

**O/0527/25**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. UK00003935569**

**BY GAEA AI LIMITED**

**TO REGISTER THE TRADE MARK:**

**GAEA**  
**SOFTWARE**

**IN CLASSES 9 AND 45**

**AND**

**IN THE MATTER OF OPPOSITION THERETO**

**UNDER NO. 443404**

**BY GEA GROUP AKTIENGESELLSCHAFT**

## BACKGROUND AND PLEADINGS

1. On 19 July 2023, Gaea AI Limited (“the applicant”)<sup>1</sup> applied to register the trade mark shown on the cover page of this decision in the UK. The application was published for opposition purposes on 1 September 2023.

2. The application was partially opposed by GEA Group Aktiengesellschaft (“the opponent”) on 4 October 2023 based upon sections 5(2)(b), 5(3) and 5(4)(a) of the Trade Marks Act (“the Act”). However, in its submissions in lieu, the opponent confirmed that they will only be pursuing the opposition under section 5(2)(b). The opposition is directed against the goods and services contained in Annex 1 to this decision, and the opponent relies upon the following IRs:



International registration no. WO0000001001917

International registration date 23 October 2008.

International designation date 12 March 2019.

Date of protection granted in UK 29 August 2019.

**(“First Earlier IR”)**



International registration no. WO0000001688040

International registration and designation date 19 January 2022.

Date of protection granted in UK 7 March 2023.

Priority date 28 July 2021.

**(“Second Earlier IR”)**

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<sup>1</sup> On 13 February 2025, Mr Jimenez filed a Form TM21A to update the applicant’s name from GAEA SOFTWARE LIMITED to GAEA AI LIMITED.

# GEA

International registration no. WO0000001341160

International registration date 2 September 2015.

International designation date 12 March 2019.

Date of protection granted in UK 29 August 2019.

## **(“Third Earlier IR”)**

3. Under section 5(2)(b), the opponent relies upon some of the goods and services for which the earlier IRs are registered, which are contained in Annex 2 to this decision. The opponent claims that there is a likelihood of confusion because the marks are highly similar and the goods and services are identical or similar.

4. The holder filed a counterstatement denying all of the claims made, and put the opponent to proof of use for all three earlier IRs.

5. The opponent is represented by Abion UK Limited and the applicant is represented by ANTHONY JIMENEZ & COMPANY (UK) LIMITED. The opponent and applicant filed evidence in chief. Neither party requested a hearing but both parties filed written submissions in lieu. This decision is taken following a careful perusal of the papers.

6. 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**

7. The opponent’s evidence consists of the witness statement of Jandan Aliss dated 8 March 2024. Ms Aliss is a Chartered Trade Mark Attorney and Partner at Lane IP

Limited, which was absorbed by Abion UK Limited (the representatives for the opponent). Ms Aliss' statement is accompanied by **exhibit JA1**.

8. The applicant's evidence consists of the witness statement of Anthony Jimenez dated 24 May 2024. Mr Jimenez is the Director of the applicant and his statement is accompanied by 8 exhibits (AJ1-AJ8).

9. Whilst I do not propose to summarise them here, I have taken all of the evidence and the parties' submissions into consideration in reaching my decision and will refer to them where necessary below.

## **DECISION**

### **Section 5(2)(b)**

10. Section 5(2)(b) reads as follows:

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

(a)...

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

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

11. The opponent's earlier IRs had not completed their registration process more than five years before the relevant date (the filing date of the mark in issue). Accordingly, the use provisions at section 6A of the Act do not apply. The opponent may rely on all of the goods and services it has identified without demonstrating that it has used its earlier IRs.

## Section 5(2)(b) case law

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

- (a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;
- (b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;
- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- (d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;
- (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

- (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- (g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
- (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- (j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
- (k) if the association between the marks creates a risk that the public might 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**

13. The parties competing goods and services are contained within Annex 1 and Annex 2 to this decision.

14. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account. In the judgment of the CJEU in *Canon*, Case C-39/97, the court stated at paragraph 23 that:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be

taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary.”

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

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and, in particular, whether they are or are likely to be found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance, whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

16. In *Gérard Meric v OHIM*, Case T- 133/05, the General Court (“GC”) stated that:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 Institut für Lernsysteme v OHIM – Educational Services (ELS) [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.”

17. For the purposes of considering the issue of similarity of goods and services, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. BeneluxMerkenbureau* [2007] ETMR 35 at paragraphs 30 to 38).

18. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v OHIM*, Case T-325/06, the GC stated that “complementary” means:

“... there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think the responsibility for those goods lies with the same undertaking.”

19. I note that Mr Jimenez’s statement has been filed to show that the applicant “operates in an area that leverages artificial intelligence software to deliver predictive forecasts and valuable insights to its users whereas the opponent operates in a very different trading space”.<sup>2</sup> Nonetheless, how the parties’ goods and services are used and sold in practice is not relevant to my assessment. I have to carry out a notional assessment based upon the specifications before me (how the goods and services within the parties’ specifications could be used and sold), and all the circumstances in which the mark applied for might be used if it were registered.<sup>3</sup>

## Class 9

*Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity.*

20. Although expressed slightly differently, the applicant’s above goods are self-evidently identical to “apparatus and instruments for conducting, switching,

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<sup>2</sup> Paragraph 4 of the applicant’s written submissions in lieu

<sup>3</sup> *O2 Holdings Limited & Anor v Hutchison 3G UK Limited*, Case C-533/06, paragraph 66.

transforming, accumulating, regulating and controlling electricity [other than for office use]" in the opponent's Second and Third Earlier IR's specifications.

*Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data.*

21. Although expressed slightly differently, the applicant's above goods are self-evidently identical to "apparatus for recording, storage, transmission or reproduction of sound or images [other than for office use]" in the opponent's Second and Third Earlier IR's specifications.

*Computers; Computers and computer hardware; Computer screens; Notebook computers; Computer motherboards; Stick computers; Trip computers; Computer interfaces; Computer hardware; Computer printer; Computer cables; Micro-computers; Computer modems; Computer mainframes; Computer plotters; Computer firmware; Computer terminals; Computer cases; Computer mice; Computer mouse; Computer housings; Handheld computers; Computer apparatus; Communications computers; Computer memories; Netbook computers; Laptops [computers]; Netbooks [computers]; Computer printers; Computer whiteboards; Computer discs; Mobile computers; Desktop computers; Computer diskettes; Computer touchscreens; Computer servers; Wearable computers; Tablet computers; Computer tapes; Computer modules; Palmtop computers; Computer cabling; Computer keyboards; Micro-computer; Laptop computers; Computer daughterboards; Computer chipsets; Computer keypads; Quantum computers; Mainframes [computers]; Computer mousepads; Computer stylus; Computer styluses; Computer buses; Computer buffers; Hardware (Computer -); Computer monitors; Computer disks; Portable computers; Personal computers; Computer chips; Computer controllers; Process computers; Computer networks; Computer joysticks; Tablet computer; Computer peripherals; Personal computers incorporating dietary aid computer software; Trackballs [computer apparatus]; Computer network bridges; Wearable computer peripherals; Wristband computer devices; Computer game cassettes; Multifunction computer keyboards; Hand-held computers; Computer peripheral apparatus; Computer peripheral equipment; Monitors [computer programs]; Computer network routers; Computer networking hardware; Computer carrying cases;*

*Mouses for computers; Computer sub-assemblies; computers and computer peripheral devices.*

22. In its submissions in lieu, the opponent states that the applicant's above goods fall within the broader categories of "hardware" and "computer peripherals" in its Third Earlier IRs specification. I agree and therefore find that these goods are identical on the principle outlined in *Meric*.

*Computer databases; Computer systems; Computer programmes; Computer shareware; Computer groupware; Computer software; Computer programs; Computer software for accessing computer networks; Computer utility programs for computer maintenance; Computer software for testing vulnerability in computers and computer networks; Computer programs for connecting remotely to computers or computer networks; Computer software downloadable from global computer networks; Computer programs for video and computer games; Computer software for computer aided software engineering; Operating computer software for main frame computers; Computer software [programmes]; Educational computer software; Computer interface software; Computer game programs; Computer game programmes; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; Computer software platforms; Cloud server software; AI software; Digital solutions provider [DSP] software; Application software for cloud computing services; Cloud computing software; Business intelligence software; Business technology software; Server-side software; Mobile software; Dashboard software; Cloud network monitoring software; Server software; Web server software; Business application software; Business software; Workflow software; Business management software; Web application and server software; Application server software; Software; Mobile application software; Business performance management [BPM] software; Optimisation software; Interactive business software; Web application software; Platform software; Communications server software; Machine-to-Machine [M2M] applications; Digital dashboard software; Business process management [BPM] software; Software for the analysis of business data; Application software; Big data management software; Computer application software for use in implementing the Internet of Things [IoT]; Application software for social networking services via internet; Software application; Web application software; Web application and server*

*software; Mobile application software; Application development software; Application software; Downloadable software in the nature of a mobile application; Downloadable application software; Downloadable computer software for use as an application programming interface (API); Application server software; Web server software; Computer software for use as an application programming interface (API); Business application software; Computer software for application and database integration; Downloadable mobile applications for the management of information; Application software for mobile devices; Computer application software; Downloadable smart phone application software; Downloadable mobile applications; Downloadable software applications; Application simulation software; Application software for mobile phones; Downloadable application software for smart phones; Software applications; Downloadable computer software applications; Computer software applications, downloadable; Smartphone software applications, downloadable; Downloadable applications; Computer application software for mobile phones; Computer application software for mobile telephones; Artificial intelligence software; Artificial intelligence software for analysis; Artificial intelligence and machine learning software; Interactive software based on artificial intelligence; Software for the integration of artificial intelligence and machine learning in the field of Big Data; Business intelligence software; Operational risk management software; Big data management software; Computer programmes for data processing; Computer software for the processing of positioning data; Business technology software; Cloud computing software; Cloud server software; Computer games; Downloadable computer games.*

23. In its submissions in lieu, the opponent states that the applicant's above goods fall within the broader categories of "software", "application software" and "computer application software for mobile devices and computers" in the Second and Third Earlier IRs specifications. I agree, and therefore find that these goods are identical on the principle outlined in *Meric*.

