

O/0494/25

**TRADE MARKS ACT 1994
SUPPLEMENTARY DECISION**

**IN THE MATTER OF
TRADE MARK APPLICATION NOS. UK3841230 AND UK3841235**

**BY APOLLO AUTOMOBILE LIMITED
TO REGISTER:**



AND



**AS TRADE MARKS
IN CLASSES 9, 12, 14, 18, 25, 28, 35, 37, & 41**

AND

**IN THE MATTER OF OPPOSITIONS THERETO
UNDER NOS. 600002771 AND 600002772
BY ALVARO MORENO SLU**

Background

1. It has been drawn to my attention that my decision BL O/0193/24 dated 7 March 2024 contained typographical errors in paragraphs 93 and 94 which reads:

“93. The opponent’s 5(2)(b) ground has succeeded in part. The oppositions have succeeded for the following goods and services which will be refused:

Class 9: *Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data computers and computer peripheral devices; computer software; computer hardware; computer programs; interactive multimedia computer programs; computer game software; mobile applications; downloadable electronic publications; eyewear; sunglasses; eyewear cases; 3D glasses; smartglasses; smartwatches; carrying cases for mobile telephones; computer software for speed control; computer software for automobile parking assistance; hands-free kits for telephones; security tokens [encryption devices]; encoded key cards virtual and augmented reality software; downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear; parts and fittings for computer software, computer programs, interactive multimedia computer programs, computer game software, mobile applications, downloadable electronic publications, eyewear, sunglasses, eyewear cases, 3D glasses, smartglasses, smartwatches, carrying cases for mobile telephones, computer software for speed control, computer software for automobile parking assistance, hands-free kits for telephones, virtual and augmented reality software, downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear; parts and fittings for all the aforementioned goods.*

Class 14: *Precious metals and their alloys; jewellery; precious and semi-precious stones; horological and chronometric instruments; wristwatches; watches; watch bands; clocks; electric clocks; tie clips; cuff links; pin badges; brooches; charms; badges; key rings; key fobs; charms for key rings; decorative key rings; key chain*

tags; key holders; leather key rings; presentation boxes for watches; medals; parts and fittings for all the aforementioned goods.

Class 18: *Leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, collars, leashes and clothing for animals, wallets, bags, purses, handbags, travelling bags, tote bags, backpacks, rucksacks, business card cases, credit card cases, net bags for shopping, briefcases, suitcases, duffle bags, sports bags, leather key cases, coin holders, parts and fittings for all the aforementioned goods.*

Class 25: *Clothing, footwear, headgear; sweaters; sweatshirts; shirts; polo shirts; blouses; t-shirts; camisoles; trousers; shorts; tracksuits; loungewear; dresses; jumpsuits; outer clothing; gilets; jackets; jumpers; knitwear; hoodies [clothing]; coats; parkas; jerseys; sports clothing; leather jackets; sports jackets; sports shoes; caps; sports caps; knitted hats; belts; scarves; gloves; parts and fittings for all the aforementioned goods.*

Class 35: *Advertising; business management; business administration; auctioneering; planning and conducting of trade fairs, exhibitions and presentations for commercial or advertising purposes; arranging of exhibitions for commercial purposes; promotion of goods and services through sponsorship of sports events; presentation of goods on communication media, for retail purposes; event marketing; office functions; Wholesale and retail services connected with the sale of clothing, footwear, headgear, sweaters, sweatshirts, shirts, polo shirts, blouses, t-shirts, camisoles, trousers, shorts, tracksuits, loungewear, dresses, jumpsuits, outer clothing, gilets, jackets, jumpers, knitwear, hoodies [clothing], coats, parkas, jerseys, sports clothing, leather jackets, sports jackets, sports shoes, caps, sports caps, knitted hats, belts, scarves, gloves, precious metals and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments, wristwatches, watches, watch bands, clocks, electric clocks, tie clips, cuff links, pin badges, brooches, charms, badges, key rings, key fobs, charms for key rings, decorative key rings, key chain tags,*

leather key rings, presentation boxes for watches, medals, leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, collars, leashes and clothing for animals, wallets, bags, purses, handbags, travelling bags, tote bags, backpacks, rucksacks, business card cases, credit card cases, net bags for shopping, briefcases, suitcases, duffle bags, sports bags, leather key cases, coin holders, eyewear, sunglasses, eyewear cases, 3D glasses, smartglasses, smartwatches, computers and computer peripheral devices, computer software, computer hardware, computer programs, interactive multimedia computer programs, computer game software, mobile applications, downloadable electronic publications, carrying cases for mobile telephones, handsfree kits for telephones, virtual and augmented reality software, downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear, downloadable virtual goods, namely, digital images, digital graphic designs, digital cars, digital sports cars, digital electric cars, digital hyper cars, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item, non-fungible tokens (NFTs).

