O/0632/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. WO0000001838819

IN THE NAME OF BAYANAT INVESTMENTS LTD

TO REGISTER THE FOLLOWING TRADE MARK:

Space42

IN CLASSES 9, 12, 38, 39 AND 42

AND

IN THE MATTER OF FAST TRACK OPPOSITION THERETO

UNDER NO. 600003753

BY

MARK DUFFY LTD

Background and pleadings

1. BAYANAT INVESTMENTS LTD, ("the applicant") applied to protect the International Trade Mark shown on the cover of this decision in the UK (trade mark no: WO0000001838819) on 22 July 2024. The International Registration ("IR") was registered on 22 July 2024 and has a priority date of 22 January 2024[1]. With effect from 22 July 2024 the holder designated the UK as a territory in which it seeks to protect the IR under the terms of the Protocol of the Madrid Agreement. The IR was accepted and published in the Trade Marks Journal on 16 May 2025 in respect of the goods and services set out in Annex 1.

2. On 4 August 2025, MARK DUFFY LTD ("the opponent") partially opposed the trade mark for those goods in class 9 of the application on the basis of Section 5(2)(b) of the Trade Marks Act 1994 ("the Act"). This is on the basis of its earlier Trade Mark:

UK00003877084

Filing date: 12 February 2023

Date of Registration: 26 May 2023

Whilst registered for goods in classes 9 and 25, only the following are relied upon in this opposition:

Class 9 Sunglasses, sunglasses with lenses without any optical sight correction function, spectacles, spectacle frames, spectacle cases, including spectacles for cycling; goggles, lenses for

[1] Arising from a UAE trade mark, no: AE/415117

goggles, all being in the nature of protective eyewear; face masks and face shields; helmets, including cycle helmets; protective eyewear, footwear, headgear and bodywear; protective clothing for cycling, including gloves. Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; automatic vending machines and mechanisms for coin operated apparatus; cash registers; calculating machines, data processing equipment and computers; fire-extinguishing apparatus; recorded media, computer hardware and firmware; computer software; software downloadable from the Internet; downloadable electronic publications; compact discs; digital music; telecommunications apparatus; computer games equipment adapted for use with an external display screen or monitor; mouse mats; mobile phone accessories; contact lenses, spectacles and sunglasses; clothing for protection against injury, accident, irradiation or fire; furniture adapted for laboratory use. All downloadable media; computer programs and software regardless of recording media or means of dissemination, that is, software recorded on magnetic media or downloaded from a remote computer network. Computer application software for use in implementing the Internet of Things [IoT]; Internet of Things [IoT] gateways; downloadable software for providing advice and assistance in relation to fashion items including clothing, headgear, footwear, bags, jewellery, watches, glasses and sunglasses and producing simulation imagery; holograms; computer software for creating digital images, animations and special effects for use in the field of fashion; downloadable software, mainly skins for use in virtual reality games; artificial

intelligence software, apparatus and instruments; computer games software; computer games programmes; augmented reality software; augmented reality games software; virtual reality software; virtual reality games software; wearable measuring devices comprising of sensors for measuring skin condition; multifunctional electronic devices for tracking and managing personal health and fitness information; facial recognition devices, apparatus and software; scanners for capturing images for analysis for use in the cosmetic, beauty and skincare fields; Internet of Things [IoT] sensors; wearable digital electronic devices; wearable computer peripherals

3. The opponent argues that the respective goods are identical or similar and that the marks are similar. The opponent has made no submissions aside from answering the tick box questions within their TM7.

4. The applicant filed a counterstatement denying the claims made, which I will refer to as and when appropriate.

5. In accordance with section 6 of the Act, the mark relied upon by the opponent is considered an earlier mark. The mark had not been registered for five years at the date of application for the IR and so, in accordance with section 6A of the Act, it is not subject to proof of use; the opponent may rely upon all the goods as identified.

6. Rule 6 of the Trade Marks (Fast Track Opposition (Amendment) Rules 2013, S.I. 2013 2235 disapplies paragraphs 1-3 of Rule 20 of the Trade Mark Rules 2008, but it provides that Rule 20(4) shall continue to apply. Rule 20(4) states that:

> "(4) The registrar may, at any time, give leave to either party to file evidence upon such terms as the registrar thinks fit."

7. The effect of the above is to require parties to seek leave in order to file evidence in fast track oppositions. Neither party requested leave to file evidence. Further, Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if (i) the Office requests it, or (ii) either party to the proceedings requests it

and the registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost; otherwise, written arguments will be taken. Neither party requested to be heard, nor did the Registrar consider it necessary. Consequently, this decision is taken following a careful perusal of the papers.

Representation

8. The opponent is self-represented, and the applicant is represented by Boult Wade Tennant LLP. Neither party requested a hearing, but the applicant filed written submissions in lieu, dated 12 February 2026.

Relevance of EU Law

9. 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.

Decision

Section 5(2)(b)

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

> "5(2) A trade mark shall not be registered if because-
>
> (b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark".

11. Section 5A of the Act states as follows:

> "Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the

trade mark is applied for, the application is to be refused in relation to those goods and services only."

The Principles

12. The following standard summary of the principles applicable to the assessment of the likelihood of confusion was approved by the Supreme Court in *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor*, [2025] UKSC 25:

(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, in certain circumstances, be dominated by one or more of its components;

(f) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite possible that in a particular case an element corresponding to an earlier trade mark may

retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a greater degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense; and

(k) if the association between the marks creates a risk that the public 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 competing goods are as set out in paragraph 2 and Annex 1.

14. In the judgment of the Court of Justice of the European Union ("CJEU") in *Canon*, Case C-39/97, the court stated at paragraph 23 of its judgment 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. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

(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 Office for Harmonisation in the Internal Market,* Case T-133/05, the General Court 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. Further, in *Kurt Hesse v OHIM*,[2] the CJEU stated that complementarity is an

[2] Case C-50/15 P

autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v OHIM*,[3] the GC stated that "complementary" means:

> "…there is 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 that the responsibility for those goods lies with the same undertaking."

18. In *YouView TV Ltd v Total Ltd* [2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

> "[…] Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR) [2012] ETMR 42 at [47]- [49]. Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of 'dessert sauce' did not include jam, or because the ordinary and natural description of jam was not 'a dessert sauce'. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question."

19. In *SkyKick UK Ltd & Anor v Sky Ltd & Ors (Rev1)* [2024] UKSC 36, Lord Kitchin set out the proper approach to considering terms in specifications:

> "365. […] The correct approach, as a matter of principle, in considering a specification of services which is defined by terms which are not clear or precise, is to confine the terms used to the substance or core of their possible meanings: see, for example, *Reed Executive plc v Reed Business Information Ltd* [2004] EWCA Civ 159; [2004] RPC 40, at para 43. So too, if a specification

[3] Case T-325/06

of goods is defined by terms which are ambiguous, then it should be confined to those goods which are clearly covered. These principles are consistent with first, the requirement that the specifications of goods and services must be clear and precise so that others know what they can and cannot do; and secondly, general fairness because any ambiguity is the responsibility of the owner of the mark. If despite this, the words used are still unclear so that they cannot be interpreted, then it is permissible to disregard them. But, in my opinion, that will rarely be the case."

20. I bear in mind that it is permissible to group goods together for the purposes of the assessment[4].

21. The applicant submits as follows:

> "9. It is submitted that some of the Applicant's Goods are dissimilar to the Opponent's Goods, at least the below:
>
> > *"Tag buoys; humanoid robots with communication and learning functions to assist and entertain people; artificial intelligence robots for preparing drinks; robots equipped with artificial intelligence for use in scientific research; traffic cones."*
>
> 10. For these goods, since the requirements of section 5(2)(b) of the Act are cumulative, the Opposition must fail.
>
> 11. It is not denied that many of the remaining goods have at least a low degree of similarity to the Opponent's Goods. However, it is denied that that [sic] they fall within section 5(2)(b) of the Act, for the reasons set out below."

22. The opponent has made no specific submissions regarding the identity/similarity of any of the goods and services, other than to say that they are all either identical or highly similar without going through any of the factors or giving explanations/reasons as to why. In going through the assessment, I note the comments of Mr Iain Purvis KC sitting as the Appointed Person in *SmartX* O/0911/24, "it is for the Opponent to put

[4] *Separode Trade Mark* O/399/10

forward the combinations of goods on which it relies for similarity (or identicality). If it fails to identify a particular combination, it cannot expect the Hearing Officer to do the job for it". I must consider the terms therefore from the perspective of the ordinary meaning attributed to them by the average consumer, confining the terms used to the substance or core of their possible meanings[5].

22. In respect of the applicant's specification, I note that this includes the limitation "none of the aforementioned goods being used in connection with training and education services in the field of coding and computer programming". As above, I must consider the parties terms using the core of their possible meanings. I consider that the applicant's terms are wide-ranging and the majority of the terms have a level of similarity with the opponent's terms, regardless of the applicant's limitation. Whilst I bear the applicant's limitation in mind, I will consider the ordinary meaning of each term, unless stated otherwise.

Class 9

Magnetic data holders, recording discs.

23. The opponent's specification includes the term *magnetic data carriers, recording discs*. In this instance I consider that a holder and a carrier could be used interchangeably and therefore, I find these terms to be self-evidently identical.

Magnetic ID cards; Passports with vital signs data/electronic passes; electronic ID cards; magnetic identification bracelets, encrypted; encrypted key cards; encrypted magnetic cards.

24. In the absence of submissions, I understand the above to be documents that contain a magnetic strip/chip, which are carried to allow you access to secure areas, to make payments or to identify yourself. The opponent's specification includes the term *magnetic data carriers, recording discs*, which are carriers that use magnetic technology to operate, such as magnetic tapes or hard drives. I consider that the opponent's term is wide and would encompass the applicant's above terms on the principles outlined in *Meric*. If I am wrong about that, I find that the goods will overlap

[5] *SkyKick UK Ltd & Anor v Sky Ltd & Ors (Rev1)* [2024] UKSC 36

in nature and purpose, and users will also overlap. Trade channels may differ. The goods are not in competition, nor are they complementary. Therefore, I find that the goods will be similar to at least a medium degree.

Data collection apparatus.

25. In the absence of submissions, I consider that data collection apparatus is a form of computer hardware, as its primary function is to gather, record, or transmit data through a physical device. The opponent's specification includes the term *recorded media, computer hardware and firmware*. This is a wide term which encompasses the applicant's above term on the principles outlined in *Meric*.

Couplers [data processing equipment]; data processing devices; electrical data processing appliances; readers [data processing equipment]; scanners for data processing.

26. I consider that the above terms all relate to different types of data processing equipment, being the equipment itself which is used for data management. The opponent's specification includes the term s*oftware* in class 9 which would be required for use in data processing to manage, analyse, or store the data collected. Software is integral to data collection in general and would be required for use in the applicant's specification. The method of use will differ, as will the purpose of the goods. However, the end users and trade channels will overlap. The goods are not in competition. As Ms Emma Himsworth stated,[6] "the question of whether goods are 'complementary' is to be distinguished from use in combination, where goods are merely used together, whether for choice or convenience." In this instance, I find that the goods are complementary, as a consumer is likely to consider that the economic entity which provides the data processing devices will also have designed/provided the software for the same, and one is important or indispensable to the other. Therefore, I find the goods to be similar to a medium degree.

[6] sitting as the Appointed Person in *Everest Dairies Limited v Everest Food Products Private Limited,* [23] O/0107/23.

Recorded or downloadable data.

27. In the absence of submissions, I consider the applicant's term to apply to digital information which is stored or downloadable in electronic form, such as databases or other machine-readable content. The opponent's specification includes the term s*oftware*. I consider that there is a distinction between the functions of these terms, as software provides the instructions that a device follows to perform certain tasks, whereas data is the information which is processed or stored. I find that the purpose and nature of the goods will differ as a result, however, users may overlap and the goods may be distributed through the same trade channels. I do not find competition, however, they may be complementary, as software uses data, and consumers may assume that a company who design software, may also provide the accompanying data, and in some circumstances the data will be indispensable to the software. As a result, I find the goods to be similar to a medium degree.