*Data processing systems.*

24. In its submissions in lieu, the opponent states that the applicant's above goods are either identical or similar to "software", "application software" and "computer application software for mobile devices and computers" in the Second and Third

Earlier IRs specifications. I bear in mind that the opponent's broad terms could encompass software which is used to process data, and I find that the processing of data would likely involve software in order to facilitate this function. I therefore find that the opponent's software is essential to the use and functionality of the applicant's goods (as they would not work without it), meaning that they are important and indispensable to one another. The consumer is therefore likely to believe that the same undertaking will provide both, and thus they are complementary. There would also be an overlap in trade channels and user. Consequently, the goods are similar to between a low and medium degree.

*Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments.*

25. I find that the opponent's "scientific surveying, photographic, cinematographic, optical, weighing, signalling apparatus and instruments [other than for office use]" in its Second and Third Earlier IRs specification falls within the applicant's above broader category. They are identical on the principle outlined in *Meric*.

*Diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus.*

26. The opponent has not provided any specific submissions on the similarity of the applicant's above goods and its IRs class 9 goods. I am unable to see any similarity between the parties' goods and remind myself of paragraph 28 of the appeal to the Appointed Person in *SMARTX BL O/0911/24*:

. "... it is for the Opponent to put forward the combinations of goods on which it relies for similarity (or identity). If it fails to identify a particular combination, it cannot expect the Hearing Officer to do the job for it. The approach for which Mr Wood contends would place an intolerable burden on Hearing Officers in cases of this nature in which there will be thousands of potential combinations of goods which could be relied on, and for each combination a slightly different argument

for similarity could be made. Furthermore, such an approach would be unfair on the Applicant for the mark, since they will have had no opportunity to address points on similarity taken by the Hearing Officer if those points are not first raised by the Opponent."

27. Subsequently, I find that the parties' goods are dissimilar.

*Mechanisms for coin-operated apparatus; Cash registers, calculating devices.*

28. In its submissions in lieu, the opponent states that the above goods are similar to its following terms:

*Optical devices, sensors and optical equipment, enhancers and correctors; observation instruments; closed-circuit video observation systems comprised of closed circuit television camera and video monitor; apparatus and instruments for conducting, switching, transforming, accumulating, regulating and controlling electricity; electrical contacts; electric relays; apparatus for recording, storage, transmission or reproduction of sound or images; scientific, surveying, photographic, cinematographic, optical, weighing, signalling apparatus and instruments; scientific research and laboratory apparatus, educational apparatus and simulators; chemistry apparatus and instruments.*

29. The opponent has not provided any further submissions as to why these goods are similar, and I am unable to see how these goods are similar to the applicant's "mechanisms for coin-operated apparatus" and "cash registers, calculating devices".

30. I find that the applicant's goods would be sold by undertakings which specialise in cash registers and their parts whereas the opponent's goods will be sold by electrical specialists or scientific undertakings. The goods clearly do not overlap in nature, method of use or purpose. I also do not consider that the goods are in competition or complementary in the way described by the case law cited above. If the user of the goods were to overlap, this is not enough on its own to establish similarity. I therefore find that the parties' goods are dissimilar.

## Class 45

### *Legal services.*

31. The opponent's "legal services in relation to the management, control and granting of licence rights" in its Second and Third Earlier IRs specifications falls within the applicant's above broader category. The services are, therefore, identical on the principle outlined in *Meric*.

### *Attorney services [legal services]; Barrister services; Paralegal services.*

32. I find that the applicant's above services are broad in nature and cover all of the services conducted by attorneys, barristers and paralegals. I therefore find that the opponent's "legal services in relation to the management, control and granting of licence rights" in its Second and Third Earlier IRs specifications falls within the applicant's above broader categories, making them identical on the principle outlined in *Meric*.

### *Conveyancing services [legal services]; Notarial services.*

33. At **exhibit JA1**, the opponent has provided printouts from the websites of law firms to demonstrate that they provide "legal services relating to the management, control and granting of licence rights, as well as general legal services" including conveyancing, attorney, barrister and notarial services.

34. Whilst these printouts are all dated 3 July 2024, which falls after the relevant date, I find the applicant's above services and the opponent's "legal services in relation to the management, control and granting of licence rights" in its Second and Third Earlier IRs specifications will all be provided by law firms. Therefore the services overlap in trade channels, and will likely overlap in user also. However, the services clearly differ in nature, purpose and method of use as they all pertain to different types of legal services; conveyancing relates to the transfer of real estate, notarial services relates to the authentication and certification of legal documents and the opponent's services are in relation to licences. The services are neither in competition nor complementary.

Taking all of the above into account, whilst the services overlap in trade channels and user, I do not find that this is enough to establish similarity between them. I therefore find that the services are dissimilar.

