is not necessary that the sign in question actually be in use at the time of the application for registration in a way that is descriptive. It is sufficient that the sign could be used for such purposes (*OHIM v Wrigley*, paragraph 32; *Campina Melkunie*, paragraph 38; and the order of 5 February 2010 in *Mergel and Others v OHIM* (C-80/09 P), paragraph 37).

39. By the same token, the Court has stated that the application of that ground for refusal does not depend on there being a real, current or serious need to leave a sign or indication free and that it is therefore of no relevance to know the number of competitors who have an interest, or who might have an interest, in using the sign in question (*Joined Cases C-108/97 and C-109/97 Windsurfing Chiemsee [1999] ECR I-2779*, paragraph 35, and *Case C-363/99 Koninklijke KPN Nederland [2004] ECR I-1619*, paragraph 38). It is, furthermore, irrelevant whether there are other, more usual, signs than that at issue for designating the same characteristics of the goods or services referred to in the application for registration (*Koninklijke KPN Nederland*, paragraph 57).

And

46. As was pointed out in paragraph 33 above, the descriptive signs referred to in Article 7(1)(c) of Regulation No 40/94 are also devoid of any distinctive character for the purposes of Article 7(1)(b) of that

regulation. Conversely, a sign may be devoid of distinctive character for the purposes of Article 7(1)(b) for reasons other than the fact that it may be descriptive (see, with regard to the identical provision laid down in Article 3 of Directive 89/104, *Koninklijke KPN Nederland*, paragraph 86, and *Campina Melkunie*, paragraph 19).

47. There is therefore a measure of overlap between the scope of Article 7(1)(b) of Regulation No 40/94 and the scope of Article 7(1)(c) of that regulation (see, by analogy, *Koninklijke KPN Nederland*, paragraph 67), Article 7(1)(b) being distinguished from Article 7(1)(c) in that it covers all the circumstances in which a sign is not capable of distinguishing the goods or services of one undertaking from those of other undertakings.

48. In those circumstances, it is important for the correct application of Article 7(1) of Regulation No 40/94 to ensure that the ground for refusal set out in Article 7(1)(c) of that regulation duly continues to be applied only to the situations specifically covered by that ground for refusal.

49. The situations specifically covered by Article 7(1)(c) of Regulation No.40/94 are those in which the sign in respect of which registration as a mark is sought is capable of designating a 'characteristic' of the goods or services referred to in the application. By using, in Article 7(1)(c) of Regulation No 40/94, the terms 'the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service', the legislature made it clear, first, that the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service must all be regarded as characteristics of goods or services and, secondly, that that list is not exhaustive, since any other characteristics of goods or services may also be taken into account.

50. The fact that the legislature chose to use the word 'characteristic' highlights the fact that the signs referred to in Article 7(1)(c) of Regulation

No 40/94 are merely those which serve to designate a property, easily recognisable by the relevant class of persons, of the goods or the services in respect of which registration is sought. As the Court has pointed out, a sign can be refused registration on the basis of Article 7(1)(c) of Regulation No 40/94 only if it is reasonable to believe that it will actually be recognised by the relevant class of persons as a description of one of those characteristics (see, by analogy, as regards the identical provision laid down in Article 3 of Directive 89/104, *Windsurfing Chiemsee*, paragraph 31, and *Koninklijke KPN Nederland*, paragraph 56).”

92. In addition, a sign is caught by the exclusion from registration in art.7(1)(c) if at least one of its possible meanings designates a characteristic of the goods or services concerned: see *OHIM v Wrigley* [2003] E.C.R. I-12447 at [32] and *Koninklijke KPN Nederland NV v Benelux-Merkenbureau* (C-363/99 [2004] E.C.R. I-1619; [2004] E.T.M.R. 57 at [97].”

28. The evidence that includes a definition of, or reference to, the word “wealth” can be summarised very briefly:

- a. Exhibit MB1 – An extract from Cambridge dictionary which defines “wealth” as a noun meaning either “a large amount of money or valuable possessions that someone has” or “a large amount of something good”.