Accelerometers; accumulators, electrical; battery acid meters; anode batteries/high tension batteries; batteries for electronic cigarettes; batteries, electric; battery chargers; battery boxes/ accumulator boxes; battery plates; chargers for electric batteries; electrical assemblies; mobile phone chargers; chargers for electronic cigarettes; charging stations for electric vehicles; *power transformers; comparison circuits; capacitors; electrical connectors; connections to power lines; connections [electricity]; control panels [electricity]; control devices for servo motors; servo motor amplifiers; armators [electricity]; electronic controlling devices for servo motors; electrical transformers; electrical couplers; electrical connections; covers for electrical outlets; power rectifiers; [electrical] distribution boards; distribution boxes [electrical]; distribution cabinets [electrical]; [electricity] pipes; electric actuators; electrical equipment for remote control of industrial processes; electric linear actuators; electrical plugs; electrical sockets; electrical adapters; pipes for electrical connections; electrically conductive fences; electrically conductive rods for mounting spotlights; electrodynamic devices for remote control of railway points; electrodynamic devices for remote control of signals; fuses; grids for batteries; ignition batteries; integrated circuit cards [smart cards]/smart cards [integrated circuit cards]; integrated circuits; junction boxes [electrical]; electrical means of dimming [regulators]; light-emitting diodes [LED]; lighting ballasts; [electrical] limiters; relays, electrical; resistors,*

electrical; rheostats; semiconductors; solenoid-operated valves [electromagnetic switches]; electrical switchboards; [electrical] switch boxes; switches, electrical; remote circuit breaker; [electrical] terminals; electrical transformers; transistors [electronic]; three-valve vacuum tubes; vacuum tubes (wireless); voltage regulators for vehicles; protective devices against sudden changes in voltages; [electrical] wire connectors; Solar batteries; solar panels to produce electricity; branch boxes [electricity]; Electronic access control systems for telescopic doors; crane transformers; anti-interference devices [electrical]; ; regulating devices, electrical; [electrical] cell switches; galvanic batteries; organic light-emitting diodes [OLEDs]; lightning rods; spark protectors; stage lighting regulators; photovoltaic cells.

28. The opponent's specification includes the term *apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity*. I consider this to be a wide term which encompasses all of the applicant's above terms, and they are therefore identical on the principles outlined in *Meric*.

Electrical cables; coaxial cables; electrical wire coils; electrical wires; insulated copper wires; electrical wires for vehicles; fibre optic cables; fuse wires; magnetised wires; materials used for main electrical wiring (wires, cables); wiring, electrical; engine starter cables; telegraph wires; telephone wires; optical fibres [conductive filaments]/optical lanterns/ optical lamps.

29. The above terms all include different types of electrical wiring. Electrical wires are components which are used to carry electricity, however, they do not actively control, regulate, switch, conduct or transform electricity. The opponent's specification includes the term *apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity*. I consider that the purpose of the goods will differ as one is used to carry electricity, whereas the other is to undertake various other functions with it. There may also be differences in nature and methods of use of the respective goods. There will be an overlap in user and trade channels. I do not find the goods to be competitive, nor do I find complementarity. Therefore, I find that the goods are similar to between a low and medium degree.

Electric current measuring devices; electrical loss indicators; printed circuit boards; printed circuits; voltage measuring devices; integrated circuit chips; Anodes; negative electrode for laboratory research; cathodes; reducers [electricity]; chips (integrated circuits); choke coils (impedance); circuit breakers; electrical discharge tubes other than those for lighting; electromagnetic coils; galvanic cells; induction coils [electricity]; inverters [electricity]; optical character readers; optical capacitors; quantum light-emitting diodes [GLEDs]; cathodic anti- corrosion devices; electric ignition devices for remote ignition.

30. In the absence of submissions, I consider that all of the above terms relate to the regulation and measuring of electricity. The opponent's specification includes the term *apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity*. I consider that the nature, methods of use and the purpose of the respective goods will differ. However, trade channels will overlap, as will users. I do not find competition, nor do I find complementarity. Overall, I find the goods to be similar to a medium degree.

Sheaths for electrical cables; electrical wire holders; connection jackets for electrical cables.

31. In the absence of submissions, I consider that the above are types of protective coverings and holders for electrical wires and cables, the purpose of which is for safety and insulation. As the opponent's term relates to conducting, controlling and transforming electricity, the purpose, nature and method of use of these goods will differ. There will be an overlap in user and trade channels. I do not find competition, nor do I find complementarity. Overall, I find the terms to be similar to between a low and medium degree.

Subwoofers; amplifiers; audio delivery channels; audio couplers; antennas; sound processing devices; audio mixers; audio and video receivers; audio-visual educational devices; digital signage; equalisers (audio devices); equalisers (audio instruments); musical juke boxes; audio amplifiers; sound amplifiers; digital musical instrument controls representing audio interfaces; audio recording devices; audio transcription devices; audio transmitters; low frequency amplifiers; cassette tape players; tape

recorders; acoustic membranes; sound source identification equipment; wireless microphones; infant monitors; video devices for monitoring infants; monitoring devices; monitoring tools; telegraphic image transmitters; dictation machines; metronomes; vehicle rear-view cameras; light projection devices for slide shows; televisions; sound effect units.

32. The opponent's specification includes the term *apparatus for recording, transmission or reproduction of sound or images*. I consider this to be a wide term which encompasses all of the applicant's above terms, and they are therefore identical on the principles outlined in *Meric*.

Devices for changing record player needles; cleaning devices for phonograph records/cleaning devices for audio recording discs; needles for record players; speed regulators for record players.

33. The applicant's above terms comprise of component parts and accessories for audio devices which transmit and reproduce sound. The opponent's specification includes the term *apparatus for recording, transmission or reproduction of sound or images.* I remind myself of the findings made in *Les Éditions Albert René v OHIM*[7], in which the GC found that:

> "61... The mere fact that a particular good is used as a part, element or component of another does not suffice in itself to show that the finished goods containing those components are similar since, in particular, their nature, intended purpose and the customers for those goods may be completely different."

34. In this instance, I consider that the nature, use and purpose of the respective goods will plainly differ, however, there will be an overlap in user and trade channels. I do not find competition, however, there may be complementarity as the goods are important or indispensable to each other and consumers will believe that one undertaking is

[7] Case T-336/03

responsible for both the record player and the needle, for example, where replacement parts are needed. As such, I find the goods to be similar to a medium degree.

Speaker cabinets.

35. In the absence of submissions, I consider that speaker cabinets would be used to house audio speakers. The opponent's specification includes the term *apparatus for recording, transmission or reproduction of sound or images*, and the speakers themselves would be identical to this term, as set out above. It is my understanding that speaker cabinets are used to avoid sound being distorted, and that the speaker itself forms part of the cabinet. As such, I consider that this term would be encompassed by the opponent's term and therefore would be identical on the principles outlined in *Meric*. If I am wrong about that, I consider that this would be an overlap in purpose, user and trade channels. I do not find competition, but there would be complementarity, as consumers would believe that the entity who made the cabinet would also provide the speaker contained within it, and the one is important or indispensable to the other. The terms would therefore be similar to a high degree.

Masts for radio antennas.

36. In the absence of submissions, I consider this term to be a physical structure that supports a radio antenna. As above, I have found the antennas themselves to be identical to the opponent's term *apparatus for recording, transmission or reproduction of sound or images*. Whilst the purpose and method of use will differ, the applicant's goods will be sold through the same trade channels as the radio antennas themselves. Users will also overlap. I do not find competition, nor do I find complementarity. I find the goods to be similar to a medium degree.

Terminals for use with credit cards; billing machines; point of sale terminals; payment terminals.

37. In the absence of submissions, I consider that the above are machines which are used at the point of sale to process and record payments. The opponent's specification includes the term *cash registers*, which I understand to be a machine which registers or calculates transactions at the point of sale. As such, I consider that the goods are

identical on the principles outlined in *Meric*. If I am wrong about that, I find that the nature of the goods will overlap, as will the method of use. Users may overlap. Trade channels will also overlap. I do not find the goods to be in competition, nor is there complementarity. Overall, the goods are similar to a high degree.

Counters/gauges; mechanisms of devices operated by the counter; counters; lap counters.

38. In the absence of submissions, I consider that the function of all of the above terms is to carry out counting operations. The opponent's specification includes the term *calculating machines, data processing equipment and computers*. I consider that the purpose of the goods is similar, as counting operations will be performed by both, and there may be an overlap in nature. The method of use will also overlap. Users may overlap, as may trade channels. I do find the goods to be in competition. There may also be complementarity, as the average consumer may consider that an undertaking which provides calculating machines may also provide the counters within the same, and one is important to the other. Overall, I find the goods similar to between a medium and high degree.

Bulletproof clothing; bulletproof suits/bulletproof waistcoats; clothing for accident, radiation and fire protection; shoes to protect against accidents, radiation and fires; reflective products to wear, to protect against accidents; gloves for divers; weight belts for divers; laboratory clothing; protective glasses for sports uses; protective suits for pilots; x-ray protective devices for non-medical purposes; wet suits; dry suits; diving suits.

39. The above are all types of protective clothing or footwear. The opponent's specification includes the term *protective eyewear, footwear, headgear and bodywear*. This is a wide term which encompasses all of the above, and they are therefore identical on the principles outlined in *Meric*. If I am wrong about that, these goods would be sold through the same channels as other protective items which would be covered by the opponent's specification and therefore would be similar to a medium degree.

Dust masks include an air filter.

40. The opponent's specification includes the term *face masks and face shields*. In the absence of submissions, I consider a dust mask to be a type of face mask, and therefore, these terms are identical on the principles outlined in *Meric*.

Knee pads for workers.

41. The opponent's specification includes the term *clothing for protection against injury, accident, irradiation or fire*. In the absence of submissions, I consider the above would be worn as protective items and therefore, these terms are identical on the principles outlined in *Meric*. If I am wrong about that, I find that the method of use, purpose and users will overlap. The nature of the goods will also overlap, as will trade channels. The goods will not be in competition, nor will they be complementary. Overall, they are similar to a high degree.

Mouthguards for sports; dental guards; nasal clips for divers and swimmers; earplugs for divers.

42. In the absence of submissions, I consider a mouthguard to be a protective device worn over your teeth to prevent damage from sport, and nasal clips/earplugs are worn to prevent water from entering the ears and nose during swimming or diving. The opponent's specification includes the term *protective eyewear, footwear, headgear and bodywear*. I consider this to be a wide term which could incorporate the applicant's terms, above, and therefore, these terms are identical on the principles outlined in *Meric*. If I am wrong about that, I find that the method of use may differ, but the purpose and users will overlap. The nature of the goods will also overlap, as will trade channels. The goods will not be in competition, nor will they be complementary, Overall, they are similar to a high degree.

Earbuds for remote communication; communications devices in the form of jewellery.

43. The opponent's specification includes the term *apparatus for recording, transmission or reproduction of sound or images*. In the absence of submissions, I

consider these remote communication goods are used for the transmission of sounds. As such, I consider that these terms are identical on the principles outlined in *Meric*.

Fire protection nets; asbestos shields for firefighting.

44. In the absence of submissions, I consider that the above terms are used as safety equipment for firefighting. The opponent's specification includes the term *fire-extinguishing apparatus*. Whilst the applicant's goods will not be used to extinguish fires, they may be used by firefighters whilst they are working. The method of use will differ, as will the nature of the goods. The users will overlap, as will trade channels. The goods will not be in competition, nor are they complementary. Overall, I find the goods to be similar to a low degree.

Magnifying glasses [optics]; microscopes; diffraction instruments [microscopes]; binocular microscopes; thermal imaging cameras.

45. The opponent's specification includes the term *optical apparatus and instruments*. This is a wide term which will encompass the applicant's terms above, all of which are optical apparatus, and are therefore identical on the principles outlined in *Meric*.

Micrometer screws for optical instruments; Objective lenses [optical]; Optical lenses; [optical] mirrors; observation holes [magnifying glasses] for doors; aiming telescopes for firearms; telescope binoculars; telescopic sights for firearms; optical devices and instruments; stereoscopes; stereoscopic devices.