*Bailiff services (legal services).*

35. The opponent also submits that its above services are similar to its “legal services in relation to the management, control and granting of licence rights” in its Second and Third Earlier IRs specifications. However, I disagree. I find that the applicant’s services will be provided by bailiff undertakings, and therefore do not overlap in trade channels with the opponent’s legal services which would be provided by law firms. Whilst all of the services could be categorised as generally being legal in nature, the applicant’s services are specifically used to collect debts and enforce court orders, whereas the opponent’s services are in relation to licence rights. Therefore, they clearly do not overlap in purpose. The services are neither in competition nor complementary, and whilst they overlap in user, I do not find that this is enough to establish similarity between them. On this basis, I find that the services are dissimilar.

36. It is a prerequisite of section 5(2)(b) that the goods and services be identical or at least similar. The opposition will, therefore, fail in respect of the goods and services that I have found to be dissimilar.<sup>4</sup>

37. The opposition under section 5(2)(b) fails for the following goods and services:

Class 9      Mechanisms for coin-operated apparatus; Cash registers, calculating devices; Diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus.

Class 45      Conveyancing services [legal services]; Bailiff services (legal services); Notarial services.

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<sup>4</sup> *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

38. I note that as I have found no similarity with the First Earlier IR's goods and services, the opponent cannot rely upon it for the remainder of this decision.

### **The average consumer and the nature of the purchasing act**

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

40. The average consumer for the goods will be members of the general public and businesses. The cost of purchase is likely to vary, as will the frequency of purchase. Various factors are likely to be taken into consideration during the purchasing process, such as suitability for the user's particular needs, ease of use, reliability and the reputational standing of the provider. Consequently, I consider that a medium degree of attention will be paid by the average consumer when selecting the goods.

41. The average consumer for the services will also be members of the general public and businesses. The cost of the services in question is likely to vary, for example, some legal consultation services are free or low costing, whereas the transfer of real estate will be an expensive purchase. I also find that the majority of the services will be purchased relatively infrequently by members of the general public, but relatively frequently by businesses. Regardless, the average consumer will also take various

factors into consideration such as the cost, type of services offered and the suitability of those legal services to the consumer's needs. I also consider that as all of the services are legal in nature, and therefore will pertain to the users ownership of rights and property, that between a medium and high degree of attention will be paid during the purchasing process.

42. The goods are likely to be purchased from specialist retail outlets, their online equivalent or following inspection of a specialist catalogue. The services are likely to be purchased from legal undertakings, or their online equivalents. Alternatively, the goods and services may be purchased following perusal of signage on physical premises or via advertisements. Visual considerations are, therefore, likely to dominate the selection process. However, I do not discount that there may also be an aural component to the purchase via word-of-mouth recommendations and for the legal services, the purchase may involve discussions with lawyers and legal advisors.

### **Comparison of the trade marks**




43. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components. The CJEU stated, at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

44. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account the distinctive and dominant components of the marks

and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

45. Therefore, the respective trade marks are shown below:

Opponent's IRs	Applicant's trade mark
 <p data-bbox="336 723 655 757">("Second Earlier IR")</p>  <p data-bbox="352 978 639 1012">("Third Earlier IR")</p>	

### Overall Impression

46. The Second Earlier IR consists of the letters "GEA". I find that the average consumer will see these 3 letters as forming an acronym. I also note that the horizontal line of the letter G is extended so that it forms the horizontal middle lines of the letters E and A. However, I find that the letters "GEA" play a greater role in the overall impression, with the stylisation playing a slightly lesser role.

47. The Third Earlier IR consists of the letters "GEA". I find that the average consumer will see these 3 letters as forming an acronym. There are no other elements to contribute to the overall impression which lies in the word itself.

48. The applicant's mark consists of the words "GAEA SOFTWARE" presented in a standard capitalised dark grey typeface. The "GAEA" element is presented at the top of the mark in a larger typeface. I find that the average consumer will see the "GAEA" element as an acronym. The word "SOFTWARE" is presented underneath it, on its

right-hand side, in a smaller typeface, and is descriptive of the applicant's software goods only. Nonetheless, the "GAEA" acronym element at the beginning of the mark will play a greater role in the overall impression, with the word "SOFTWARE" and the stylisation playing a lesser role.

### Visual Comparison

#### *The Second Earlier IR and the applicant's mark*

49. I bear in mind that the only difference between the "GEA" element of the Second Earlier IR and the "GAEA" element of the applicant's mark is the addition of the letter "A", that being the second letter of "GAEA". Therefore the difference between these elements appears near the beginning of the applicant's mark, a position to which the average consumer pays more attention.<sup>5</sup> Furthermore, I note that there is no special test which applies to the comparison of short word marks, the visual similarities must be assessed in the normal way.<sup>6</sup> However, it is clear that the addition of one letter to a word which is only three letters long is clearly more significant than an addition of one letter to a longer word. Therefore, I find that the addition of the second letter "A" in "GAEA" does have a more significant impact.

50. The applicant's mark ends also in the word "SOFTWARE" presented in a smaller typeface, and the Second Earlier IR is also presented in a stylised typeface. These, therefore, all act as visual points of difference. Consequently, taking all of the above into account, I find that the parties marks are visually similar to between a low and medium degree.

#### *The Third Earlier IR and the applicant's mark*

51. The same comparison applies above, however, the Third Earlier IR is not presented in a stylised typeface as it is a word mark. On this basis, I find that the marks are visually similar to no more than a medium degree.

