

O/0660/25

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00004047111

BY SERMOS 32, S.L.

TO REGISTER THE FOLLOWING TRADE MARK:

MINUTO 93

IN CLASSES 3, 9, 14, 16, 18, 21, 24, 25, 28, 29, 30, 31, 32, 33, 35, 38, 41 AND 43

AND IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 449099

BY MINUTY SAS

BACKGROUND AND PLEADINGS

1. On 3 May 2024, SERMOS 32, S.L. (“the applicant”) applied to register the trade mark **MINUTO 93**, in the UK. The application was published for opposition purposes on 24 May 2024 and registration is sought for the goods and services set out in Annex 1 to this decision.

2. On 14 August 2024, the application was partially opposed by Minuty SAS (“the opponent”) based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opponent relies upon the following trade mark:

MINUTY

UKTM no. 801251296¹

Filing date 15 April 2015; registration date 20 April 2016

Priority date 17 October 2014 (France)

Relying on all goods for which the mark is registered, namely:

Class 33 Wines.²

3. The opposition is directed at only those goods and services within the application that are highlighted in bold in Annex 1 to this decision. The opponent claims that the marks are similar and the goods and services are identical or similar, with the result that there is a likelihood of confusion.

4. The applicant filed a counterstatement denying the grounds of opposition and requesting that the opponent provide proof of use of its mark.

¹ On 1 January 2021, the UK left the EU after the expiry of the transition period. Under Article 54 of the Withdrawal Agreement, the Registry created comparable UK trade marks for all rights holders with an existing International Registrations designating the EU (“IREU”). As a result of the opponent having an IREU being protected as at the end of the Implementation Period, a comparable UK trade mark was automatically created. The comparable trade mark shown here is now recorded on the UK trade mark register, has the same legal status as if it had been applied for and registered under UK law, and retains its original filing date.

² The opponent originally relied upon the term “alcoholic beverages (except beers), wines”, but reliance upon this was limited to “wines” only in the opponent’s skeleton argument.

THE HEARING

5. A short format hearing took place before me on 17 June 2025, by video conference. The opponent was represented by Jasper Smith of Wilson Gunn. A skeleton argument was filed in advance of the hearing.

6. The applicant elected not to attend the hearing, but has been represented throughout these proceedings by Pure Ideas Limited. They did not file written submissions in lieu of attendance.

EVIDENCE

7. The opponent filed evidence in the form of:

- a. The witness statement of François Matton dated 26 December 2024, which is accompanied by 14 exhibits (FM1 to FM14). Mr Matton is General Director of the opponent.
- b. The witness statement of Justine Boquien dated 19 December 2024. Ms Boquien is Legal Counsel who confirms that exhibit FM8 contains an accurate translation.

8. The applicant elected not to file evidence.

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

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

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

(a)...

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

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

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

“5A 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. Given its earlier filing date, the trade mark upon which the opponent relies qualifies as an earlier trade mark pursuant to section 6 of the Act. As the earlier mark had completed its registration process more than 5 years prior to the filing date, it is subject to the use provisions in section 6A of the Act.

Proof of use

13. The relevant statutory provisions are as follows:

“6(1) This section applies where:

(a) an application for registration of a trade mark has been published,

(b) there is an earlier trade mark of a kind falling within section 6(1)(a), (aa) or (ba) in relation to which the conditions set out in section 5(1), (2) or (3) obtain, and

(c) the registration procedure for the earlier trade mark was completed before the start of the relevant period.

(1A) In this section “the relevant period” means the period of 5 years ending with the date of the application for registration mentioned in subsection (1)(a) or (where applicable) the date of the priority claimed for that application.

(2) In opposition proceedings, the registrar shall not refuse to register the trade mark by reason of the earlier trade mark unless the use conditions are met.

(3) The use conditions are met if –

(a) within the relevant period the earlier trade mark has been put to genuine use in the United Kingdom by the proprietor or with his consent in relation to the goods or services for which it is registered, or

(b) the earlier trade mark has not been so used, but there are proper reasons for non- use.

(4) For these purposes -

a) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and

(b) use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(5)-(5A) [Repealed]

(6) Where an earlier trade mark satisfies the use conditions in respect of some only of the goods or services for which it is registered, it shall be treated for the purposes of this section as if it were registered only in respect of those goods or services.”