94. The application will continue for the following goods and services which were unsuccessful or not opposed by the opponent, they will proceed to registration:

Class 9: *Electronic key fobs being remote control apparatus; speed checking apparatus for vehicles; anti-theft warning apparatus; directional compasses; electricity gauges; speed indicators; batteries; electric batteries; downloadable virtual goods, namely, digital images, digital graphic designs, digital cars, digital sports cars, digital electric cars, digital hyper cars, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item; recorded and downloadable media; digital recording and storage media; downloadable image, video, and multimedia files; downloadable graphic for mobile phones downloadable audio visual recordings featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars, cars,*

sports cars, electric cars, hyper cars, clothing, footwear, headwear, bags, jewellery, watches and eyewear; downloadable digital media namely digital collectibles relating to digital automobiles, digital automobiles parts and fittings and digital scale model vehicles; downloadable virtual goods, namely, computer programs featuring automobiles, automobile parts and fittings for use online and in online virtual worlds; non-fungible tokens (NFTs); downloadable audio visual recordings featuring clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by non-fungible tokens (NFTs); downloadable computer programs featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars; parts and fittings for all the aforementioned goods.

Class 12: *Vehicles, apparatus for locomotion by land, air or water, electric vehicles, electric sports cars, electric racing cars, electric hyper cars, automobiles, cars, sports cars, racing cars, hyper cars, autonomous cars, driverless cars, bicycles, electric bicycles, bicycles, scooters, electric scooters, motorcycles, motor vehicles, land vehicles, engines for land vehicles, remote controlled vehicles, electric motors for land vehicles, automobile bodies, automobile hoods, automobile tires [tyres], bumpers for automobiles, covers for vehicle steering wheels, gear boxes for land vehicles, head-rests for vehicle seats, tires for vehicle wheels, vehicle covers [shaped], vehicle wheel spokes, air pumps [vehicle accessories], anti-glare devices for vehicles, non-skid devices for vehicle tires, anti-theft devices for vehicles, axles for vehicles, brake linings for vehicles, brake pads for automobiles, doors for vehicles, seat covers for vehicles, sun-blinds adapted for automobiles, upholstery for vehicles, vehicle seats, parts and fittings for all the aforementioned goods.*

Class 28: *Games, toys and playthings; video game apparatus; gymnastic and sporting articles; remote controlled scale model vehicles; radio-controlled toy vehicles; toy model vehicles; scale model vehicles; scale model cars [toys]; hand-held electric games; video game machines; video game consoles; joysticks for video games; hand-held consoles for playing video games; golf bags; golf articles; boxing gloves; scooters [toys]; card games; jigsaw puzzles; board games; parts and fittings for all the aforementioned goods.*

Class 35: Wholesale and retail services connected with the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, digital recording and storage media, downloadable graphic for mobile phones, downloadable image, video, and multimedia files, security tokens [encryption devices], electronic being remote control apparatus, speed checking apparatus for vehicles, anti-theft warning apparatus, directional compasses, electricity gauges, speed indicators, computer software for speed control, computer software for automobile parking assistance, encoded key cards, key holders, whips, harness and saddlery, batteries, electric batteries, downloadable audio visual recordings featuring all cars, sports cars, electric cars, hyper cars clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by nonfungible tokens (NFTs), downloadable computer programs featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars, downloadable digital media namely digital collectables relating to digital automobiles, digital automobiles parts and fittings and digital scale model vehicles, downloadable virtual, namely, computer programs featuring automobiles, automobile parts and fittings for use online and in online virtual worlds, motion by land, air or water, electric vehicles, electric sports cars, electric racing cars, electric hyper cars, automobiles, cars, sports cars, racing cars, hyper cars, autonomous cars, driverless cars, bicycles, electric bicycles, scooters, electric scooters, motorcycles, motor vehicles, land vehicles, engines for land vehicles, remote controlled vehicles, electric motors for land vehicles, automobile bodies, automobile hoods, automobile tires [tyres], bumpers for automobiles, covers, gearboxes for land vehicles, head-rests for vehicle seats, tires for vehicle wheels, vehicle covers [shaped], vehicle wheel spokes, air pumps [vehicle accessories], anti-glare devices for, non-skid devices for vehicle tires, anti-theft devices for vehicles, axles for vehicles, brake linings for vehicles, brake pads for automobiles, doors for vehicles, seat covers for vehicles, Sun-blinds adapted for automobiles, upholstery for vehicles, vehicle seats.