46. In the absence of submissions, the above terms are transparent optical elements made from materials such as glass or plastic, designed to refract light rays and their component parts, such as screws. The opponent's specification includes the term *optical apparatus and instruments* which I consider refers to a device or system that uses light or electromagnetic radiation to achieve a specific purpose, such as imaging, measurement, or analysis. I consider that the applicant's above terms would be encompassed by the opponent's term above, and therefore these are identical on the principles outlined in *Meric*. If I am wrong about that, the nature of the goods and method of use may differ. However, users and trade channels will overlap. I do not

consider that the goods are in competition, however, they are complementary, as an average consumer may assume that the economic entity which provided a magnifying glass has also provided the lenses and screws contained within them, for example, and the one is important or indispensable to the other. Overall, I find a medium degree of similarity, if not identical.

Airbags for safety purposes to prevent falls; rescue belts; life buoys; life jackets; rescue devices and equipment; life-saving capsules for natural disasters; resuscitation statues [educational devices]; simulator training devices for practising resuscitation and resuscitation techniques; rescue nets/ survival nets; safety restraints, other than those used for vehicle seats and athletic equipment; safety tarpaulins; inflating tubes being life-saving apparatus; smoke detectors; rescue flares, non-explosive, other than fireworks; laser beacons, for rescue; decompression chambers; rescue blankets; warning triangles when vehicles break down.

47. In the absence of submissions, I consider that all of the above terms relate to items of life-saving apparatus. The opponent's specification includes the term *life-saving apparatus* and therefore encompasses the above on the principles outlined in *Meric*. If I am wrong about that, I find that the goods would be used in case of emergency and may be sold in the same places via the same trade channels. There may be an overlap in purpose and user, although methods of use will differ. As such, I find the goods similar to a medium degree.

Signal bells; signal lanterns; signalling buoys; signalling panels, illuminated or mechanical; signal whistles; echo sounders; marine navigational signalling devices; automated signals; heliographic devices; Illuminated beacons; animal signalling devices to guide livestock; anti-theft alarms; LED electronic indicators; flashlights [illuminated signs]; fog warning signs, non-explosive; safety devices for railway traffic; traffic signal devices (signalling devices); illuminated warning signs; sirens; accident protective devices for personal use; road signs, illuminated or mechanical; illuminated signs; signs, illuminated or mechanical; signs, illuminated; buzzers; dog whistles; egg settling timers/hourglasses; egg checking apparatus; audio alarms; alarm bells, electric; alarms; bells [alarms]; electric doorbells; horns for loudspeakers; robots for security surveillance; whistles for sports; electronic signalling devices.

48. In the absence of submissions, I consider that the applicant's above terms are specifically used to emit signals to convey information or an alert, such as warnings, alarms or communication signals. The opponent's specification includes the term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Educational devices; educational robotics devices; training tools for hairdressers [educational devices]; simulators for steering and controlling vehicles.

49. The opponent's specification includes the term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments*. As the above are plainly educational devices, I consider that these terms will be encompassed by the applicant's above terms on the principles outlined in *Meric*.

Breath analysis devices; acid hydrometers (acid density measuring devices); actinometers (devices for measuring radiation intensity); bathroom scale; carpenters' rulers; callipers; chronographs [time recording devices]; clocks recording time of arrival and departure (time recording devices); time recording devices; digital thermostat for weather monitoring; digital weather stations; density measuring devices, for non-medical purposes; dosing dispensers, for non-medical use [measuring devices]; energy measuring devices; exposure time measuring devices [intensity measuring devices]; gauges for tailors; gas measuring devices [measuring devices]; measuring devices, other than those for medical purposes; photometers (optical measuring devices); precision measuring devices; pyrometers (devices for measuring high temperatures); refractive index measuring devices; salinity measuring devices; lens curvature measuring devices; wavelength measuring devices; weighing, measuring devices and instruments; weighing machines; air density measuring devices; frequency measuring devices; dust measuring devices; identification cards measuring vital signs; biometric locks which work by measuring vital signs; distance measuring devices; height measuring instruments; density measuring devices; atmospheric

humidity measuring devices; measures; measuring devices; measuring equipment, electrical; measuring tools; measuring spoons; resistance measuring devices; surface measuring devices; rulers [measuring tools]; protractors [measuring instruments]; T rulers for measuring; angular velocity measuring devices; theodolites (devices for measuring angles); measuring meters; recorders [measuring instruments]; Micrometers (precision measuring devices); height measuring devices; right-angled rulers for measuring; angle rulers for measuring; sulphite measuring devices; rotation and frequency measuring instruments; instruments for measuring the height of flying objects; calibration rings; kinetic measurement apparatus; toroidal sizing measures or analysers; verniers [ultra-precision gauges]; quantitative indicators; compasses for measurement; strings for measurement of space; sliding ruler; alcohol measuring devices; magnetic encoders; measuring bracelets [measuring tools]; devices for measuring the thickness of leather; instruments for measuring the thickness of tanned leather; scales used to measure infant weight; clothing hem ruler or measure; milk density measuring devices; devices for measuring the specific gravity of coffee; glucose level measuring devices; scales; scales equipped with body mass analysis methods; sliding gauge callipers; humidity and temperature measuring devices; temperature measuring devices, for non-medical purposes; weighing scales (TIG scales)/arm scales (TIG scales); scales (arm scales); letter scales; rules and levels for carpentry; levelling tools; levels [horizontal line selection tools]; internal thread gauges; water level indicators; wheel alignment measuring devices; metres for cars; urine density measuring devices; magnetic heterogeneity measuring devices; discharge measurement metres; wind speed measuring devices; atmospheric pressure measuring devices; pressure gauges; pressure indicator plugs for valves; pressure indicators; pressure measuring devices; *scanning devices for diagnosing vehicle problems; automatic indicators to indicate low pressure in vehicle tyres; boiler monitoring tools; speed inspection devices for vehicles; speed indicators; alcohol levelling balances; temperature indicator stickers for non-medical purposes; temperature indicators; testing devices not for medical purposes; wind cones to show wind direction; thermostats; thermostats for vehicles; periscopes [invisible observation scopes].*

50. In the absence of submissions, I consider that the applicant's above terms all relate to apparatus and instruments which can take the measurement of different things. The

opponent's specification includes the term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Humanoid robots with communication and learning functions to assist and entertain people; artificial intelligence robots for preparing drinks.

51. I note that within their submissions the applicant states that the above terms should be found to be dissimilar to the opponent's specification, however, they do not provide specific reasons as to why this is the case. In the absence of submissions, the above terms relate to robots with specific functions, including to entertain and prepare drinks. Whilst I do not consider these to be scientific in nature, I consider that there could be similarities. I find that the nature of the goods and method of use could overlap, as may users. I do not find that trade channels will overlap, and the goods will not be in competition, nor will they be complementary. Overall, I find the goods to be similar to between a low and medium degree.

Betatron devices; calorimeters; chemical apparatus and instruments; cyclotrons (cyclotrons); diagnostic devices, for use in research laboratories; diagnostic devices, for non-medical purposes; distillation apparatus for scientific purposes; DNA chips; electrolytic devices for laboratory use; flow meters; galena crystals [detectors]; galvanometers; gas testing instruments; incubators for culturing bacteria; infrared monitoring devices; interactive user-programmable humanoid robots; ionisation devices, not for water or air treatment; graded glass tubes for laboratories; laboratory pipettes; laboratory robotics devices; magnetic resonance imaging [MRI] machines, not for medical use; mercury levelling scales; meteorological balloons; meteorological instruments; ovens for laboratory use; nanoparticle analysers; oscillographs [oscilloscopes]; ozone generators for calibration purposes; particle accelerators; pitot tubes; polarimeter; precision balances; prisms (optics); probes for scientific purposes; radiation detectors for industrial purposes; refracting telescopes; spectrographs; spectroscopes (spectral detectors); robots equipped with human characteristics, capable of being programmed by a user, but not specifically designed; distillation units for laboratory experiments; test tubes; viscometers; oxygen transvasing devices;

radiographic displays for industrial purposes; satellites for scientific purposes; sounding missiles (tests); apparatus and instruments for the physical sciences; air analysers; laser devices, for non-medical purposes; metal detectors for industrial or military purposes; material inspection tools and machines; biochips; devices and instruments for astronomical purposes; bioreactors for cell culture for scientific research; bioreactors for laboratory use; magnets; equipment for producing X-rays, for purposes other than medical purposes; X-ray tubes, for non-medical uses; X-ray films, exposed to light; X-rays, other than those for medical purposes; apparatus for testing lactation milk, other than those for medical or veterinary use; capillary tubes for laboratory use; chromatographs for laboratory use; robots equipped with artificial intelligence for use in scientific research; thermoelectric solenoid valves/ photoelectric tubes; ultrasound imaging devices for non-medical purposes; microscope slide cases; [laboratory] crucibles; fermenters for laboratory use; centrifugal separators for laboratories; laboratory trays; Petri dishes for culture; distillation vessels; stands for distillation vessels; membranes for scientific instruments; weights; dosing dispensers.

52. In the absence of submissions, I consider that the applicant's above terms all relate to scientific apparatus and instruments. The opponent's specification includes the term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Decorative magnets.

53. Whilst I have found *magnets*, in paragraph 52 to be identical to the opponent's specification, I do not consider the above goods, which to my mind would be the type of item that you would put on your fridge, for example, to be the same. Magnets, as stated above, are used for scientific purposes, however decorative magnets do not fall within the same category. I can see no scenario in which the above term shares similarity with the terms within the opponent's specification, and as such I find the same to be dissimilar.

Cartographic or cadastral monitoring and surveying devices; distance recording devices; settlement signs [survey tools]; needles for surveying compasses; plane survey boards [scanning tools]; rangefinders/telemetry devices; surveying devices and tools; surveying equipment; surveyors' scales; satellite rangefinders; tablets for engineering drawing; azimuthal instruments.

54. In the absence of submissions, I consider that the applicant's above terms all relate to apparatus and instruments for surveying. The opponent's specification includes the term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Telephoto lenses; darkroom lights [for photography]; banks for photographic use/ racks for photographic use; drying equipment for photographic prints; drying racks for photography; enlargement devices [for photography]; UV filters for photography; filters for use in photography; flashlights [for photography]; frames for photographic transparencies; gimbals; balance devices; *polishing (glazing) devices for photographs; lenses for astrophotography; shutter releases [for photography]; camera shutter [for photography]; monitors [for photography]; screens for photogravure; accelerometers [for photography]; reels [for photography]; holders for fixing photographic apparatus in position; video cameras; cameras [for photography]; tripods for cameras; photographic cameras; wash basins [for photography]; films [for photography]; slides [for photography]; optical copiers [photographic, electrostatic, thermal]; lens hoods; camera mounting brackets; central fixing devices for photographic transparencies; blackout plate holders [for photography]; specially made cases for photographic equipment and tools; lenses for taking selfies; selfie sticks for phones (handheld monopods).*

55. In the absence of submissions, I consider that the applicant's above terms are all apparatus and instruments for photography. The opponent's specification includes the term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and*

instruments. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Darkrooms [for photography].

56. In the absence of submissions, I consider a darkroom to be a specialised space used to develop photographic film and prints by controlling light. I do not consider a darkroom to be apparatus or an instrument which is used in photography, I find that this term refers to the room itself. I find that the method of use will differ, as will the purpose of the goods, although in the broadest sense they may all be used to develop photographs. Users will plainly overlap. I do not consider that trade channels will overlap. The goods will not be in competition, nor will they be complementary, as I do not consider that a consumer would believe that an economic entity would consider a darkroom and the equipment within it to be provided by the same undertaking. I find the goods to be similar to a low degree.

Cinematography cameras; cinema films, exposed; Motion picture editing equipment; animation; film cutting devices.

57. In the absence of submissions, I consider that the applicant's above terms are all apparatus and instruments for cinematography. The opponent's specification includes the term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Depth sounding instruments; automated navigation systems for ships; navigational devices and tools; global positioning system apparatus; GPS devices; satellite navigation devices; directional compasses; lead weights for sounding strings; sounding threads; speech tubes; marine depth-finding devices.