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<sup>5</sup> *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

<sup>6</sup> *Bosco Brands UK Limited v Robert Bosch GmbH*, Case BL- O/301/20, paragraph 44

## Aural Comparison

### *The Second Earlier IR and the applicant's mark*

52. In the opponent's submissions in lieu they state that the only elements that need to be compared aurally are "GEA" and "GAEA" as the "SOFTWARE" element of the applicant's mark is "entirely non-distinctive and descriptive for the goods and services in question". However, as noted above, this element is not descriptive for all of the applicant's goods and services. Moreover, just because an element is descriptive does not mean it is negligible or aurally invisible.<sup>7</sup> I therefore find that this element would still be articulated by a significant proportion of consumers.

53. In the applicant's written submissions, it states that the "GAEA" element of its mark will be pronounced as GUY-AH, whereas the opponent's mark will be pronounced letter by letter. I agree that the letters "GEA" in the Second Earlier IR will be recognised as initialism, which is an acronym (being a pronounceable abbreviation) in which each letter is pronounced separately. I also bear in mind that the stylisation of the Second Earlier IR will not affect its pronunciation. On this basis, the Second Earlier IR will likely be pronounced as GEE-EE-AY. Furthermore, the longer an abbreviation is, which is capable of being pronounced (as acronyms are), the more likely and natural it is that consumers will pronounce it because this is easier, for example, NATO (North Atlantic Treaty Organisation) and BAFTA (British Academy of Film and Television Arts). I therefore find that the "GAEA" element of the applicant's mark will likely be pronounced as "GAY-AH", and thus the mark as a whole will likely be pronounced as GAY-AH SOFT-WARE. Therefore, as the only aural similarity between the marks is that they both begin with the "G" element, I find that they are aurally similar, but only to a low degree.

### *The Third Earlier IR and the applicant's mark*

54. The same comparison applies in paragraphs 52 and 53 above. The marks are aurally similar to a low degree.

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<sup>7</sup> *Purity Wellness Group Ltd v Stockroom (Kent) Ltd*, Case BL-O/115/22

## Conceptual Comparison

### *The Second Earlier IR and the applicant's mark*

55. Conceptually, in its counterstatement, the applicant states that the word “GAEA” in its mark “stands for an ancient Greek personification of the Earth as a goddess”. However, I do not find that a significant proportion of consumers would know this conceptual meaning. The applicant also states that “without the knowledge of the underlying history, it would be obvious to an average consumer” that “GAEA” “represents a name”. However, I disagree. I do not have any evidence before me that “GAEA” is a name, or a commonly known or used name within the UK. On this basis, I do not consider that the UK consumer would recognise it as a name within the applicant's mark. Instead, I find that the letters “GAEA” in the applicant's mark, and the letters “GEA” in the Second Earlier IR, will not be assigned any conceptual meaning, since the letters may stand for any number of word combinations. I also note that letters on their own do not convey a particular concept over and above their existence as letters in the English alphabet. These elements do not conjure an immediate concept in the mind of consumers, and are therefore, conceptually neutral.

56. The applicant's mark ends in the ordinary dictionary word “SOFTWARE”. The opponent again highlighted that conceptually the word “SOFTWARE” in the applicant's mark is “entirely non-distinctive and descriptive” of the goods and services. However, as noted above, just because an element is descriptive does not mean it is negligible. Moreover, when assessing the conceptual similarity of two marks, this is usually done without reference to the goods and services in question.<sup>8</sup> Consequently, it acts as a conceptual point of difference, and thus, overall, the marks are conceptually dissimilar.

### *The Third Earlier IR and the applicant's mark*

57. I find that the same comparison applies in paragraphs 55 and 56 above. The “GEA” and “GAEA” elements do not conjure an immediate concept in the mind of consumers,

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<sup>8</sup> Mr Philip Johnson, sitting as the AP in *Viñedos Emiliana SA v Consorzio Tutela Vini Emilia, (2) Chiarli 1860 – Pr.I.V.I Srl And (3) Medici Ermete E Figli Srl O/054/22*.

and are therefore, conceptually neutral. However, the addition of the word “SOFTWARE” at the end of the applicant’s mark results in the marks being conceptually dissimilar.

### **Distinctive character of the earlier IRs**

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

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in *Joined Cases C108/97 and C-109/97 Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-2779, paragraph 49).

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

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

60. I will begin by assessing the inherent distinctive character of the opponent's Second and Third Earlier IRs. As highlighted above, the Third Earlier IR consists of the letters "GEA" which may stand for any number of word combinations. It, therefore, has no obvious meaning for the average consumer in the context of the relevant goods and services. Despite this, I am not able to find a high level of inherent distinctive character as would normally be the case for invented words. This is because the mark is a three letter acronym, the type that the average consumer is used to seeing being used by companies and individuals. I therefore find that the Third Earlier Mark is inherently distinctive to no more than a medium degree. The Second Earlier IR consists of the letters "GEA" presented in a stylised typeface (the horizontal element of the letter G extending across to create the middle line of the letter E and A). I find that this element does contribute to the distinctiveness of the mark, but not significantly. I find that it is inherently distinctive to above a medium degree.