14. Section 100 of the Act is also relevant, which reads:

“If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it.”

15. The relevant period for assessing genuine use is the five-year period ending with the filing date of the application i.e. 4 May 2019 to 3 May 2024. As the earlier mark is a comparable mark, use within the EU is relevant for the part of the relevant period which falls prior to IP Completion Day (i.e. 31 December 2020).³ Only use in the UK will be relevant after that date.

16. In *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247, Arnold LJ summarised the law relating to genuine use as follows:

“105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and*

³ See paragraph 7 of Part 1, Schedule 2A of the Act.

Designs) [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bunderversvereinigung Kamaradschaft 'Feldmarschall Radetsky* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Marken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 *P Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

106. Ignoring issues which do not arise in the present case, such as use in relation to spare parts or second-hand goods and use in relation to a sub-category of goods or services, the principles may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Centrotherm* at [71]; *Leno* at [29]; *Ferrari* at [32].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for

the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].”

17. Proven use of a mark which fails to establish that “the commercial exploitation of the mark is real” because the use would not be “viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods or services protected by the mark” is, therefore, not genuine use.

18. Mr Matton gives evidence that MINUTY wines were first sold in the UK in 1999 and that over 600,000 bottles have been sold each year. He has provided the following turnover figures for the UK market:

2019	Over €2.3million
2020	Over €2.9million
2021	Over €3.9million
2022	Over €3.8million
2023	Over €4.4million

19. I recognise, of course, that only some of the turnover for 2019 and 2024 would fall within the relevant period. This evidence is supported by invoices, which show deliveries of the goods being made to locations such as London, Newport, Hertfordshire and Berkshire.⁴ The invoices relate to various products which include the word MINUTY in the product description, as well as the words blanc, rouge and rosé.

20. In this regard, Mr Matton has filed dictionary definitions which relate to the words blanc, rouge and rosé.⁵ Rosé is plainly a type of wine that is pink in colour, as supported by the definition filed. Mr Matton states that blanc and rouge will be understood, in the context of wine, as referring to white and red wine (a fact that is, in my view, so notorious that I am entitled to take it on judicial notice). Despite that, Mr

⁴ Exhibit FM6

⁵ Exhibits FM10, FM13 and FM14

Matton has proceeded to file definitions that entirely contradict his position; they state as follows:

blanc

in American English

(blæŋk, French blɑː)

noun

Word forms: plural **blancs** (blæŋks, French blɑː)

1. a silver coin of France of the 14th–18th centuries, debased in later years
2. an Anglo-Gallic copy of this coin, issued by Henry VI
3. *French Cookery*
a liquid for poaching meat, fish, or vegetables, often containing wine, herbs, and vegetables; court-bouillon

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rouge

(ruːʒ  )


Word forms: rouges , rouging , rouged 

1. uncountable noun

Rouge is a red powder or cream which you can put on your cheeks in order to give them more colour.
[old-fashioned]

2. verb

If someone **rouges** their cheeks or lips, they put red powder or cream on them to give them more colour.

Florentine women rouged their earlobes. [VERB noun] 

She had curly black hair and rouged cheeks. [VERB-ed] 

21. It is difficult to see what Mr Matton was hoping to achieve with these definitions as they contradict his own account of what the words mean. In the context of wine, it seems to me that these definitions would be entirely illogical and that the products listed in the invoices are plainly red, rosé and white wine.

22. There are examples of the word MINUTY being used solus in the evidence. It also appears as follows:⁶

⁶ Exhibits FM2 and FM3



23. I am satisfied that all of the above uses are acceptable use of the earlier mark as registered.⁷ This is because the word MINUTY retains its independent distinctive role within the mark either because the word MINUTY is still used independently on the packaging (such as in the M MINUTY example) or because it is combined with a weak or non-distinctive element (such as PRESTIGE or CHATEAU). I am also satisfied that the opponent had genuinely used the earlier mark during the relevant period in relation to red, white and rosé wine. I agree with the opponent that a fair specification for the earlier mark is:⁸

Class 33 Wines.