58. In the absence of submissions, I consider that the applicant's above terms are all nautical apparatus and instruments. The opponent's specification includes the term

scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Tag buoys.

59. I note that within their submissions the applicant states that *tag buoys* should be found to be dissimilar to the opponent's specification, however, they do not provide specific reasons as to why this is the case. I consider *tag buoys* to be navigational aids which are used in maritime navigation to mark safe channels and indicate hazards. I consider the same to be nautical signalling instruments, used to direct a safe path. I therefore consider that they fall within the opponent's term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments* and are therefore identical on the principles outlined in *Meric*.

Data gloves; optical data storage media; virtual keyboard projectors; digital image projectors; headset sets for telephones; head-mounted displays; headphones; headphones for playing video games; touch screen interactive terminals; PDAs; personal digital assistants; personal stereo recording devices; portable document scanners; portable emergency chargers; portable speakers; processors [central processing units]; projectors; screens; record players; remote controls; smart headphones; remote printer/typewriter devices; thin, high-performance headphones; audio joysticks for record playback devices; barcode readers (vertical codes); *flash drivers for USB flash drives; video projectors; video screens; wearable headphones; fluorescent screens; various digital disc players; mobile phones/cell phones; modems; effects modules for guitar; electrical and electronic effects modules for musical instruments; interactive electronic whiteboards; electronic bulletin boards; electronic screens; electronic pens [visual display units]; small electronic devices for translation; cordless phones; electronic agendas; remote prompters; ticket printers; microprocessors; e-book readers; portable electronic dictionaries; vehicle display devices; devices for printing blueprints and designs; security codes (coding devices).*

60. In the absence of submissions, I consider that the applicant's above terms are all items of computer hardware. The opponent's specification includes the term *recorded media, computer hardware and firmware*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*. If I am wrong about that, I find that the method and purpose of the goods may differ, however, trade channels and users will overlap. The goods are not in competition, nor are they complimentary. As a result, they will be similar to a medium degree.

Recorder head cleaning tapes [recording]; video game storage cassettes.

61. In the absence of submissions, I consider that the applicant's above terms are both types of data carriers / recording discs. The opponent's specification includes the term *magnetic data carriers, recording discs*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*. If I am wrong about that, I consider that the goods will overlap in purpose, trade channels and user and will also be in competition. As a result, they will be highly similar.

Phonograph recorders/sound recording discs; video mixing discs; memory cards for video game machines.

62. In the absence of submissions, I consider that the applicant's above terms are both types of media recording discs. The opponent's specification includes the term *compact discs, DVDs and other digital recording media*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Downloadable SAMD medical device software; downloadable e-wallets; downloadable codes for mobile phones; downloadable graphics for mobile phones; downloadable image files; downloadable ringtones for mobile phones; downloadable electronic music; downloadable digital image files authenticated by non-fungible tokens (NFTs); downloadable digital music files authenticated by non-fungible tokens (NFTs); screensavers for mobile phones; cryptocurrency wallets; downloadable crypto keys for receiving and sending crypto assets.

63. In the absence of submissions, I consider that the applicant's above terms are all types of software. The opponent's specification includes the term *computer software*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Downloadable music files; electronic publications (downloadable); movies, downloadable.

64. In the absence of submissions, I consider that the applicant's above terms are all different types of recorded media. The opponent's specification includes the term *recorded media, computer hardware and firmware*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

High frequency devices; radio pagers; radio equipment; wireless telegraphy devices; frequency transmitters; automated answering machines; fax machines; intercoms; transmitters [for long-distance communications]; transmitters and receivers; transmitters [for long- range communications]; telegraphs [devices]; telephone receivers; telephone transmitters; vehicle radios.

65. In the absence of submissions, I consider that the above terms are all types of telecommunications apparatus, which are used to transmit or receive communications over a network. The opponent's specification includes the term *telecommunications apparatus* which encompasses the above terms, and I therefore find these to be identical on the principles outlined in *Meric*.

Missile warning systems; radar devices.

66. In the absence of submissions, I consider that the above terms are signalling apparatus, the purpose of which is to detect and track different objects. The opponent's specification includes the term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

Vehicle mileage recording devices; vehicle parking meters; gasoline meters; ultra-fine, portable dust meters.

67. In the absence of submissions, I consider that the above terms are supervision apparatus. The opponent's specification includes the term *scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, supervision, life-saving and teaching apparatus and instruments*. This is a wide term which encompasses the applicant's above terms on the principles outlined in *Meric*.

68. In relation to the remaining terms, I can see no obvious point of overlap in terms of nature, method of use, purpose or trade channels. There is no competition or complementarity. Any overlap in user is superficial. I am reminded of the comments of Mr Iain Purvis KC acting as the Appointed Person in *SmartX*[8], in which he stated:

> "27. On behalf of the Opponent…he submitted that the TM7 pleading was wide enough to cover the point (since it relied on 'all' the goods of the earlier marks and alleged 'similarity' in respect of all of them). In the circumstances, he contended, the Hearing Officer was obliged to compare each category of goods in the earlier marks and each category of goods in the Application, and to consider any points of similarity which might exist between them whether or not those points had been actually identified or relied on by the Opponent.
>
> 28. I do not accept this. As I have said, it is for the Opponent to put forward the combinations of goods on which it relies for similarity (or identicality). If it fails to identify a particular combination, it cannot expect the Hearing Officer to do the job for it. The approach … 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."

[8] BL O/0911/24

69. As some degree of similarity between goods and services is necessary to engage the test for likelihood of confusion, my findings above mean that the opposition aimed against those goods and services for which I can find no similarity will fail[9]. Therefore, the opposition under section 5(2)(b) fails for the following goods:

Class 9 Devices for examining postal stamps; counterfeit currency detectors; crash test dummies; gas generating devices for calibration purposes; electronic collars for animal training; food component analysis devices; car phone bases; ink cartridges, unfilled, for printers and copiers; locks, electric; magic lanterns; inspection mirrors; electronic price tags; ring locks, electronic; office machines for punched cards; snap buttons for bells; steering devices, automatic, for vehicles; theft prevention equipment, electrical; electronic terminals for ticket distribution; automatic time switches; dry ink cartridges, unfilled, for printers and copiers; traffic cones; voting machines.

Average consumer and the purchasing act

70. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer,* Case C-342/97.

71. In *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor*, [2025] UKSC 25, the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)* [2024] EWCA Civ 262, where he pointed out that:

> (a) Consumers who are ill-informed or careless, or consumers with specialised knowledge or who are excessively careful are excluded from consideration;

[9] *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

(b) The average consumer provides a standard which enables the courts to strike a balance between the competing interests involved, such as trade mark owners, their competitors and consumers;

(c) The average consumer is neither a single hypothetical person nor a mathematical average; assessment from the perspective of the average consumer does not involve a statistical test. There is no single meaning rule and if, having regard to the perceptions and expectations of the average consumer, the court considers that a significant proportion of the relevant public is likely to be confused, a finding of infringement may properly be made;

(d) Assessment from the perspective of the average consumer is intended to facilitate adjudication of trade mark disputes by providing an objective criterion, by promoting consistency of assessment and by and enabling courts and tribunals to determine such issues so far as possible without the need for evidence;

(e) The average consumer's level of attention varies according to the category of goods or services in question; and

(f) the average consumer rarely has the opportunity to make direct comparisons between trade marks (or between trade marks and signs) and must instead rely upon the imperfect picture of the trade mark they have kept in their mind.

72. I have no submissions from the opponent in respect of the average consumer. The applicant submits as follows:

"13. It is submitted that the average consumer of many of the Applicant's Goods is the specialist professional public. In particular, the Applicant submits that the following goods are all goods directed to specialist professionals:
…
14. For these goods, the average consumer, being a professional, will select the goods following a detailed assessment of their technical specifications, including compatibility and functionality. The average consumer will consider the technical specifications of each product very carefully, to ensure that the

product selected is fit for purpose. In so doing, they will pay close attention to the trade mark applied to the goods in issue. Therefore, for the goods above at paragraph 13, the Applicant submits that the average consumer will pay a very high degree of attention when selecting and purchasing the goods.

15. For the remaining goods, it is accepted that the average consumer could include the general public, and so for these goods, the average consumer will display a moderate degree of attention during the purchasing process."

73. I agree with the applicant, that the average consumer of the goods is likely to be either a member of the general public or a professional. I would expect the consumer to come into contact with the marks alongside goods selected online or in retail premises, from printed material and various forms of advertising, for example. The mark's visual impression is likely to play a greater part in the selection process, though I do not discount the relevance of the mark's aural impression; as orders may be made over the telephone, or advice may be sought in store, for example. The goods will be selected with varying degrees of frequency, and the associated costs are likely to range from low for regular purchases to high for those goods which are purchased infrequently and are at a higher price point. In approaching the selection, the average consumer will likely consider factors such as compatibility, quality and the reputational standing of the provider. Weighing all factors, I find the general public will likely apply a medium degree of attention to the purchase and this is likely to be medium to high for business-related purchases or goods that are particularly costly/technical.

Comparison of marks

74. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union 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."

75. It would be wrong, therefore, to dissect the trade marks artificially, 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.

76. The respective trade marks are shown below:

Earlier trade mark	Contested trade mark
	Space42

Overall Impression

77. The applicant's word mark comprises of the word and numbers 'Space42' presented in a mixture of upper and lower case letters. There is no stylisation present in the mark. There are no other elements that contribute to the overall impression of the mark, which lies in the word and numbers themselves. I find 'Space' to be the dominant element of the mark as it appears first in the mark, and the number '42' may be viewed as a product number or code, so will be given less weight.

78. The opponent's figurative mark comprises of the word SPACE written in large, bold, black capital letters. The letters are minimally stylised, with the letter 'A' appearing without a horizontal crossbar, therefore forming a triangular shape. Around the word is a black rectangular border. The black border contributes to the overall

impression but to a lesser degree and will be seen as a frame upon which the word is presented, with the word itself being the main focus of the mark.

Visual Comparison

79. The competing marks both share the word, SPACE. This is the only word in the opponent's mark and is followed by the number 42 in the applicant's mark. I note that the beginning of the mark tends to have more impact[10]. In making my visual comparison of the marks, I bear in minds that notional and fair use of the applicant's mark would include use in both upper and lower case[11]. The competing marks are visually different in that the applicant's mark contains the additional element '42'. This difference appears at the end of the mark and renders the marks different in length. The opponent's mark is a figurative mark, as set out above. Whilst the word itself being the main focus of the mark, the border and stylisation of the letter 'A' will not be overlooked. I find the competing marks to be visually similar to a medium degree.

Aural comparison

80. The applicant submits as follows:

> "Aurally, the Applicant's submissions above relating to the presence of the number "42" in the Applicant's Trade Mark, and its absence in the Opponent's Trade Mark, apply equally to the aural assessment of the marks in issue, and are repeated. Also, the Opponent's Trade Mark comprises one syllable, whereas the Applicant's Trade Mark comprises four syllables, with the number "42" comprising three of those four syllables. Therefore, notwithstanding the fact that the marks in issue coincide in sound of the word "SPACE", it is submitted that bearing in mind the weak distinctiveness of the word "SPACE", the number "42" in the Applicant's Trade Mark represents a significant point of phonetic difference that will not be overlooked by the average consumer".

81. No articulation will be given to the figurative elements of the earlier mark and therefore it will be referred to by reference to the word only. Aurally, the opponent's

[10] *El Corte Inglés, A v OHIM*, Cases T-183/02 and T-184/02
[11] *Bentley Motors Limited v Bentley 1962 Limited*, BL O/158/17

marks will be pronounced as the dictionary word, SPACE. The applicant's mark will be pronounced in the same way, along with the numbers '4' and '2', namely SPACE-FOUR-TWO or SPACE-FORTY-TWO. Accordingly, the applicant's mark has three or four syllables, depending upon pronunciation, compared to the opponent's single syllable. The first syllable in the applicant's mark is identical to the opponent's mark. I find that the marks are aurally similar to a medium degree.

