o/0633/25

TRADE MARKS ACT 1994

IN THE MATTER OF
TRADE MARK APPLICATON NO. 3919170
BY YANG CHEN TO REGISTER AS A SERIES OF TWO TRADE MARKS:

MARK 1

MARK 2

IN CLASS 09

AND

IN THE MATTER OF OPPOSITION THERETO UNDER NO. 444323
BY GOBRANDS, INC.

BACKGROUND AND PLEADINGS

1. On 05 June 2023, Yang Chen ("the Applicant") applied to register the series of trade marks displayed on the cover page of this decision, under number 3919170 ("the Applicant's mark"). It was accepted and published in the Trade Marks Journal on 25 August 2023 in respect of the following goods:

> Class 09: Computer software applications, downloadable; computer programs, downloadable; data processing software; downloadable image files; downloadable graphics for mobile phones; computer programs, recorded; downloadable music files; downloadable digital music; pre-recorded data carriers containing text, pictures and film; downloadable ring tones for mobile phones; downloadable internet games; Internet and web-based application software; browser software for computer networks; Computer software to enable browsing on global computer networks.

2. On 27 November 2023, the Applicant's mark was opposed by GoBrands, Inc. ("the Opponent"). The opposition is brought under section 5(2)(b) of the Trade Marks Act 1994 ("the Act") and is directed against all of the goods specified in the application.

3. The Opponent relies upon the following International Registration:

International Registration designating the UK no. WO0000001585692
UK designation date: 02 March 2021
Protection conferred date: 11 March 2025
International Registration Date: 02 March 2021
Relying on the following goods only:

Class 09: Downloadable computer software for use in ordering, paying for, and tracking delivery of a variety of consumer goods.

4. By virtue of its earlier filing date, the above registration constitutes an earlier mark within the meaning of section 6 of the Act. However, as it had not been protected for five years or more at the filing date of the application, it is not subject to the use requirements specified within Section 6A of the Act.

5. In its notice of opposition, the Opponent submits that the Applicant's mark is visually highly similar, and aurally and conceptually identical to its mark, and has been applied for in respect of identical, or at least highly similar, goods in class 09.

6. The Applicant filed a counterstatement disputing the Opponent's claims. They state that there are a number of visual differences between the marks, and that the overall look and stylisation of the respective marks is sufficiently different to enable consumers to easily distinguish between them.

7. Following the counterstatement the Applicant restricted its class 09 specification by filing a Form TM21B. The current specification is shown below:

Class 09: Computer software applications, downloadable, namely downloadable mobile applications for the playback of videos and music streaming; downloadable image files; downloadable graphics for mobile phones; downloadable music files; downloadable digital music; downloadable ring tones for mobile phones; downloadable internet games; none of the aforementioned goods relating to veterinary or animal applications, none being goods for use in connection with navigation, mapping and/or other location-based goods or services, and none being for use in connection with ordering, paying for, and tracking of consumer goods.

8. The Opponent is represented by Abion UK Limited, and the Applicant is represented by Trademarkit LLP. Neither party filed evidence, nor did they request a hearing, however, the Opponent filed written submissions in lieu. I make this decision having taken full account of all the papers, referring to them as necessary.

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): legislation and case law

10. The opposition is based upon section 5(2)(b) of the Act which reads 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."

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

> (a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

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

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

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

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

(k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

Comparison of goods

13. Section 60A of the Act provides:

"(1) For the purpose of this Act goods and services-

(a) are not to be regarded as being similar to each other on the ground that they appear in the same class under the Nice Classification.

(b) are not to be regarded as being dissimilar from each other on the ground that they appear in different classes under the Nice Classification.

(2) In subsection (1), the "Nice Classification" means the system of classification under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, which was last amended on 28 September 1979."

14. For the purposes of considering the issue of similarity of goods, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Albingia SA v Axis Bank Limited,* BL O/253/18, a decision of the Appointed Person, Professor Phillip Johnson, at paragraph 42).

15. 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."

16. 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.

17. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06, the General Court stated that "complementary" means:

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

18. The goods to be compared are:

The Opponent's goods	The Applicant's goods
Class 09: Downloadable computer software for use in ordering, paying for, and tracking delivery of a variety of consumer goods.	**Class 09:** Computer software applications, downloadable, namely downloadable mobile applications for the playback of videos and music streaming; downloadable image files; downloadable graphics for mobile phones; downloadable music files; downloadable digital music; downloadable ring tones for mobile phones; downloadable internet games; none of the aforementioned goods relating to veterinary or animal applications, none being goods for use in connection with navigation, mapping and/or other location-based goods or services, and none being for use in connection with ordering, paying for, and tracking of consumer goods.