61. I note that the opponent has not filed any evidence of use, and therefore, I am unable to establish whether the distinctiveness of the opponent's earlier IRs have been enhanced.

### **Honest concurrent use**

62. Mr Jimenez's statement has been filed with supporting evidence showing the applicant's website and its engagement, brochures, reports, business proposals and screenshots of its social media and its followers. I note that the website evidence is dated 23 May 2024 and the front pages of the brochures and reports show that they are from "2023". I also bear in mind that Mr Jimenez confirms that the applicant has not commenced trading and thus has not generated any turnover.

63. The evidence filed by the applicant in these proceedings could be capable of being used to support a defence that there has been honest concurrent use of the parties' marks, as a result, any likelihood of confusion may be diminished. However, the applicant did not actively plead such a defence. Nonetheless, as the evidence is from the same year as the relevant date (19 July 2023), or after, and, more importantly, as the applicant has not commenced trading, the evidence cannot give rise to a defence

of the existence of honest concurrent use. I therefore will not consider the applicants evidence any further.

### **Likelihood of confusion**

64. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. It is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the goods and services and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

65. The following factors must be considered to determine if a likelihood of confusion can be established:

- I have found the Second Earlier IR and the applicant's mark to be visually similar to between a low and medium degree.
- I have found the Third Earlier IR and the applicant's mark to be visually similar to no more than a medium degree.
- I have found all of the marks to be aurally similar to a low degree.
- I have found all of the marks to be conceptually dissimilar.
- I have found the Third Earlier IR to be inherently distinctive to no more than a medium degree.
- I have found the Second Earlier IR to be inherently distinctive to above a medium degree.

- I have identified the average consumer as members of the general public and businesses, who will select the services primarily by visual means, although I do not discount an aural component.
- I have concluded that a medium degree of attention will be paid during the purchasing process for the goods.
- I have concluded that between a medium and high degree of attention will be paid during the purchasing process for the legal services.
- I have found the parties goods and services to be identical or similar to between a low and medium degree.

66. Taking all of the factors listed in paragraph 65 into account, even bearing in mind the principle of imperfect recollection, I am satisfied that the parties' marks are unlikely to be mistakenly recalled as each other. As noted above, the word "SOFTWARE" in the applicant's mark is not negligible and therefore creates a visual, aural and conceptual point of difference between the parties marks. I also find that this word is neither descriptive or allusive of the parties hardware and apparatus goods in class 9, or its legal services in class 45. Therefore, it would not be easily overlooked or misremembered. While the word "SOFTWARE" is descriptive of the parties' software goods, I still do not consider there to be a likelihood of direct confusion on the basis that the average consumer paying a medium degree of attention during the purchasing process for the goods will not overlook the second letter "A" in "GAEA". I also find that this is the case for the consumers paying between a medium and high degree of attention during the purchasing process for the services. This additional letter appears near the beginning of the applicant's mark, a position which tends to make more of an impact than the ends, and, as noted above, the length of the "GEA" and "GAEA" elements is short, and therefore the differences are more likely to be noticed. These elements in the parties marks will also be seen as acronyms, and the average consumer is used to encountering acronyms in respect of a wide range of goods and services. They are, therefore, used to distinguishing such marks from each other. I also find that these marks would be easily distinguished from one another as they are visually similar to between a low and medium degree, or no more than a medium degree, and they are aurally similar to a low degree. Consequently, I do not consider there to be a likelihood of direct confusion between the parties marks.

67. I will also assess if there is a likelihood of indirect confusion. Indirect confusion was described in the following terms by Iain Purvis Q.C. sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

68. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor Q.C. (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said at [16] that “a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion”. Arnold LJ agreed, pointing out that there must be a “proper basis” for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

69. In its submissions in lieu, the opponent submits that the inclusion of the additional “A” in the applicant’s mark will be seen as an “obvious and natural brand development or extension”. However, I find that having noticed that the competing trade marks are different, I see no reason why the average consumer would assume that they come from the same or economically linked undertakings. I do not consider that the average consumer would think the applicant’s trade mark was connected with the opponent or vice versa, on the basis that their acronyms share the letters G, E and A. They are clearly not natural variants or brand extensions of each other. It is more likely to be viewed as a coincidence that both marks use the letters G, E and A due to the

propensity for many undertakings to adopt acronyms as indicators of trade origin and not an indication that there is a connection between the undertakings responsible for the marks. Even if the opponent's mark is brought to mind when viewing the applicant's mark, this is mere association, not confusion: see *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, paragraph 81. I find there is no likelihood of indirect confusion.

## CONCLUSION

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

## COSTS

71. The applicant has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances, I award the applicant the sum of **£1,050** as a contribution towards the costs of the proceedings. The sum is calculated as follows:

Considering the Notice of opposition and preparing a counterstatement	£250
Preparing and filing evidence	£300 <sup>9</sup>
Preparing and filing written submissions and submissions in lieu of a hearing	£500
<b>Total</b>	<b>£1,050</b>

72. I therefore order GEA Group Aktiengesellschaft to pay Gaea AI Limited the sum of £1,050. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

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<sup>9</sup> On the basis that the applicant filed limited evidence, which was not particularly helpful in these proceedings, I award them less than the usual scale.