Conceptual Comparison

82. The applicant submits as follows:

> "Conceptually, the Applicant submits that when the marks in issue are viewed as a whole, the presence of the number "42" in the Applicant's Trade Mark results in its conveying a unique concept, which is different to the Opponent's Trade Mark. This represents a significant point of conceptual difference that will not be overlooked by the average consumer."

83. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer. This is highlighted in numerous judgments of the GC and the CJEU including *Ruiz Picasso v OHIM* [2006] E.C.R.-I-643; [2006] E.T.M.R 29. The assessment must, therefore, be made from the point of view of the average consumer.

84. In both marks, I consider that the word, SPACE, will be widely understood to have its ordinary dictionary meaning, being either:

a. The empty area outside Earth's atmosphere, where the planets and stars are,

b. An empty area that is available to be used,

c. The area around everything that exists, continuing in all directions[12]

Accordingly, the word SPACE has no obvious connection to the goods/services in either parties' specification. I consider that the addition of '42' at the end of the applicant's mark may be seen as product code or number and will carry less weight.

[12] SPACE | English meaning - Cambridge Dictionary

85. When viewed as a whole, I find that this '42' element will only contribute as a slight point of conceptual difference between the marks, and I have already found that the stylisation in the earlier mark will be seen as a frame upon which the word is presented. Taking all of this into account, I am of the view that the marks are conceptually similar to between a medium and high degree.

Distinctive character of the earlier trade mark

86. 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 C-108/97 and C-109/97 *WindsurfingChiemsee* v *Huber and Attenberger* [1999] ECR I-0000, 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 promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51)."

87. 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 or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The degree of distinctiveness is an

important factor as it directly relates to whether there is a likelihood of confusion; the more distinctive the earlier mark, the greater the likelihood of confusion. Neither party has made any specific comments on the distinctiveness of the earlier mark. Although the distinctiveness of a mark can be enhanced by virtue of the use that has been made of it, the opponent has not filed any evidence of use. Consequently, I have only the inherent position to consider.

88. The earlier mark comprises of a stylised version of the word, SPACE. Whilst the word will be understood as set out above, it has no obvious connection with the goods/services for which the mark is registered. On this basis, I find that the word SPACE is inherently distinctive to a medium degree. I do not consider that the stylisation materially increases the distinctiveness of the mark overall to any meaningful degree.

Conclusions on Likelihood of Confusion

89. 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 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 vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the opponent's trade mark, the average consumer for the goods 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.

I remind myself that I made the following findings:

- The goods at issue range from being identical upon the principles outlined in *Meric* to similar to a low degree. I have also found some goods to be dissimilar, however, as I set out above, these will not factor into the following assessment;

- I have identified that the average consumer will be members of the general public and professionals. Both will select the services by primarily 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, although this is likely to increase to a medium to high for business-related purchases or where the goods are particularly technical/costly.

- The marks are visually similar to a medium degree;

- The marks are aurally similar to a medium degree;

- I have found the marks to be conceptually similar to between a medium and high degree;

- I have found the earlier mark to be inherently distinctive to a medium degree;

90. I begin by considering a likelihood of direct confusion. The competing marks share the word, SPACE. However, the earlier mark is figurative and includes stylisation of the word, whereas the IR is a word only mark which contains the numbers '42', which are conjoined with SPACE. I bear in mind that the selection process of the goods is predominantly visual and that visual differences will be particularly important when considering direct confusion. In my view, the additional numbers will not be overlooked. When taking the marks as a whole, notwithstanding the principle of imperfect recollection, the marks will not be misremembered or mistakenly recalled as being the same. Consequently, I do not consider there to be a likelihood of direct confusion for the IR.

91. I will now move on to consider indirect confusion. In *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

"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'.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right ('26 RED TESCO' would no doubt be such a case).
(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as 'LITE', 'EXPRESS', 'WORLDWIDE', 'MINI' etc.).
(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension ('FAT FACE' to 'BRAT FACE' for example)."

92. These three categories are not exhaustive; rather, they were intended to be illustrative of the general approach, as has been confirmed by the Court of Appeal[13]. I recognise that a finding of indirect confusion should not be made merely because the

[13] *Liverpool Gin Distillery and others v Sazerac Brands, LLC and others* [2021] EWCA Civ 1207

competing marks share a common element. The Court of Appeal has also emphasised that, where there is no direct confusion, there must be a "proper basis" for finding indirect confusion.

93. When assessing indirect confusion, I have found that the common element, SPACE, conveys an identical conceptual message which has no meaning in relation to either of the party's marks. The additional border/stylisation of the letter 'A' in the earlier mark, and the numbers in the IR, are likely to be seen simply as an alternative mark being used by the same undertaking. This is particularly the case as I have found '42' will be viewed as a product number/code and the average consumer is likely to consider that this relates to a certain product type, even in instances where I have found the goods to be similar to a low degree. Therefore, when considering the IR, and taking account of the common element in the context of the marks as a whole, the consumer is likely to conclude that it is another brand of the owner of the earlier marks. As a result of this, I find a likelihood of indirect confusion even where the goods range from being identical, to similar to only a low degree.

Final Remarks

94. The opposition is partially successful. Therefore, subject to appeal, the application will be refused in relation to the following goods:

Class 9 Magnetic data holders, recording discs; counters; accelerometers; accumulators, electrical; acid hydrometers (acid density measuring devices); battery acid meters; audio alarms; audio delivery channels; audio couplers; actinometers (devices for measuring radiation intensity); data collection apparatus; antennas; air density measuring devices; air analysers; airbags for safety purposes to prevent falls; alarm bells, electric; alarms; alcohol measuring devices; cartographic or cadastral monitoring and surveying devices; height measuring devices; electric current measuring devices; subwoofers; servo motor amplifiers; inflating tubes being life-saving apparatus; wind speed measuring devices; animal signalling devices to guide livestock; animation; anode batteries/high tension batteries; anodes; automated answering machines; anti-interference devices [electrical]; anti-theft alarms; negative electrode for laboratory research; equipment for producing X-rays, for purposes other than medical purposes; devices and instruments for astronomical purposes; apparatus

and instruments for the physical sciences; devices for changing record player needles; motion picture editing equipment; devices for measuring the thickness of leather; apparatus for testing lactation milk, other than those for medical or veterinary use; instruments for measuring the thickness of tanned leather; armators [electricity]; asbestos shields for firefighting; sound processing devices; audio mixers; audio and video receivers; audio-visual educational devices; automated teller machines [ATM]; automatic indicators to indicate low pressure in vehicle tyres; automated navigation systems for ships; azimuthal instruments; infant monitors; scales used to measure infant weight; weighing scales (TIG scales)/arm scales (TIG scales); scales (arm scales); balance devices; barcode readers (vertical codes); atmospheric pressure measuring devices; bathroom scale; batteries for electronic cigarettes; batteries, electric; battery chargers; battery boxes/ accumulator boxes; illuminated beacons; bells [alarms]; betatron devices; binocular microscopes; biochips; identification cards measuring vital signs; biometric locks which work by measuring vital signs; passports with vital signs data/electronic passes; bioreactors for cell culture for scientific research; bioreactors for laboratory use; black boxes [data loggers]; devices for printing blueprints and designs; body equipment to assist in lifting loads; boiler monitoring tools; branch boxes [electricity]; breath analysis devices; breathing apparatus for underwater swimming; breathing apparatus, not for medical purposes; bulletproof clothing; bulletproof suits/bulletproof waistcoats; buzzers; speaker cabinets; electrical cables; calibration rings; callipers; calorimeters; video cameras; cameras [for photography]; capillary tubes for laboratory use; carpenters' rulers; blackout plate holders [for photography]; specially made cases for photographic equipment and tools; cassette tape players; cathodes; cathodic anti- corrosion devices; [electrical] cell switches; reducers [electricity]; central fixing devices for photographic transparencies; chargers for electric batteries; chargers for electronic cigarettes; charging stations for electric vehicles; chemical apparatus and instruments; chips (integrated circuits); choke coils (impedance); chromatographs for laboratory use; chronographs [time recording devices]; cinematography cameras; cinema films, exposed; circuit breakers; cleaning devices for phonograph records/cleaning devices for audio recording discs; digital thermostat for weather monitoring; telephoto lenses; laboratory clothing; clothing for accident, radiation and fire protection; coaxial cables; electrical wire coils; electrical assemblies; power transformers; comparison circuits; compasses for measurement; capacitors; electrical connectors; measuring bracelets

[measuring tools]; connections to power lines; connections [electricity]; electrical wires; microscope slide cases; control panels [electricity]; control devices for servo motors; electrical transformers; insulated copper wires; global positioning system apparatus; counters/gauges; couplers [data processing equipment]; electrical couplers; electrical connections; covers for electrical outlets; terminals for use with credit cards; [laboratory] crucibles; cryptocurrency wallets; power rectifiers; cyclotrons (cyclotrons); darkroom lights [for photography]; darkrooms [for photography]; data gloves; data processing devices; recorded or downloadable data; decompression chambers; decorative magnets; density measuring devices, for non-medical purposes; monitoring devices; virtual keyboard projectors; diagnostic devices, for use in research laboratories; diagnostic devices, for non-medical purposes; acoustic membranes; films [for photography]; membranes for scientific instruments; dictation machines; diffraction instruments [microscopes]; digital image projectors; digital signage; digital weather stations; directional compasses; electrical discharge tubes other than those for lighting; distance measuring devices; distance recording devices; distillation apparatus for scientific purposes; [electrical] distribution boards; distribution boxes [electrical]; distribution cabinets [electrical]; diving suits; DNA chips; dog whistles; dosing dispensers, for non-medical use [measuring devices]; dosing dispensers; downloadable crypto keys for receiving and sending crypto assets; downloadable digital image files authenticated by non-fungible tokens (NFTs); downloadable digital music files authenticated by non-fungible tokens (NFTs); downloadable e-wallets; downloadable codes for mobile phones; downloadable graphics for mobile phones; downloadable image files; downloadable music files; downloadable ringtones for mobile phones; banks for photographic use/ racks for photographic use; gauges for tailors; dry suits; drying equipment for photographic prints; drying racks for photography; [electricity] pipes; dust masks include an air filter; dust measuring devices; various digital disc players; kinetic measurement apparatus; earplugs for divers; earbuds for remote communication; effects modules for guitar; egg settling timers/hourglasses; egg checking apparatus; electric actuators; electrical and electronic effects modules for musical instruments; electrical data processing appliances; electric doorbells; electrical equipment for remote control of industrial processes; electric linear actuators; electrical loss indicators; electrical plugs; electrical sockets; electrical wires for vehicles; electrical adapters; pipes for electrical connections; electrically conductive fences; electrically conductive rods for mounting

spotlights; electrodynamic devices for remote control of railway points; electrodynamic devices for remote control of signals; electrolytic devices for laboratory use; electromagnetic coils; electronic access control systems for telescopic doors; electronic agendas; e-book readers; electronic controlling devices for servo motors; interactive electronic whiteboards; electronic bulletin boards; electronic screens; electronic pens [visual display units]; small electronic devices for translation; electronic publications (downloadable); downloadable electronic music; electronic ID cards; magnetic identification bracelets, encrypted; encrypted key cards; encrypted magnetic cards; enlargement devices [for photography]; equalisers (audio devices); equalisers (audio instruments); energy measuring devices; exposure time measuring devices [intensity measuring devices]; fax machines; fermenters for laboratory use; fibre optic cables; film cutting devices; movies, downloadable; UV filters for photography; filters for use in photography; flashlights [for photography]; flashlights [illuminated signs]; flow meters; fluorescent screens; fog warning signs, non-explosive; frames for photographic transparencies; frequency transmitters; frequency measuring devices; ovens for laboratory use; fuse wires; fuses; galena crystals [detectors]; galvanic batteries; galvanic cells; galvanometers; gas testing instruments; gas measuring devices [measuring devices]; measuring meters; gimbals; polishing (glazing) devices for photographs; GPS devices; gloves for divers; protective glasses for sports uses; grids for batteries; training tools for hairdressers [educational devices]; portable electronic dictionaries; headset sets for telephones; recorder head cleaning tapes [recording]; head-mounted displays; vehicle display devices; headphones; headphones for playing video games; height measuring instruments; heliographic devices; clothing hem ruler or measure; high frequency devices; electrical wire holders; 3D drawings; horns for loudspeakers; humanoid robots with communication and learning functions to assist and entertain people; artificial intelligence robots for preparing drinks; robots equipped with artificial intelligence for use in scientific research; density measuring devices; atmospheric humidity measuring devices; magnetic ID cards; electric ignition devices for remote ignition; ignition batteries; incubators for culturing bacteria; induction coils [electricity]; infrared monitoring devices; integrated circuit cards [smart cards]/smart cards [integrated circuit cards]; integrated circuits; touch screen interactive terminals; intercoms; inverters [electricity]; billing machines; ionisation devices, not for water or air treatment; musical juke boxes; junction boxes [electrical]; connection jackets for electrical cables; knee pads for