19. The Opponent submits that the goods in question are at least highly similar, stating that the goods specified in the Applicant's mark, namely, '*Computer software applications, downloadable, namely downloadable mobile applications for the playback of videos and music streaming'* and those of the Opponent's mark are both forms of software, sharing the same nature, method of use, distribution channels, relevant public and usual origin. In addition, the Opponent's mark covers software which relates to '*consumer goods'* and the Applicant's mark relates to music and videos, both of which fall under the broad category of consumer goods, as per *Gérard Meric.* [1] Further, they submit that the '*downloadable image files; downloadable graphics for mobile phones; downloadable music files; downloadable digital music; downloadable ring tones for mobile phones; downloadable internet games'* covered by the Applicant's mark also fall within the broad category of '*consumer goods'* meaning that the application covers software for the "ordering, paying for, and tracking delivery of" those particular goods. As a consequence, the Opponent submits that the respective goods must be viewed as highly similar to one another.

Computer software applications, downloadable, namely downloadable mobile applications for the playback of videos and music streaming; downloadable image files; downloadable graphics for mobile phones; downloadable music files; downloadable digital music; downloadable ring tones for mobile phones; none of the aforementioned goods relating to veterinary or animal applications, none being goods for use in connection with navigation, mapping and/or other location-based goods or services, and none being for use in connection with ordering, paying for, and tracking of consumer goods.

20. The above terms are software and software applications that are downloaded by the user in order to view, listen to, or stream multimedia such as images, videos and music. On the other hand, whist it is noted that the Opponent's goods cover downloadable software, they are specifically restricted for the purpose of ordering, paying for, and tracking delivery of a variety of consumer goods. I acknowledge that the nature and methods of use for these goods may

[1] Gérard Meric v Office for Harmonisation in the Internal Market, Case T 133/05

overlap to some degree on the basis that the goods at issue are all items of software that will be used in the ordinary way. Further, the channels of trade may coincide in that both sets of goods could be downloaded from app stores or websites. However, whilst both sets of goods may be used by the general public, I consider the goods to have different core purposes, with one used for entertainment purposes, and the other used in the process of purchasing, and subsequently tracking the delivery of, consumer goods. This is too broad a finding for this to result in finding the goods to be similar. Accordingly, I do not consider the goods to be in competition with one another as they are likely to be purchased and used for different reasons. Finally, there is no complementarity between the goods as neither are indispensable or important for the use of the other. As a result, I consider the goods to be dissimilar.

downloadable internet games; none of the aforementioned goods relating to veterinary or animal applications, none being goods for use in connection with navigation, mapping and/or other location-based goods or services, and none being for use in connection with ordering, paying for, and tracking of consumer goods.

21. The above term is software that is downloaded by the user in order play internet games. On the other hand, whist it is noted that the Opponent's goods cover downloadable software, they are specifically restricted for the purpose of ordering, paying for, and tracking delivery of a variety of consumer goods. I acknowledge that the nature and methods of use for these goods may overlap to some degree on the basis that the goods at issue are all items of software that will be used in the ordinary way. Further, the channels of trade may coincide in that both sets of goods could be downloaded from app stores or websites. Additionally, whilst both sets of goods may be used by the general public, I consider the goods to have different core purposes, with one used for entertainment purposes, and the other used in the process of purchasing, and subsequently tracking the delivery of, consumer goods. Once again this is too broad and general for a finding of similarity. Accordingly, I do not consider the goods to be in competition with one another as they are likely to be purchased for different reasons. Finally, there is no complementarity between the goods

as neither are indispensable or important for the use of the other. As a result, I consider the goods to be dissimilar.

22. I have found no similarity between the goods and where there is no similarity there cannot be a likelihood of confusion. Consequently, the opposition under Section 5(2)(b) therefore fails.[2]

23. However, if I am wrong in my finding above and there is a degree of similarity between the goods, which cannot be more than low, then I shall proceed to consider the case on this basis below.

The average consumer and the nature of the purchasing act

22. 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 (see *Lloyd Schuhfabrik Meyer,* Case C-342/97).

23. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited,* [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

> "60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words "average" denotes that the person is

[2] See eSure Insurance v Direct Line Insurance, [2008] ETMR 77 CA and Waterford Wedgwood PLC v OHIM - C-398/07 P

typical. The term “average” does not denote some form of numerical mean, mode or median.”

24. The Opponent’s downloadable software products have been qualified as ‘for use in ordering, paying for, and tracking delivery of a variety of consumer goods’. Whilst this limitation specifies the purpose of the computer software, it is still considered to be quite broad. As such, I consider the average consumer of the Opponent’s goods to be both the general public at large, as well as businesses, both wishing to order, pay and track the delivery of particular goods that they have bought or sold. The Applicant’s goods are all relatively broad in nature and are considered to be more common types of software that are likely to be purchased by the general public at large.

25. Given that some of the software goods have been qualified for use for a specific purpose, they are likely to be purchased relatively infrequently. However, for the general software goods they are likely to be purchased quite frequently. As all of the respective software goods are ‘downloadable’ I would expect them to be purchased primarily online from websites or app stores, however they may also be purchased following interactions with sales advisors. Regardless of the identity of the average consumer, considerations such as technical reviews of the software, price, quality, ease of use, suitability of the product and functionality would be taken into account before purchasing. That being said, I appreciate that some software goods purchased by the general public may include a subcategory of goods that are likely to be casual purchases, for example, in the form of free downloadable internet games. The selection process would be a combination of visual and aural; some consumers would seek information from written reviews and recommendations, particularly on the internet, whereas others would receive verbal advice from sales representatives, particularly in the case of tele-sales, or even from word-of-mouth recommendations. I consider that for the qualified software goods, the average consumer will want to ensure that the software procured is appropriate for the consumer’s needs, especially in the case of a business purchasing the software, and as such, they will pay a higher-than-average degree of attention

during the purchasing act. However, for the general software goods, that are frequently purchased by the public at large, the level of attention is likely to between low and medium. I say this because these types of software goods can be purchased very cheaply, if not downloaded for free, via app stores on mobile devices.

Comparison of trade marks

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

27. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account the distinctive and dominant components of the trade marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the trade marks.

28. The trade marks to be compared are as follows:

The Opponent's mark	**The Applicant's marks**

	Mark 1  Mark 2 

29. The Opponent submits that the respective marks are visually highly similar. They state that the stylised additions are insufficient to differentiate the marks, adding that these elements are devoid of any distinctiveness as they consist solely of standard fonts and banal figurative elements. Next, they argue that, given the word elements are identical, the marks will be pronounced in an identical manner. Finally, the Opponent submits that because the marks share the exact same word element ‘GO’, and that there is no conceptual meaning arising from the minor stylised elements, the relevant consumer will perceive the same meaning from both marks. As a result, they consider the marks to be conceptually identical.

30. The Applicant, on the other hand, submits that there are a number of visual differences between the respective marks. They state that the verbal element ‘go’ in the contested application appears in lower-case letters, whereas it appears in upper-case in the Opponent’s mark. Additionally, they argue that the Opponent's mark features a blue square with sharp-angled edges, whereas the contested mark features a square with rounded edges, as well as a tri-oval shape in which the word GO appears, which is completely absent from the

Opponent's mark. Consequently, they submit that the overall look and stylisation is sufficiently different to enable consumers to easily distinguish the marks.

Overall Impression

31. The Opponent's mark is a figurative mark that consists of the two-letter word 'go' written in white and presented on a blue square background. I find that the word element of the mark is the dominant element and that the colour and simple stylisation will have little impact on the overall impression of the mark.

32. The Applicant's marks are both figurative marks consisting of the word 'GO' presented within a tri-oval shape. In the first mark in the series this shape appears in two shades of blue and is presented in a white square with rounded corners, whilst in the second mark in the series it appears in white and grey and is presented in a black square with rounded corners. I find that the word element of the mark is the dominant element and while the device element is noticeable, one's eye is drawn to the word element which make the greater contribution in forming the overall impression.

Visual Comparison

33. The element that overlaps in the marks is the word 'GO', albeit in a different font and case. The other decorative elements of the marks differ. Bearing in mind the overall impression of the marks, I find there to be a high degree of visual similarity.