**Dated this 12<sup>th</sup> day of June 2025**

**L FAYTER**

**For the Registrar**

## ANNEX 1

### Class 9

Computers; Computers and computer hardware; Computer screens; Notebook computers; Computer motherboards; Stick computers; Trip computers; Computer interfaces; Computer hardware; Computer printer; Computer cables; Micro-computers; Computer modems; Computer mainframes; Computer plotters; Computer firmware; Computer terminals; Computer cases; Computer databases; Computer systems; Computer mice; Computer mice; Computer mouse; Computer housings; Handheld computers; Computer apparatus; Communications computers; Computer memories; Computer programmes; Netbook computers; Laptops [computers]; Computer shareware; Computer groupware; Netbooks [computers]; Computer printers; Computer whiteboards; Computer discs; Mobile computers; Desktop computers; Computer diskettes; Computer touchscreens; Computer servers; Wearable computers; Tablet computers; Computer tapes; Computer games; Computer modules; Palmtop computers; Computer cabling; Computer keyboards; Micro-computer; Computer software; Computer programs; Laptop computers; Computer daughterboards; Computer chipsets; Computer keypads; Quantum computers; Mainframes [computers]; Computer mousepads; Computer stylus; Computer styluses; Computer buses; Computer buffers; Hardware (Computer -); Computer monitors; Computer disks; Portable computers; Personal computers; Computer chips; Computer controllers; Process computers; Computer networks; Computer joysticks; Tablet computer; Computer peripherals; Computer software for accessing computer networks; Computer utility programs for computer maintenance; Computer software for testing vulnerability in computers and computer networks; Computer programs for connecting remotely to computers or computer networks; Computer software downloadable from global computer networks; Personal computers incorporating dietary aid computer software; Computer programs for video and computer games; Computer software for computer aided software engineering; Operating computer software for main frame computers; Trackballs [computer apparatus]; Computer network bridges; Wearable computer peripherals; Computer software [programmes]; Wristband computer devices; Computer game cassettes; Multifunction computer keyboards; Hand-held computers; Educational computer

software; Downloadable computer games; Computer peripheral apparatus; Computer peripheral equipment; Monitors [computer programs]; Computer network routers; Computer networking hardware; Computer interface software; Computer carrying cases; Computer game programs; Computer game programmes; Mouses for computers; Computer software platforms; Computer sub-assemblies; Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus; Cloud server software; AI software; Digital solutions provider [DSP] software; Application software for cloud computing services; Cloud computing software; Business intelligence software; Business technology software; Server-side software; Mobile software; Dashboard software; Cloud network monitoring software; Server software; Web server software; Business application software; Business software; Workflow software; Business management software; Web application and server software; Application server software; Software; Mobile application software; Business performance management [BPM] software; Optimisation software; Interactive business software; Web application software; Platform software; Communications server software; Machine-to-Machine [M2M] applications; Digital dashboard software; Business process management [BPM] software; Software for the analysis of business data; Application software; Big data management software; Computer application software for use in implementing the Internet of Things [IoT]; Application software for social networking services via internet; Software application; Web application software; Web application and server software; Mobile application software; Application development software; Application software; Downloadable software in the nature of a mobile application; Downloadable application software; Downloadable computer software for use as an application programming interface (API); Application server software; Web server software;

Computer software for use as an application programming interface (API); Business application software; Computer software for application and database integration; Downloadable mobile applications for the management of information; Application software for mobile devices; Computer application software; Downloadable smart phone application software; Downloadable mobile applications; Downloadable software applications; Application simulation software; Application software for mobile phones; Downloadable application software for smart phones; Software applications; Downloadable computer software applications; Computer software applications, downloadable; Smartphone software applications, downloadable; Downloadable applications; Computer application software for mobile phones; Computer application software for mobile telephones; Artificial intelligence software; Artificial intelligence software for analysis; Artificial intelligence and machine learning software; Interactive software based on artificial intelligence; Software for the integration of artificial intelligence and machine learning in the field of Big Data; Business intelligence software; Operational risk management software; Big data management software; Computer programmes for data processing; Data processing systems; Computer software for the processing of positioning data; Business technology software; Cloud computing software; Cloud server software.

#### Class 45

Conveyancing services [legal services]; Bailiff services (legal services); Attorney services [legal services]; Barrister services; Notarial services; Paralegal services; Legal services.

## ANNEX 2

### **First Earlier IR**

#### Class 9

Regulating, controlling, operating, measuring and switching facilities, apparatuses, and devices; data processing facilities and devices; data-output facilities and devices; data transmission facilities and devices; electrical and electronical apparatus and devices for process supervising and process control, for data recording, data processing and data output; measuring value recorder; parts of the afore-mentioned goods included in this class).

#### Class 45

Control and granting of license rights.