workers; graded glass tubes for laboratories; centrifugal separators for laboratories; laboratory pipettes; laboratory robotics devices; laboratory trays; milk density measuring devices; devices for measuring the specific gravity of coffee; laser devices, for non-medical purposes; lens hoods; lenses for astrophotography; letter scales; levelling tools; levels [horizontal line selection tools]; rescue belts; life buoys; life jackets; rescue devices and equipment; life-saving capsules for natural disasters; electrical means of dimming [regulators]; light-emitting diodes [LED]; LED electronic indicators; lighting ballasts; lightning rods; [electrical] limiters; recorders [measuring instruments]; amplifiers; magnetic encoders; magnetic resonance imaging [MRI] machines, not for medical use; magnetised wires; magnets; magnifying glasses [optics]; marine depth-finding devices; tag buoys; rules and levels for carpentry; masts for radio antennas; material inspection tools and machines; materials used for main electrical wiring (wires, cables); tablets for engineering drawing; measures; measuring devices; settlement signs [survey tools]; measuring equipment, electrical; measuring tools; measuring spoons; automated signals; mechanisms of devices operated by the counter; audio amplifiers; memory cards for video game machines; mercury levelling scales; metal detectors for industrial or military purposes; meteorological balloons; meteorological instruments; metronomes; micrometer screws for optical instruments; micrometers (precision measuring devices); sound amplifiers; microprocessors; microscopes; vehicle mileage recording devices; [optical] mirrors; missile warning systems; mobile phone chargers; screensavers for mobile phones; mobile phones/cell phones; modems; measuring devices, other than those for medical purposes; camera mounting brackets; mouthguards for sports; digital musical instrument controls representing audio interfaces; nanoparticle analysers; navigational devices and tools; marine navigational signalling devices; needles for record players; needles for surveying compasses; fire protection nets; nasal clips for divers and swimmers; objective lenses [optical]; monitoring tools; resistance measuring devices; optical devices and instruments; optical character readers; optical capacitors; optical data storage media; optical fibres [conductive filaments]/optical lanterns/ optical lamps; optical lenses; organic light-emitting diodes [OLEDs]; oscillographs [oscilloscopes]; oxygen transvasing devices; ozone generators for calibration purposes; vehicle parking meters; particle accelerators; observation holes [magnifying glasses] for doors; periscopes [invisible observation scopes]; PDAs; personal digital assistants; personal stereo recording devices; Petri dishes for culture; gasoline meters;

phonograph recorders/sound recording discs; optical copiers [photographic, electrostatic, thermal]; photometers (optical measuring devices); telegraphic image transmitters; photovoltaic cells; pitot tubes; plane survey boards [scanning tools]; surface measuring devices; battery plates; point of sale terminals; polarimeter; portable document scanners; portable emergency chargers; portable speakers; ultra-fine, portable dust meters; precision balances; precision measuring devices; pressure gauges; pressure indicator plugs for valves; pressure indicators; pressure measuring devices; printed circuit boards; printed circuits; prisms (optics); probes for scientific purposes; processors [central processing units]; projectors; screens; X- ray protective devices for non-medical purposes; accident protective devices for personal use; protective suits for pilots; protractors [measuring instruments]; pyrometers (devices for measuring high temperatures); quantitative indicators; quantum light-emitting diodes [GLEDs]; radar devices; radio pagers; radiation detectors for industrial purposes; radiographic displays for industrial purposes; radio equipment; wireless telegraphy devices; safety devices for railway traffic; rangefinders/telemetry devices; readers [data processing equipment]; vehicle rear-view cameras; record players; reflective products to wear, to protect against accidents; refractive index measuring devices; refracting telescopes; regulating devices, electrical; relays, electrical; remote controls; rescue flares, non-explosive, other than fireworks; laser beacons, for rescue; resistors, electrical; resuscitation statues [educational devices]; simulator training devices for practising resuscitation and resuscitation techniques; distillation vessels; stands for distillation vessels; lap counters; rheostats; toroidal sizing measures or analysers; road signs, illuminated or mechanical; rods for underwater explorers; rulers [measuring tools]; glucose level measuring devices; rescue nets/ survival nets; safety restraints, other than those used for vehicle seats and athletic equipment; illuminated signs; safety tarpaulins; salinity measuring devices; satellite rangefinders; satellite navigation devices; satellites for scientific purposes; scales; scales equipped with body mass analysis methods; scanning devices for diagnosing vehicle problems; scanners for data processing; monitors [for photography]; screens for photogravure; internal thread gauges; robots for security surveillance; security codes (coding devices); payment terminals; lenses for taking selfies; selfie sticks for phones (handheld monopods); semiconductors; instruments for measuring the height of flying objects; sheaths for electrical cables; shoes to protect against accidents, radiation and fires; shutter releases [for photography]; camera shutter [for photography]; aiming telescopes for

firearms; signal bells; signal lanterns; signalling buoys; signalling panels, illuminated or mechanical; signal whistles; signs, illuminated or mechanical; signs, illuminated; simulators for steering and controlling vehicles; sliding gauge callipers; light projection devices for slide shows; sliding ruler; smart headphones; smoke detectors; underwater breathing apparatus; downloadable SAMD medical device software; solar batteries; solar panels to produce electricity; solenoid-operated valves [electromagnetic switches]; echo sounders; sound source identification equipment; audio recording devices; audio transcription devices; audio transmitters; depth sounding instruments; lead weights for sounding strings; sounding threads; sounding missiles (tests); spark protectors; speech tubes; spectrographs; spectroscopes (spectral detectors); speed inspection devices for vehicles; speed indicators; accelerometers [for photography]; speed regulators for record players; lens curvature measuring devices; alcohol levelling balances; reels [for photography]; whistles for sports; right-angled rulers for measuring; angle rulers for measuring; stage lighting regulators; holders for fixing photographic apparatus in position; engine starter cables; crane transformers; stereoscopes; stereoscopic devices; distillation units for laboratory experiments; rotation and frequency measuring instruments; low frequency amplifiers; sulphite measuring devices; surveying devices and tools; strings for measurement of space; surveying equipment; surveyors' scales; rescue blankets; electrical switchboards; [electrical] switch boxes; switches, electrical; T rulers for measuring; angular velocity measuring devices; tape recorders; metres for cars; educational devices; educational robotics devices; dental guards; communications devices in the form of jewellery; telegraph wires; telegraphs [devices]; telephone receivers; telephone transmitters; telephone wires; interactive user-programmable humanoid robots; remote printer/typewriter devices; remote prompters; remote circuit breaker; telescope binoculars; telescopic sights for firearms; televisions; temperature indicator stickers for non-medical purposes; temperature indicators; [electrical] terminals; test tubes; testing devices not for medical purposes; theodolites (devices for measuring angles); thermal imaging cameras; thermoelectric solenoid valves/ photoelectric tubes; humidity and temperature measuring devices; temperature measuring devices, for non-medical purposes; thermostats; thermostats for vehicles; thin, high-performance headphones; counters; ticket printers; clocks recording time of arrival and departure (time recording devices); time recording devices; audio joysticks for record playback devices; traffic signal devices (signalling devices); electrical transformers; transistors [electronic];

transmitters [for long-distance communications]; electronic signalling devices; transmitters [for long- range communications]; slides [for photography]; transmitters and receivers; three-valve vacuum tubes; tripods for cameras; ultrasound imaging devices for non-medical purposes; urine density measuring devices; flash drivers for USB flash drives; robots equipped with human characteristics, capable of being programmed by a user, but not specifically designed; discharge measurement metres; vacuum tubes (wireless); magnetic heterogeneity measuring devices; warning triangles when vehicles break down; vehicle radios; verniers [ultra-precision gauges]; video devices for monitoring infants; video game storage cassettes; video mixing discs; video projectors; video screens; photographic cameras; viscometers; voltage regulators for vehicles; protective devices against sudden changes in voltages; voltage measuring devices; integrated circuit chips; sound effect units; cordless phones; illuminated warning signs; wash basins [for photography]; water level indicators; wavelength measuring devices; wearable headphones; weighing, measuring devices and instruments; weighing machines; weight belts for divers; weights; wet suits; wheel alignment measuring devices; sirens; wind cones to show wind direction; [electrical] wire connectors; wireless microphones; wiring, electrical; X-ray films, exposed to light; X-rays, other than those for medical purposes; X-ray tubes, for non-medical uses; fax machines; none of the aforementioned goods being used in connection with training and education services in the field of coding and computer programming.

95. In light of my earlier findings, the opposition will fail in respect of the following goods in class 9 for which the application will proceed to registration, along with the goods and services that were unopposed:

Class 9 Devices for examining postal stamps; counterfeit currency detectors; crash test dummies; gas generating devices for calibration purposes; electronic collars for animal training; food component analysis devices; car phone bases; ink cartridges, unfilled, for printers and copiers; locks, electric; magic lanterns; inspection mirrors; electronic price tags; ring locks, electronic; office machines for punched cards; snap buttons for bells; steering devices, automatic, for vehicles; theft prevention equipment, electrical; electronic terminals for ticket distribution; automatic time switches; dry ink cartridges, unfilled, for printers and copiers; traffic cones; voting machines.

Class 12 Vehicles; land, air or water transportation devices; aviation apparatus, machinery and equipment; planes; aerial vehicles; off-road vehicles; armored vehicles; vehicle frames; self-driving cars; autonomous land vehicles; bodies for vehicles; cars/carts/motorized vehicles; electric vehicles; engines for land vehicles/engines for land vehicles; hydrogen fueled cars; military drones; military vehicles for transport; steam buses; electric motors for land vehicles; remotely controlled vehicles, other than toys; self-driving robots for delivery; space ships; vehicle structures; rescue boats.

Class 38 Communications; cable television broadcasting; communications via mobile phones; communications via computer terminals; communications via fiber optic networks; communications by telegraph; communications by telephone; sending of messages and pictures using the computer; electronic bulletin board services [telecommunications services]; location services [telecommunications services]; wired and wireless telecommunications services; sending messages; news agency services; paging services (by radio, telephone or other electronic means of communication); providing access to blockchain networks; providing access to databases; providing chat rooms in virtual settings; providing information in the field of telecommunications; providing online chat rooms; providing online forums; providing forums based on virtual reality technology; providing communication channels for telephone shopping services; providing communications links to a global computer network; providing user access to a global computer network; radio broadcast; wireless communications; leasing access time to global computer networks; leasing of fax machines; rental of messaging equipment; modem rental; smartphone rental; telecommunications equipment rental; telephone rental; satellite broadcasting; sending and receiving data; communications routing and connectivity services; telecommunications contract services; telegraph services; telephone services; television broadcast; telex services; transmission of digital files; send an email; send greeting cards online; streaming podcasts (online recordings); telegram sending; video-on-demand streaming services; group video calling services; voice mail services; wireless transmission.

Class 39 Transport; packaging and storage of goods; travel arrangement; air transport; transportation by armored cars/transportation by armored vehicles; services for organizing passenger transportation for others via an online application;

transportation by bus; vehicle parking services; car rental; ride-sharing services for vehicles; vehicle rental services; transportation by wagons; services to provide a driver for the vehicle; car parking rental; launching satellites for others; shipping; passenger transportation; physical storage of electronically stored data or documents; civil aircraft traffic direction command; providing traffic information; navigation systems rental; security aircraft rental; renting unmanned vehicles for surveillance; warehouse rental; transfer by taxi; transportation logistics; vehicle rental.