Aural Comparison

34. Aurally, the Opponent's mark will be articulated in accordance with its readily understood dictionary definition, as would the Applicant's mark. The stylistic elements of both the Opponent's and Applicant's marks will not be articulated and therefore I consider the marks to be aurally identical.

Conceptual Comparison

35. Conceptually, the ordinary dictionary word 'GO', present in both the Opponent's and Applicant's marks, will be readily understood by the average consumer as meaning 'to proceed', as per its dictionary definition. The stylistic elements of the respective marks do not convey immediately identifiable concepts. As a result, the marks are conceptually identical.

Distinctive character of the Opponent's mark

36. 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)."

37. 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, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctive character of a mark can be enhanced by virtue of the use that has been made of it. The Opponent has not claimed that its mark has acquired an enhanced degree of distinctiveness and did not file any evidence to that effect. As such, I have only the inherent position to consider.

38. The earlier mark consists of an ordinary dictionary word which, although not descriptive in relation to the Opponent's goods, does possess allusive qualities. It will be given its ordinary meaning, referring to movement or travel, alluding to the consumer that the goods they have purchased are on the move (go). Additionally, there is nothing particularly unusual or striking about the overall presentation and stylistic elements of the mark and I do not consider them to increase the distinctiveness of the mark as a whole. Overall, I consider that the earlier mark has a lower-than-average degree of inherent distinctiveness.

Likelihood of confusion

39. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related.

40. 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 (see *Sabel*, C-251/95, para 22). 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 (see *Canon*, C-39/97, para 17). It is necessary for me to keep in mind the distinctive character of the earlier marks, 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.

41. Whilst conducting a global assessment of the likelihood of confusion I must be aware of the fact that not all aspects of the respective marks will necessarily have the same impact. For example, the importance of the respective visual, aural and conceptual aspects will be dependent on factors such as the way the goods at issue are marketed, and in which type of store/platform they are made available.

42. Throughout the course of this decision, I have determined that:

- In paragraph 22 of this decision, I found that the respective goods were dissimilar, however I proceeded on the basis that if this find was incorrect then the goods are similar to no more than a low degree.

- The average consumers of the Opponent's goods are both the general public at large, as well as businesses who will demonstrate a higher-than-average level of attention when purchasing the goods. The average consumer for the Applicant's goods is the general public who will demonstrate between low and medium level of attention during the purchasing process.

- The purchasing process for the goods would be a combination of visual and aural.

- The Opponent's mark possesses a lower-than-average degree of inherent distinctive character.

- The marks at issue are visually similar to a high degree. The marks are aurally identical. The marks are conceptually identical.

43. The Opponent's mark contains the word 'go' written in a simple white font and presented on a blue background. The word 'GO' is also the sole verbal element in the Applicant's marks, with one presented again in white, inside a blue triangular device, and the other in a greyscale version of the same. It is therefore considered that the element of the Opponent's mark which gives it its distinctive character is contained wholly within the Applicant's mark. As indicated in *Kurt Geiger v A-List Corporate Limited* BL O-075-13, the likelihood of confusion is increased if the distinctive character resides in the element of the marks that are identical or similar. Additionally, and bearing in mind the interdependency principle, I remind myself that a lesser degree of similarity between the goods may be offset by a greater degree of similarity between the marks. Thus, considering the overall levels of visual, aural, and conceptual similarity between the competing marks, I am of the view that the differences created by the fairly banal stylistic elements are likely to be insufficient to distinguish the Applicant's goods from those of the Opponent's. Considering imperfect recollection, it is entirely foreseeable that the average consumer, even when demonstrating a higher-than-average level of attention during the purchasing process, may not recall the respective marks with sufficient accuracy to differentiate between them.

Conclusion

44. The opposition under Section 5(2)(b) of the Act has failed due to my findings regarding the dissimilarity of the respective goods. Subject to any successful appeal, the application will proceed to registration for all of the applied for goods.

Costs

45. As the Applicant has been successful, it is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice ("TPN") 1/2023. [3] In the circumstances, I award the Applicant the sum of £350. The sum is calculated as follows:

Official Fee	£100
Considering the notice of opposition and preparing the counterstatement	£250
Total	**£350**

46. I therefore order **GoBrands, Inc.** to pay **YANG CHEN.** the sum of £350. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 11th day of July 2025

Oliver Rose'Meyer
For the Registrar

[3] As the proceedings were commenced after 01 February 2023.