### **Second Earlier IR**

#### Class 9

Regulating, checking [supervision], control, measuring and switching installations, apparatus and instruments [other than for office use]; detecting and monitoring instruments, indicators and controllers; food analysis apparatus; quantity indicators; telemeters; diagnostic apparatus, not for medical purposes; transducers; flow meters; pressure gauges; refractometers; spectrometers; thermometers; remote controls; dosage dispensers; automatic liquid flow controls; control and regulating installations for managing and monitoring dairy herds; testing apparatus, not for medical purposes; alignment and calibrating instruments; vacuum gauges; scales; electronic measuring, control and checking [supervision] apparatus and instruments for climate monitoring and climate control; data processing and data collection installations and equipment [other than for office use]; data output installations and equipment [other than for office use]; data transmission installations and equipment [other than for office use]; electrotechnical and electronic apparatus and equipment for process monitoring and process control, for the collection, processing and output of data; apparatus and equipment for the industrial and commercial measuring, monitoring and/or controlling technology; sensors and detectors; information technology and audiovisual equipment; scanners [other than for office use]; luminescence scanners; electronically encoded identification devices; identification devices for livestock; communications

equipment; transmitters; radio receivers; transponders; electric apparatus for commutation; X-ray apparatus, not for medical purposes; safety, security, protection and signalling devices; neck tags [electronic transmission and reception apparatus] and responders for livestock; protective and safety equipment; protective boots; protective gloves; protective clothing; protective goggles; software; application software; computer application software for mobile devices and computers; dairy herd management software and computer hardware; computer peripherals, other than printers, scanners or other peripherals for office use; optical devices, sensors and optical equipment, enhancers and correctors; observation instruments; closed-circuit video observation systems comprised of closed circuit television camera and video monitor; apparatus and instruments for conducting, switching, transforming, accumulating, regulating and controlling electricity [other than for office use]; electrical contacts; electric relays; apparatus for recording, storage, transmission or reproduction of sound or images [other than for office use]; scientific surveying, photographic, cinematographic, optical, weighing, signalling apparatus and instruments [other than for office use]; scientific research and laboratory apparatus, educational apparatus and simulators; chemistry apparatus and instruments [other than for office use]; electronic publications, downloadable; apparatus, instruments and cables for electricity; printed circuit boards; load cells; animal scales; electronic animal counting devices; electronic milk flow monitoring devices and milk meters; electronic data processing units, transmitters, receivers and transponders attached to cows for the automatic recognition of animals, for the supply of feed and fodder concentrate, for the cow calendar, for the determination of milk quantities and the quality of milk, for the determination of milk temperatures, and for the determination of washing temperatures; electric control panels for monitoring and operating milking systems; remote controls for automatically dispensing animal feed; automatic dispensers for supplying liquids in drinking bowls; electronic controllers for milk pipeline washers; automatic dispensers for supplying chemicals for milk pipeline washers; milking monitors, automatic liquid-flow controls for milking machines, automatic feed dispensers for dairy animals; flow sensors for milkers.

#### Class 45

Legal services in relation to the management, control and granting of licence rights.

### **Third Earlier IR**

#### Class 9

Regulating, checking (supervision), control, measuring and switching installations, apparatus and instruments (other than for office use); detecting and monitoring instruments, indicators and controllers; food analysis apparatus; quantity indicators; telemeters; diagnostic apparatus, not for medical purposes; transducers; flow meters; pressure gauges; refractometers; spectrometers; thermometers; remote controls; dosage dispensers; automatic liquid flow controls; control and regulating installations for managing and monitoring dairy herds; testing apparatus, not for medical purposes; alignment and calibrating instruments; vacuum gauges; scales; electronic measuring, control and checking (supervision) apparatus and instruments for climate monitoring and climate control; data processing and data collections installations and equipment; data output installations and equipment; data transmission installations and equipment; electrotechnical and electronic apparatus and equipment for process monitoring and process control, for the collection, processing and output of data; apparatus and equipment for the industrial and commercial measuring, monitoring and/or controlling technology; sensors and detectors; information technology and audiovisual equipment; scanners (other than for office use); luminescence scanners; electronically encoded identity devices; electronically encoded identity devices for livestock; communications equipment; transmitters; receivers; transponders; electric apparatus for commutation; X-ray apparatus, not for medical purposes; safety, security, protection and signalling devices; neck tags (electronic transmission and reception apparatus) and responders for livestock; protective and safety equipment; protective boots; protective gloves and protective clothing; protective goggles; software; application software; computer application software for mobile devices and computers; dairy herd management software and computer hardware; hardware; computer peripherals; optical devices, sensors and optical equipment, enhancers and correctors; observation instruments; closed-circuit video observation systems comprised of closed circuit television camera and video monitor; apparatus and instruments for conducting, switching, transforming, accumulating, regulating and controlling electricity; electrical contacts; electric relays; apparatus for recording, storage, transmission or reproduction of sound or images; scientific surveying, photographic, cinematographic, optical, weighing, signalling apparatus and instruments; scientific research and laboratory apparatus, educational apparatus and

simulators; chemistry apparatus and instruments; electronic publications, downloadable; apparatus, instruments and cables for electricity; printed circuit boards; load cells.

Class 45

Legal services relating to the management, control and granting of licence rights.