Class 42 Scientific and technical services and related research and design services; industrial analysis and research services; computer hardware and software design and development services; conducting of analyses for oil exploration; providing artificial intelligence related consulting; mapping or thermographic measurement services by unmanned vehicles; chemical analysis; preparing chemical research; computer-aided graphic design for video presentation; computer programming; computer programming of smart contracts on the blockchain network; computer programming services for data processing; providing computer security consulting; providing consultations related to computer software; computer systems analysis; computer system design; providing consultations related to computer technology; preparing technical project studies; providing consultations related to the design and development of hardware computer equipment; providing consultations related to the field of energy saving; conversion of computer programs and computer data, other than physical conversion; converting data or documents from physical to electronic media; creating and designing website-based indexes for third party information [it services]; data encryption services; providing data security consulting; designing computer simulation models; prototyping design; development of computer platforms; geometric design; preparing geological research; preparing geological surveys; industrial design; IT support services [finding and fixing software problems]; provision of online non-downloadable computer software; providing internet security consulting; preparing land surveys; providing information about weather conditions; remotely monitor the operation of computer operating systems; monitoring systems; monitoring of computer systems for detecting unauthorized access attempts or data breaches; preparing surveys in the oil field; platform as a service [PaaS]; providing geographic information; providing information related to computer technology and programming via a website; providing non-downloadable geographic maps online; providing

computer software online that cannot be downloaded; providing information, advice and scientific consultations related to reducing carbon emissions; providing virtual computer systems via cloud computing; quality control; quantum computing; software rental, computer software rental; data center leasing; renting robots with human characteristics that the user can program; research and develop new products for the benefit of others; research in the field of artificial intelligence technology; preparing research in the field of communications technology; scientific and technological research in the field of natural disasters; scientific researches; scientific research in the field of environmental protection; software as a service [SaaS]; software development within a framework related to software deployment; software design services for data processing; providing technical information relating to computers through guides and brochures; providing technological consultations; technology consulting services for digital transformation; technological research; providing consultations related to telecommunications network security; providing consultations related to communications technology; urban planning; conducting underwater exploration operations; user data authentication services using single sign-on technology for online software applications; water analysis; editing computer codes; none of the aforementioned services being used in connection with training and education services in the field of coding and computer programming.

COSTS

96. As the opponent has had the greater measure of success in opposing the applicant's mark, it is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023 which governs costs in Fast Track proceedings issued after 1 February 2023. In the circumstances, I award the opponent the sum of £350.00 as a contribution towards the costs of proceedings. The sum is calculated as follows:

Filing a notice of opposition and considering the Applicant's counterstatement:	£250.00
Official fee:	£100.00
Total:	**£350.00**

97. I therefore order BAYANAT INVESTMENTS LTD to pay MARK DUFFY LTD the sum of £350.00. The above sum should 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.

Dated this 21st day of July 2026

LA Bailey

For the Registrar

Annex 1

Class 9

Magnetic data holders, recording discs; counters; accelerometers; accumulators, electrical; acid hydrometers (acid density measuring devices); battery acid meters; audio alarms; audio delivery channels; audio couplers; actinometers (devices for measuring radiation intensity); data collection apparatus; antennas; air density measuring devices; air analysers; airbags for safety purposes to prevent falls; alarm bells, electric; alarms; alcohol measuring devices; cartographic or cadastral monitoring and surveying devices; height measuring devices; electric current measuring devices; subwoofers; servo motor amplifiers; inflating tubes being life-saving apparatus; wind speed measuring devices; animal signalling devices to guide livestock; animation; anode batteries/high tension batteries; anodes; automated answering machines; anti-interference devices [electrical]; anti-theft alarms; negative electrode for laboratory research; equipment for producing X-rays, for purposes other than medical purposes; devices and instruments for astronomical purposes; apparatus and instruments for the physical sciences; devices for changing record player needles; motion picture editing equipment; gas generating devices for calibration purposes; devices for measuring the thickness of leather; apparatus for testing lactation milk, other than those for medical or veterinary use; devices for examining postal stamps; instruments for measuring the thickness of tanned leather; armators [electricity]; asbestos shields for firefighting; sound processing devices; audio mixers; audio and video receivers; audio-visual educational devices; automated teller machines [ATM]; automatic indicators to indicate low pressure in vehicle tyres; automated navigation systems for ships; azimuthal instruments; infant monitors; scales used to measure infant weight; weighing scales (TIG scales)/arm scales (TIG scales); scales (arm scales); balance devices; barcode readers (vertical codes); atmospheric pressure measuring devices; bathroom scale; batteries for electronic cigarettes; batteries, electric; battery chargers; battery boxes/ accumulator boxes; illuminated beacons; bells [alarms]; betatron devices; binocular microscopes; biochips; identification cards measuring vital signs; biometric locks which work by measuring vital signs; passports with vital signs data/electronic passes; bioreactors for cell culture for scientific research; bioreactors for laboratory use; black boxes [data loggers]; devices for printing blueprints and

designs; body equipment to assist in lifting loads; boiler monitoring tools; branch boxes [electricity]; breath analysis devices; breathing apparatus for underwater swimming; breathing apparatus, not for medical purposes; bulletproof clothing; bulletproof suits/bulletproof waistcoats; buzzers; speaker cabinets; electrical cables; calibration rings; callipers; calorimeters; video cameras; cameras [for photography]; capillary tubes for laboratory use; carpenters' rulers; blackout plate holders [for photography]; specially made cases for photographic equipment and tools; cassette tape players; cathodes; cathodic anti- corrosion devices; [electrical] cell switches; reducers [electricity]; central fixing devices for photographic transparencies; chargers for electric batteries; chargers for electronic cigarettes; charging stations for electric vehicles; chemical apparatus and instruments; chips (integrated circuits); choke coils (impedance); chromatographs for laboratory use; chronographs [time recording devices]; cinematography cameras; cinema films, exposed; circuit breakers; cleaning devices for phonograph records/cleaning devices for audio recording discs; digital thermostat for weather monitoring; telephoto lenses; laboratory clothing; clothing for accident, radiation and fire protection; coaxial cables; electrical wire coils; electrical assemblies; power transformers; comparison circuits; compasses for measurement; capacitors; electrical connectors; measuring bracelets [measuring tools]; connections to power lines; connections [electricity]; electrical wires; microscope slide cases; control panels [electricity]; control devices for servo motors; electrical transformers; insulated copper wires; global positioning system apparatus; counterfeit currency detectors; counters/gauges; couplers [data processing equipment]; electrical couplers; electrical connections; covers for electrical outlets; crash test dummies; terminals for use with credit cards; [laboratory] crucibles; cryptocurrency wallets; power rectifiers; cyclotrons (cyclotrons); darkroom lights [for photography]; darkrooms [for photography]; data gloves; data processing devices; recorded or downloadable data; decompression chambers; decorative magnets; density measuring devices, for non-medical purposes; monitoring devices; virtual keyboard projectors; diagnostic devices, for use in research laboratories; diagnostic devices, for non-medical purposes; acoustic membranes; films [for photography]; membranes for scientific instruments; dictation machines; diffraction instruments [microscopes]; digital image projectors; digital signage; digital weather stations; directional compasses; electrical discharge tubes other than those for lighting; distance measuring devices; distance recording devices; distillation apparatus for scientific purposes; [electrical] distribution boards;

distribution boxes [electrical]; distribution cabinets [electrical]; diving suits; DNA chips; dog whistles; dosing dispensers, for non-medical use [measuring devices]; dosing dispensers; downloadable crypto keys for receiving and sending crypto assets; downloadable digital image files authenticated by non-fungible tokens (NFTs); downloadable digital music files authenticated by non-fungible tokens (NFTs); downloadable e-wallets; downloadable codes for mobile phones; downloadable graphics for mobile phones; downloadable image files; downloadable music files; downloadable ringtones for mobile phones; banks for photographic use/ racks for photographic use; gauges for tailors; dry suits; drying equipment for photographic prints; drying racks for photography; [electricity] pipes; dust masks include an air filter; dust measuring devices; various digital disc players; kinetic measurement apparatus; earplugs for divers; earbuds for remote communication; effects modules for guitar; egg settling timers/hourglasses; egg checking apparatus; electric actuators; electrical and electronic effects modules for musical instruments; electrical data processing appliances; electric doorbells; electrical equipment for remote control of industrial processes; electric linear actuators; electrical loss indicators; electrical plugs; electrical sockets; electrical wires for vehicles; electrical adapters; pipes for electrical connections; electrically conductive fences; electrically conductive rods for mounting spotlights; electrodynamic devices for remote control of railway points; electrodynamic devices for remote control of signals; electrolytic devices for laboratory use; electromagnetic coils; electronic access control systems for telescopic doors; electronic agendas; e-book readers; electronic collars for animal training; electronic controlling devices for servo motors; interactive electronic whiteboards; electronic bulletin boards; electronic screens; electronic pens [visual display units]; small electronic devices for translation; electronic publications (downloadable); downloadable electronic music; electronic ID cards; magnetic identification bracelets, encrypted; encrypted key cards; encrypted magnetic cards; enlargement devices [for photography]; equalisers (audio devices); equalisers (audio instruments); energy measuring devices; exposure time measuring devices [intensity measuring devices]; fax machines; fermenters for laboratory use; fibre optic cables; film cutting devices; movies, downloadable; UV filters for photography; filters for use in photography; flashlights [for photography]; flashlights [illuminated signs]; flow meters; fluorescent screens; fog warning signs, non-explosive; food component analysis devices; frames for photographic transparencies; frequency transmitters; frequency measuring

devices; ovens for laboratory use; fuse wires; fuses; galena crystals [detectors]; galvanic batteries; galvanic cells; galvanometers; gas testing instruments; gas measuring devices [measuring devices]; measuring meters; gimbals; polishing (glazing) devices for photographs; GPS devices; gloves for divers; protective glasses for sports uses; grids for batteries; training tools for hairdressers [educational devices]; portable electronic dictionaries; headset sets for telephones; recorder head cleaning tapes [recording]; head-mounted displays; vehicle display devices; headphones; headphones for playing video games; height measuring instruments; heliographic devices; clothing hem ruler or measure; high frequency devices; electrical wire holders; 3D drawings; horns for loudspeakers; humanoid robots with communication and learning functions to assist and entertain people; artificial intelligence robots for preparing drinks; robots equipped with artificial intelligence for use in scientific research; density measuring devices; atmospheric humidity measuring devices; magnetic ID cards; electric ignition devices for remote ignition; ignition batteries; car phone bases; incubators for culturing bacteria; induction coils [electricity]; infrared monitoring devices; ink cartridges, unfilled, for printers and copiers; integrated circuit cards [smart cards]/smart cards [integrated circuit cards]; integrated circuits; touch screen interactive terminals; intercoms; inverters [electricity]; billing machines; ionisation devices, not for water or air treatment; musical juke boxes; junction boxes [electrical]; connection jackets for electrical cables; knee pads for workers; graded glass tubes for laboratories; centrifugal separators for laboratories; laboratory pipettes; laboratory robotics devices; laboratory trays; milk density measuring devices; devices for measuring the specific gravity of coffee; laser devices, for non-medical purposes; lens hoods; lenses for astrophotography; letter scales; levelling tools; levels [horizontal line selection tools]; rescue belts; life buoys; life jackets; rescue devices and equipment; life-saving capsules for natural disasters; electrical means of dimming [regulators]; light-emitting diodes [LED]; LED electronic indicators; lighting ballasts; lightning rods; [electrical] limiters; locks, electric; recorders [measuring instruments]; amplifiers; magic lanterns; magnetic encoders; magnetic resonance imaging [MRI] machines, not for medical use; magnetised wires; magnets; magnifying glasses [optics]; marine depth-finding devices; tag buoys; rules and levels for carpentry; masts for radio antennas; material inspection tools and machines; materials used for main electrical wiring (wires, cables); tablets for engineering drawing; measures; measuring devices; settlement signs [survey tools]; measuring equipment, electrical; measuring

