

O/0606/24

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION

IN THE MATTER OF APPLICATION NO. UK00003749627

BY GOYA INTERNATIONAL LTD.

TO REGISTER THE TRADE MARK:

GOYA

IN CLASSES 3, 9, 14, 25, 35, 41, 43 AND 45

AND IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 435948

BY GOYA FOODS, INC.

BACKGROUND

1. On 14 March 2024, I issued a provisional decision in the above identified proceedings.¹

2. One of the earlier rights relied upon by the opponent in that case was UKTM no. 3705322 for the mark GOYA, which was filed on 30 September 2021 (“the First Earlier Mark”).² At the time of issuing my decision, the First Earlier Mark was not yet registered. As a result, my decision read as follows:

“68. As part of this decision is based upon the First Earlier Mark, which is not yet registered, it must be provisional pending the registration of that mark. Consequently, I will issue a supplementary decision once the registrability of that mark is known to confirm the scope of the success and the matter of costs. The opponent should inform the Tribunal upon registration of the First Earlier Mark.”

3. The First Earlier Mark was registered on 5 July 2024, in relation to all goods and services relied upon in my decision.

SUPPLEMENTARY DECISION

4. My provisional decision, the outcome of which is recorded in paragraphs 66 and 67 of my decision dated 14 March 2024 (as set out below) shall become final (subject to any appeal):

“66. The opposition against application no. 3749627 succeeds in its entirety and the application is refused for the following goods and services against which the opposition was directed:

¹ BL O/0218/24

² An earlier EU filing date of 22 February 2018 was relied upon pursuant to Article 59 of the Withdrawal Agreement between the United Kingdom and the European Union.

Class 3 Perfumery and fragrances; Body cleaning and beauty care preparations; Soaps and gels; Deodorants and antiperspirants; Moisturising creams, lotions and gels; Liquid soaps for hands and face; Skin balms [cosmetic]; Balms (Non-medicated -); Beauty balm creams; Bergamot oil; Ethereal oils; Body oil; Perfume oils; Cosmetic oils; Massage oils; Aromatic oils; Aromatherapy oils; Essential oils; Aromatherapy oil; Organic cosmetics; Skincare cosmetics; Cosmetics for children; Beauty creams for body care; Essential oils for personal use; Perfumed oils for skin care; Massage oils and lotions; Face and body lotions.

Class 41 Entertainment, sporting and cultural activities; Computer education training; Education and training; Providing courses of training; Computerised training; Online education services; Online entertainment services; Online digital publishing services.

Class 43 Accommodation services; Temporary accommodation.

67. The application may proceed to registration for those goods and services against which the opposition was not directed, namely:

Class 9 Software; Collaboration software platforms [software].

Class 14 Gemstones, pearls and precious metals, and imitations thereof; Pearl; Precious metals and their alloys; Precious and semi-precious stones; Jewellery, including imitation jewellery and plastic jewellery; Fashion jewellery; Jade [jewellery]; Artificial jewellery; Body jewellery; Gold jewellery; Pins [jewellery].

Class 25 Clothing with the exception of ties, gloves, belts, slippers and headscarves; Head coverings with the exception of headscarves.

Class 35 Marketing, advertising and promotion services; Direct marketing services; Online advertising services; Online marketing;

Promotional marketing; Online advertising; Event marketing; Internet marketing.

Class 45 Online social networking services; Dating services provided through social networking; Personal introduction services by computer; Mentoring [spiritual]; Internet dating services.”

COSTS

5. As both parties have enjoyed a roughly equal degree of success, I direct that each party bear their own costs.

APPEAL PERIOD

6. The appeal period for both this decision and my earlier decision begins from the date shown below.

Dated this 3rd day of July 2025

S WILSON

For the Registrar