The opponent submits that “my” is a possessive pronoun. I agree that the word “my” is a possessive determiner which appears before a noun to indicate ownership by the person speaking/writing, for example, this is my book.

29. The applicant’s response to the s3(1)(c) case is that the mark is not descriptive in relation to the applied for goods and services, and it states as follows:

“Descriptive use would be personal financial advice, personal financial guidance; person pension planning, training on financial products etc. The term MY WEALTH is not directly descriptive of the applied for goods and services; no direct meaning or messaging is arrived at when analysing the term. After

conducting such analysis, which requires several mental steps the term conveys so much more than an individual's net worth".

30. I understand "my wealth" to mean, as is set out in exhibit MB1, either the money/valuable possessions belonging to a person, or a person having a large amount of something good. The evidence shows that the word WEALTH is frequently used to allude to/describe financial goods/services. Therefore, it is the combination of the words MY and WEALTH which is pivotal to my assessment.

31. I bear in mind that, for the purpose of the present ground, the average consumer needs to be able to perceive *immediately* a description of one of the characteristics of the goods at issue. The opponent submits that MY WEALTH is descriptive of the object of the services and their intended purpose "*i.e. to plan/protect/manage that wealth*". However, I find that the contested mark does not explicitly set out the purpose of the goods or services: it does not refer to planning, protecting, managing, growing, or any other purpose of the services. The average consumer has to undertake a number of mental steps to connect the mark with the purpose of the goods or services.

32. I have found that MY WEALTH will be understood by the average consumer as set out above, to mean either the money/valuable possessions belonging to a person, or a person having a large amount of something good. I believe that the average consumer will understand the mark to be suggestive of financial goods/services related to themselves or another person, and as a result, the mark will be allusive. However, if the average consumer understood the mark as relating to having a large amount of something good, they are highly unlikely to make the same connection. As a result, I do not consider that the meaning of the mark would be immediately clear but rather would provoke further thought.

33. There is evidence of MY WEALTH being used by various third party companies, but I note that in the vast majority of the evidence, the words form part of a phrase or sentence, rather than MY WEALTH appearing on its own, such as "transfer my wealth" and "here's what happened to my wealth". In this regard, I keep in mind the principle behind section 3(1)(c), which is to keep descriptive signs relating to one or more characteristics of the goods or services free to use by all traders offering such goods and services. However, in my view, the evidence of these words presented together

is light and does not clearly establish whether the words are used in each instance as part of brand names or purely descriptively. In my view, the newspaper articles before me are indicative of how the average consumer would understand the term, rather than evidence of use in trade. I am also not satisfied, on the basis of the evidence before me, that there was any particular need to keep the mark free for the legitimate future use by other traders at the relevant date. As above, the evidence of third-party use shows that the words are primarily used as part of a sentence and therefore the evidence is not, to my mind, sufficient to dispel the primary finding I have reached. I make this finding in respect of all terms for which the mark is registered. The ground fails.

### **Section 3(1)(b)**

34. I now turn to the application under section 3(1)(b) of the Act. I acknowledge that section 3(1)(b) and 3(1)(c) are distinct grounds with different general interests underlying them. Section 3(1)(b) prevents registration of marks which are devoid of distinctive character. However, as the only claim made under this ground was that the mark was descriptive, it does not take the opponent any further than section 3(1)(c). As such, this ground also fails.

### **CONCLUSION**

35. The opposition has failed entirely and, subject to any successful appeal, the applicant's mark will proceed to registration.

### **COSTS**

36. The applicant has been successful and is entitled to a contribution towards its costs in line with the scale set out in Tribunal Practice Notice ("TPN") 1/2023. In line with that TPN, I award costs to the proprietor as follows:

Considering the other side's statement

and preparing a counterstatement: £300

Considering the other side's evidence and

preparing written submissions in lieu: £600

**Total: £900**

37. I order AJ Bell Business Solutions Limited to pay Wealth at Work Limited the sum of £900. This sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

**Dated this 2nd day of June 2026**

**LA Bailey**

**For the Registrar,**

**The Comptroller-General**