tools; measuring spoons; automated signals; mechanisms of devices operated by the counter; audio amplifiers; memory cards for video game machines; mercury levelling scales; metal detectors for industrial or military purposes; meteorological balloons; meteorological instruments; metronomes; micrometer screws for optical instruments; micrometers (precision measuring devices); sound amplifiers; microprocessors; microscopes; vehicle mileage recording devices; [optical] mirrors; inspection mirrors; missile warning systems; mobile phone chargers; screensavers for mobile phones; mobile phones/cell phones; modems; measuring devices, other than those for medical purposes; camera mounting brackets; mouthguards for sports; digital musical instrument controls representing audio interfaces; nanoparticle analysers; navigational devices and tools; marine navigational signalling devices; needles for record players; needles for surveying compasses; fire protection nets; nasal clips for divers and swimmers; objective lenses [optical]; monitoring tools; electronic price tags; resistance measuring devices; optical devices and instruments; optical character readers; optical capacitors; optical data storage media; optical fibres [conductive filaments]/optical lanterns/ optical lamps; optical lenses; organic light-emitting diodes [OLEDs]; oscillographs [oscilloscopes]; oxygen transvasing devices; ozone generators for calibration purposes; ring locks, electronic; vehicle parking meters; particle accelerators; observation holes [magnifying glasses] for doors; periscopes [invisible observation scopes]; PDAs; personal digital assistants; personal stereo recording devices; Petri dishes for culture; gasoline meters; phonograph recorders/sound recording discs; optical copiers [photographic, electrostatic, thermal]; photometers (optical measuring devices); telegraphic image transmitters; photovoltaic cells; pitot tubes; plane survey boards [scanning tools]; surface measuring devices; battery plates; point of sale terminals; polarimeter; portable document scanners; portable emergency chargers; portable speakers; ultra-fine, portable dust meters; precision balances; precision measuring devices; pressure gauges; pressure indicator plugs for valves; pressure indicators; pressure measuring devices; printed circuit boards; printed circuits; prisms (optics); probes for scientific purposes; processors [central processing units]; projectors; screens; X- ray protective devices for non-medical purposes; accident protective devices for personal use; protective suits for pilots; protractors [measuring instruments]; office machines for punched cards; snap buttons for bells; pyrometers (devices for measuring high temperatures); quantitative indicators; quantum light-emitting diodes [GLEDs]; radar devices; radio pagers;

radiation detectors for industrial purposes; radiographic displays for industrial purposes; radio equipment; wireless telegraphy devices; safety devices for railway traffic; rangefinders/telemetry devices; readers [data processing equipment]; vehicle rear-view cameras; record players; reflective products to wear, to protect against accidents; refractive index measuring devices; refracting telescopes; regulating devices, electrical; relays, electrical; remote controls; rescue flares, non-explosive, other than fireworks; laser beacons, for rescue; resistors, electrical; resuscitation statues [educational devices]; simulator training devices for practising resuscitation and resuscitation techniques; distillation vessels; stands for distillation vessels; lap counters; rheostats; toroidal sizing measures or analysers; road signs, illuminated or mechanical; rods for underwater explorers; rulers [measuring tools]; glucose level measuring devices; rescue nets/ survival nets; safety restraints, other than those used for vehicle seats and athletic equipment; illuminated signs; safety tarpaulins; salinity measuring devices; satellite rangefinders; satellite navigation devices; satellites for scientific purposes; scales; scales equipped with body mass analysis methods; scanning devices for diagnosing vehicle problems; scanners for data processing; monitors [for photography]; screens for photogravure; internal thread gauges; robots for security surveillance; security codes (coding devices); payment terminals; lenses for taking selfies; selfie sticks for phones (handheld monopods); semiconductors; instruments for measuring the height of flying objects; sheaths for electrical cables; shoes to protect against accidents, radiation and fires; shutter releases [for photography]; camera shutter [for photography]; aiming telescopes for firearms; signal bells; signal lanterns; signalling buoys; signalling panels, illuminated or mechanical; signal whistles; signs, illuminated or mechanical; signs, illuminated; simulators for steering and controlling vehicles; sliding gauge callipers; light projection devices for slide shows; sliding ruler; smart headphones; smoke detectors; underwater breathing apparatus; downloadable SAMD medical device software; solar batteries; solar panels to produce electricity; solenoid-operated valves [electromagnetic switches]; echo sounders; sound source identification equipment; audio recording devices; audio transcription devices; audio transmitters; depth sounding instruments; lead weights for sounding strings; sounding threads; sounding missiles (tests); spark protectors; speech tubes; spectrographs; spectroscopes (spectral detectors); speed inspection devices for vehicles; speed indicators; accelerometers [for photography]; speed regulators for record players; lens curvature measuring devices; alcohol levelling

balances; reels [for photography]; whistles for sports; right-angled rulers for measuring; angle rulers for measuring; stage lighting regulators; holders for fixing photographic apparatus in position; engine starter cables; steering devices, automatic, for vehicles; crane transformers; stereoscopes; stereoscopic devices; distillation units for laboratory experiments; rotation and frequency measuring instruments; low frequency amplifiers; sulphite measuring devices; surveying devices and tools; strings for measurement of space; surveying equipment; surveyors' scales; rescue blankets; electrical switchboards; [electrical] switch boxes; switches, electrical; T rulers for measuring; angular velocity measuring devices; tape recorders; metres for cars; educational devices; educational robotics devices; dental guards; communications devices in the form of jewellery; telegraph wires; telegraphs [devices]; telephone receivers; telephone transmitters; telephone wires; interactive user-programmable humanoid robots; remote printer/typewriter devices; remote prompters; remote circuit breaker; telescope binoculars; telescopic sights for firearms; televisions; temperature indicator stickers for non-medical purposes; temperature indicators; [electrical] terminals; test tubes; testing devices not for medical purposes; theft prevention equipment, electrical; theodolites (devices for measuring angles); thermal imaging cameras; thermoelectric solenoid valves/ photoelectric tubes; humidity and temperature measuring devices; temperature measuring devices, for non-medical purposes; thermostats; thermostats for vehicles; thin, high-performance headphones; counters; electronic terminals for ticket distribution; ticket printers; clocks recording time of arrival and departure (time recording devices); time recording devices; automatic time switches; audio joysticks for record playback devices; dry ink cartridges, unfilled, for printers and copiers; traffic cones; traffic signal devices (signalling devices); electrical transformers; transistors [electronic]; transmitters [for long-distance communications]; electronic signalling devices; transmitters [for long-range communications]; slides [for photography]; transmitters and receivers; three-valve vacuum tubes; tripods for cameras; ultrasound imaging devices for non-medical purposes; urine density measuring devices; flash drivers for USB flash drives; robots equipped with human characteristics, capable of being programmed by a user, but not specifically designed; discharge measurement metres; vacuum tubes (wireless); magnetic heterogeneity measuring devices; warning triangles when vehicles break down; vehicle radios; verniers [ultra-precision gauges]; video devices for monitoring infants; video game storage cassettes; video mixing discs; video projectors; video

screens; photographic cameras; viscometers; voltage regulators for vehicles; protective devices against sudden changes in voltages; voltage measuring devices; voting machines; integrated circuit chips; sound effect units; cordless phones; illuminated warning signs; wash basins [for photography]; water level indicators; wavelength measuring devices; wearable headphones; weighing, measuring devices and instruments; weighing machines; weight belts for divers; weights; wet suits; wheel alignment measuring devices; sirens; wind cones to show wind direction; [electrical] wire connectors; wireless microphones; wiring, electrical; X-ray films, exposed to light; X-rays, other than those for medical purposes; X-ray tubes, for non-medical uses; fax machines; none of the aforementioned goods being used in connection with training and education services in the field of coding and computer programming.

Class 12

Vehicles; land, air or water transportation devices; aviation apparatus, machinery and equipment; planes; aerial vehicles; off-road vehicles; armored vehicles; vehicle frames; self-driving cars; autonomous land vehicles; bodies for vehicles; cars/carts/motorized vehicles; electric vehicles; engines for land vehicles/engines for land vehicles; hydrogen fueled cars; military drones; military vehicles for transport; steam buses; electric motors for land vehicles; remotely controlled vehicles, other than toys; self-driving robots for delivery; space ships; vehicle structures; rescue boats.

Class 38

Communications; cable television broadcasting; communications via mobile phones; communications via computer terminals; communications via fiber optic networks; communications by telegraph; communications by telephone; sending of messages and pictures using the computer; electronic bulletin board services [telecommunications services]; location services [telecommunications services]; wired and wireless telecommunications services; sending messages; news agency services; paging services (by radio, telephone or other electronic means of communication); providing access to blockchain networks; providing access to databases; providing chat rooms in virtual settings; providing information in the field of telecommunications; providing online chat rooms; providing online forums; providing forums based on virtual reality technology; providing communication channels for telephone shopping

services; providing communications links to a global computer network; providing user access to a global computer network; radio broadcast; wireless communications; leasing access time to global computer networks; leasing of fax machines; rental of messaging equipment; modem rental; smartphone rental; telecommunications equipment rental; telephone rental; satellite broadcasting; sending and receiving data; communications routing and connectivity services; telecommunications contract services; telegraph services; telephone services; television broadcast; telex services; transmission of digital files; send an email; send greeting cards online; streaming podcasts (online recordings); telegram sending; video-on-demand streaming services; group video calling services; voice mail services; wireless transmission.

Class 39

Transport; packaging and storage of goods; travel arrangement; air transport; transportation by armored cars/transportation by armored vehicles; services for organizing passenger transportation for others via an online application; transportation by bus; vehicle parking services; car rental; ride-sharing services for vehicles; vehicle rental services; transportation by wagons; services to provide a driver for the vehicle; car parking rental; launching satellites for others; shipping; passenger transportation; physical storage of electronically stored data or documents; civil aircraft traffic direction command; providing traffic information; navigation systems rental; security aircraft rental; renting unmanned vehicles for surveillance; warehouse rental; transfer by taxi; transportation logistics; vehicle rental.

Class 42

Scientific and technical services and related research and design services; industrial analysis and research services; computer hardware and software design and development services; conducting of analyses for oil exploration; providing artificial intelligence related consulting; mapping or thermographic measurement services by unmanned vehicles; chemical analysis; preparing chemical research; computer-aided graphic design for video presentation; computer programming; computer programming of smart contracts on the blockchain network; computer programming services for data processing; providing computer security consulting; providing consultations related to computer software; computer systems analysis; computer

system design; providing consultations related to computer technology; preparing technical project studies; providing consultations related to the design and development of hardware computer equipment; providing consultations related to the field of energy saving; conversion of computer programs and computer data, other than physical conversion; converting data or documents from physical to electronic media; creating and designing website-based indexes for third party information [it services]; data encryption services; providing data security consulting; designing computer simulation models; prototyping design; development of computer platforms; geometric design; preparing geological research; preparing geological surveys; industrial design; IT support services [finding and fixing software problems]; provision of online non-downloadable computer software; providing internet security consulting; preparing land surveys; providing information about weather conditions; remotely monitor the operation of computer operating systems; monitoring systems; monitoring of computer systems for detecting unauthorized access attempts or data breaches; preparing surveys in the oil field; platform as a service [PaaS]; providing geographic information; providing information related to computer technology and programming via a website; providing non-downloadable geographic maps online; providing computer software online that cannot be downloaded; providing information, advice and scientific consultations related to reducing carbon emissions; providing virtual computer systems via cloud computing; quality control; quantum computing; software rental, computer software rental; data center leasing; renting robots with human characteristics that the user can program; research and develop new products for the benefit of others; research in the field of artificial intelligence technology; preparing research in the field of communications technology; scientific and technological research in the field of natural disasters; scientific researches; scientific research in the field of environmental protection; software as a service [SaaS]; software development within a framework related to software deployment; software design services for data processing; providing technical information relating to computers through guides and brochures; providing technological consultations; technology consulting services for digital transformation; technological research; providing consultations related to telecommunications network security; providing consultations related to communications technology; urban planning; conducting underwater exploration operations; user data authentication services using single sign-on technology for online software applications; water analysis; editing computer codes;

none of the aforementioned services being used in connection with training and education services in the field of coding and computer programming.