Class 37: Repair and maintenance of automobiles and parts thereof; repair and maintenance of automobile engines and parts thereof; automobile engine

conversion; installation of electric and electronic equipment in automobiles; custom modification of automobiles; custom restoration of automobiles; custom interior installation for automobiles; automobile customisation; automobile upgrading; fitting of replacement automobile parts; charging of electric automobiles; charging of electric automobile batteries; providing information relating to automobile maintenance and repair; advisory services relating to automobile maintenance; vehicle tyre fitting and repair; maintenance, servicing and repair of vehicles; advisory services relating to vehicle repair; garage services for vehicle repair; vehicle and automobile cleaning services; information, advisory and consultancy services relating to all the aforesaid.

Class 41: *Education; providing of training; entertainment; sporting and cultural activities; organizing, arranging and conducting of entertainment, sporting, arts and cultural events; entertainment services; motor sports events; organisation of automobile races; organisation of automobile rallies; entertainment services provided at a motor racing circuit; organization of competitions relating to motor vehicles; training for automobile races; driving instructions; training for automobile design; providing non-downloadable electronic publications; providing online publications (non-downloadable); providing online publications relating to automobiles; providing online publications relating to automobile design; providing online publications relating to electric cars; providing online videos (non-downloadable); providing online videos (non-downloadable) in relation to automobiles, automobile design and electric cars; entertainment services, namely, providing on-line non-downloadable virtual goods in the nature of cars, electric cars, sports cars, hyper cars, automobile parts and fittings, scale model cars, clothing, footwear, headwear, jewellery, bags and eyewear for use in virtual online environments; entertainment services, namely providing an online virtual environment for entertainment purposes.”*

2. The above summary did not include the full terms of the following services as they appear in the applicant's specification. In paragraph 94, in class 9, "cars, sports cars, electric cars, hyper cars" in "virtual goods, namely, cars, sports cars, electric cars, hyper cars, cars, sports cars, electric cars, hyper cars" was repeated. This repetition has been removed. The following terms did not include the full terms and have been amended

accordingly: the accepted terms in class 35 contains “*electronic being remove control apparatus*”, “*motion by land, air or water*”, “*covers*” and “*anti-glare devices for*”. These terms should read as “*electronic key fobs being remove control apparatus*”, “*vehicles, apparatus for locomotion by land, air or water*”, “*covers for vehicle steering wheels*” and “*anti-glare devices for vehicles*” respectively– these have been amended below accordingly. As a result, paragraphs 93 and 94 should read as follows:

“93. The opponent’s 5(2)(b) ground has succeeded in part. The oppositions have succeeded for the following goods and services which will be refused:

Class 9: *Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data computers and computer peripheral devices; computer software; computer hardware; computer programs; interactive multimedia computer programs; computer game software; mobile applications; downloadable electronic publications; eyewear; sunglasses; eyewear cases; 3D glasses; smartglasses; smartwatches; carrying cases for mobile telephones; computer software for speed control; computer software for automobile parking assistance; hands-free kits for telephones; security tokens [encryption devices]; encoded key cards virtual and augmented reality software; downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear; parts and fittings for computer software, computer programs, interactive multimedia computer programs, computer game software, mobile applications, downloadable electronic publications, eyewear, sunglasses, eyewear cases, 3D glasses, smartglasses, smartwatches, carrying cases for mobile telephones, computer software for speed control, computer software for automobile parking assistance, hands-free kits for telephones, virtual and augmented reality software, downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear; parts and fittings for all the aforementioned goods.*

Class 14: *Precious metals and their alloys; jewellery; precious and semi-precious stones; horological and chronometric instruments; wristwatches; watches; watch bands; clocks; electric clocks; tie clips; cuff links; pin badges; brooches; charms;*

badges; key rings; key fobs; charms for key rings; decorative key rings; key chain tags; key holders; leather key rings; presentation boxes for watches; medals; parts and fittings for all the aforementioned goods.

Class 18: *Leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, whips, harness and saddlery, collars, leashes and clothing for animals, wallets, bags, purses, handbags, travelling bags, tote bags, backpacks, rucksacks, business card cases, credit card cases, net bags for shopping, briefcases, suitcases, duffle bags, sports bags, leather key cases, coin holders, parts and fittings for all the aforementioned goods.*

Class 25: *Clothing, footwear, headgear; sweaters; sweatshirts; shirts; polo shirts; blouses; t-shirts; camisoles; trousers; shorts; tracksuits; loungewear; dresses; jumpsuits; outer clothing; gilets; jackets; jumpers; knitwear; hoodies [clothing]; coats; parkas; jerseys; sports clothing; leather jackets; sports jackets; sports shoes; caps; sports caps; knitted hats; belts; scarves; gloves; parts and fittings for all the aforementioned goods.*

Class 35: *Advertising; business management; business administration; auctioneering; planning and conducting of trade fairs, exhibitions and presentations for commercial or advertising purposes; arranging of exhibitions for commercial purposes; promotion of goods and services through sponsorship of sports events; presentation of goods on communication media, for retail purposes; event marketing; office functions; Wholesale and retail services connected with the sale of clothing, footwear, headgear, sweaters, sweatshirts, shirts, polo shirts, blouses, t-shirts, camisoles, trousers, shorts, tracksuits, loungewear, dresses, jumpsuits, outer clothing, gilets, jackets, jumpers, knitwear, hoodies [clothing], coats, parkas, jerseys, sports clothing, leather jackets, sports jackets, sports shoes, caps, sports caps, knitted hats, belts, scarves, gloves, precious metals and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments, wristwatches, watches, watch bands, clocks, electric clocks, tie clips, cuff links, pin badges, brooches, charms, badges,*

key rings, key fobs, charms for key rings, decorative key rings, key chain tags, leather key rings, presentation boxes for watches, medals, leather and imitations of leather, animal skins and hides, luggage and carrying bags, umbrellas and parasols, walking sticks, collars, leashes and clothing for animals, wallets, bags, purses, handbags, travelling bags, tote bags, backpacks, rucksacks, business card cases, credit card cases, net bags for shopping, briefcases, suitcases, duffle bags, sports bags, leather key cases, coin holders, eyewear, sunglasses, eyewear cases, 3D glasses, smartglasses, smartwatches, computers and computer peripheral devices, computer software, computer hardware, computer programs, interactive multimedia computer programs, computer game software, mobile applications, downloadable electronic publications, carrying cases for mobile telephones, handsfree kits for telephones, virtual and augmented reality software, downloadable computer programs featuring virtual goods, namely, clothing, footwear, headwear, bags, jewellery, watches and eyewear, downloadable virtual goods, namely, digital images, digital graphic designs, digital cars, digital sports cars, digital electric cars, digital hyper cars, digital clothing, digital footwear, digital headwear, digital bags, digital jewellery, digital watches and digital eyewear authenticated by non-fungible tokens created with blockchain technology to represent a collectible item, non-fungible tokens (NFTs).

94. The application will continue for the following goods and services which were unsuccessful or not opposed by the opponent, they will proceed to registration:

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featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars, clothing, footwear, headwear, bags, jewellery, watches and eyewear; downloadable digital media namely digital collectibles relating to digital automobiles, digital automobiles parts and fittings and digital scale model vehicles; downloadable virtual goods, namely, computer programs featuring automobiles, automobile parts and fittings for use online and in online virtual worlds; non-fungible tokens (NFTs); downloadable audio visual recordings featuring clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by non-fungible tokens (NFTs); downloadable computer programs featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars; parts and fittings for all the aforementioned goods.

Class 12: *Vehicles, apparatus for locomotion by land, air or water, electric vehicles, electric sports cars, electric racing cars, electric hyper cars, automobiles, cars, sports cars, racing cars, hyper cars, autonomous cars, driverless cars, bicycles, electric bicycles, bicycles, scooters, electric scooters, motorcycles, motor vehicles, land vehicles, engines for land vehicles, remote controlled vehicles, electric motors for land vehicles, automobile bodies, automobile hoods, automobile tires [tyres], bumpers for automobiles, covers for vehicle steering wheels, gear boxes for land vehicles, head-rests for vehicle seats, tires for vehicle wheels, vehicle covers [shaped], vehicle wheel spokes, air pumps [vehicle accessories], anti-glare devices for vehicles, non-skid devices for vehicle tires, anti-theft devices for vehicles, axles for vehicles, brake linings for vehicles, brake pads for automobiles, doors for vehicles, seat covers for vehicles, sun-blinds adapted for automobiles, upholstery for vehicles, vehicle seats, parts and fittings for all the aforementioned goods.*

Class 28: *Games, toys and playthings; video game apparatus; gymnastic and sporting articles; remote controlled scale model vehicles; radio-controlled toy vehicles; toy model vehicles; scale model vehicles; scale model cars [toys]; hand-held electric games; video game machines; video game consoles; joysticks for video games; hand-held consoles for playing video games; golf bags; golf articles; boxing gloves; scooters [toys]; card games; jigsaw puzzles; board games; parts and fittings for all the aforementioned goods.*

Class 35: Wholesale and retail services connected with the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, digital recording and storage media, downloadable graphic for mobile phones, downloadable image, video, and multimedia files, security tokens [encryption devices], electronic key fobs being remote control apparatus, speed checking apparatus for vehicles, anti-theft warning apparatus, directional compasses, electricity gauges, speed indicators, computer software for speed control, computer software for automobile parking assistance, encoded key cards, key holders, whips, harness and saddlery, batteries, electric batteries, downloadable audio visual recordings featuring all cars, sports cars, electric cars, hyper cars clothing, footwear, headwear, bags, jewellery, watches and eyewear, authenticated by nonfungible tokens (NFTs), downloadable computer programs featuring virtual goods, namely, cars, sports cars, electric cars, hyper cars, downloadable digital media namely digital collectables relating to digital automobiles, digital automobiles parts and fittings and digital scale model vehicles, downloadable virtual, namely, computer programs featuring automobiles, automobile parts and fittings for use online and in online virtual worlds, vehicles, apparatus for locomotion by land, air or water, electric vehicles, electric sports cars, electric racing cars, electric hyper cars, automobiles, cars, sports cars, racing cars, hyper cars, autonomous cars, driverless cars, bicycles, electric bicycles, scooters, electric scooters, motorcycles, motor vehicles, land vehicles, engines for land vehicles, remote controlled vehicles, electric motors for land vehicles, automobile bodies, automobile hoods, automobile tires [tyres], bumpers for automobiles, covers for vehicle steering wheels, gearboxes for land vehicles, head-rests for vehicle seats, tires for vehicle wheels, vehicle covers [shaped], vehicle wheel spokes, air pumps [vehicle accessories], anti-glare devices for vehicles, non-skid devices for vehicle tires, anti-theft devices for vehicles, axles for vehicles, brake linings for vehicles, brake pads for automobiles, doors for vehicles, seat covers for vehicles, Sun-blinds adapted for automobiles, upholstery for vehicles, vehicle seats.

Class 37: *Repair and maintenance of automobiles and parts thereof; repair and maintenance of automobile engines and parts thereof; automobile engine conversion; installation of electric and electronic equipment in automobiles; custom modification of automobiles; custom restoration of automobiles; custom interior installation for automobiles; automobile customisation; automobile upgrading; fitting of replacement automobile parts; charging of electric automobiles; charging of electric automobile batteries; providing information relating to automobile maintenance and repair; advisory services relating to automobile maintenance; vehicle tyre fitting and repair; maintenance, servicing and repair of vehicles; advisory services relating to vehicle repair; garage services for vehicle repair; vehicle and automobile cleaning services; information, advisory and consultancy services relating to all the aforesaid.*

Class 41: *Education; providing of training; entertainment; sporting and cultural activities; organizing, arranging and conducting of entertainment, sporting, arts and cultural events; entertainment services; motor sports events; organisation of automobile races; organisation of automobile rallies; entertainment services provided at a motor racing circuit; organization of competitions relating to motor vehicles; training for automobile races; driving instructions; training for automobile design; providing non-downloadable electronic publications; providing online publications (non-downloadable); providing online publications relating to automobiles; providing online publications relating to automobile design; providing online publications relating to electric cars; providing online videos (non-downloadable); providing online videos (non-downloadable) in relation to automobiles, automobile design and electric cars; entertainment services, namely, providing on-line non-downloadable virtual goods in the nature of cars, electric cars, sports cars, hyper cars, automobile parts and fittings, scale model cars, clothing, footwear, headwear, jewellery, bags and eyewear for use in virtual online environments; entertainment services, namely providing an online virtual environment for entertainment purposes.*

5. These errors are plainly an irregularity in procedure and capable of being corrected under Rule 74 of the Trade Marks Rules 2008. Consequently, I give the parties notice that paragraphs 93 and 94 of the decision will be amended as stated above and apply as though they had appeared in the original version of the decision.

6. The appeal period in respect of these proceedings begins from the date of this supplementary decision.

Dated this 30th day of May 2025

A Klass

For the Registrar,

the Comptroller-General