⁷ *Colloseum Holdings AG v Levi Strauss & Co.*, Case C-12/12

⁸ *Euro Gida Sanayi Ve Ticaret Limited v Gima (UK) Limited*, BL O/345/10 and *Merck KGaA v Merck Sharp & Dohme Corp & Ors* [2017] EWCA Civ 1834

Section 5(2)(b) – case law

24. 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 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 to mind the earlier mark, 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 will wrongly believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods

25. In light of my findings above, the competing goods are as follows:

Opponent's goods	Applicant's goods
<u>Class 33</u> Wines.	<u>Class 32</u> Beers. <u>Class 33</u> Alcoholic beverages, except beers; alcoholic preparations for making beverages.

	<p><u>Class 35</u> Retail and wholesale services in shops, online retail services in relation to beers, alcoholic beverages, alcoholic preparations for making beverages.</p> <p><u>Class 43</u> Services for providing food and drink.</p>
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26. 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 for 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.”

27. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account. 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 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.”

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

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

Class 32

Beers.

29. In terms of nature, the parties' goods overlap at a general level to the extent that they are all alcoholic beverages. However, the production methods differ; wine is a grape-based drink, whereas beer is developed from barley/wheat. Beer is a long drink with lower alcohol content, whilst wine tends to be drunk in shorter measures (although not as short as spirits, for example) with higher alcohol content. In terms of purpose, they may all be consumed by the same users for a pleasurable drinking experience (which may include the intoxicating effects of alcohol). The method of use will, of course, overlap. There may be some degree of competition between the goods, but the competitive choice is more likely to be between different types of wines or different types of beer. I accept that the goods may be sold within reasonable proximity in retailers; however, beers and wines tend to be sold in distinct areas within the alcoholic

beverages section. I accept that both may be displayed in fridges behind a bar. Taking all of this into account, I agree with Mr Smith's submission that the goods are similar to a low degree.

Class 33

Alcoholic beverages, except beers.

30. These goods are identical to the opponent's "wines" on the principle outlined in *Meric*.

Alcoholic preparations for making beverages.

31. These goods differ in method of use to the opponent's goods because the opponent's goods are the finished article, whereas the applicant's goods are used to produce alcoholic beverages. Mr Smith submitted that there is an overlap in purpose to the extent that they both facilitate the drinking of alcoholic beverages; that might be the case, but it seems to me that that overlap is at a very superficial level. The specific purpose of the goods differs (one being for consumption and the other being for the preparation of a drink for consumption). The nature of the goods will differ for the same reason. There may be some overlap in user, where members of the general public make their own beverages at home. The trade channels are likely to differ, with the opponent's goods being sold through supermarkets, off-licences and bars and the applicant's goods being sold by specialist retailers. There is no competition given the differing purposes and no complementarity as one is not important or indispensable for the other.⁹ Taking all of this into account, I consider the goods to be similar to a low degree.

32. In this regard, I have borne in mind the decision of this Tribunal in *PATRO EL CIELO* BL O/0434/24 referred to by Mr Smith, in which broadly comparable terms were found to be similar to a medium degree. Whilst I have carefully considered that

⁹ *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06

decision, my view is that a distinction should be drawn between alcoholic beverages per se and preparations for making those beverages. That is why I have found them to be similar to only a low degree.

Class 35

Retail and wholesale services in shops, online retail services in relation to [...] alcoholic beverages [...].

33. The above term would naturally include retail services relating to the opponent's goods. Consequently, there would plainly be an overlap in trade channels and user. The nature of the goods and services clearly differ, as does the method of use and purpose. However, they are complementary as one is important or indispensable for the other, such that the average consumer would believe that they originate from the same undertaking. I find them to be similar to a medium degree.

Retail and wholesale services in shops, online retail services in relation to beers [...].

34. These services do not relate to the goods covered by the opponent's specification and, consequently, they are not important or indispensable for each other; there is, therefore, no complementarity. The trade channels may overlap, as the same businesses that offer retail services of beers may also sell wines. The user may also overlap. The nature, purpose and method of use of the goods and services clearly differ. There is no competition between them. In my view, they are similar to only a low degree.

Retail and wholesale services in shops, online retail services in relation to [...] alcoholic preparations for making beverages.

35. These services are not complementary to the opponent's goods; they relate to different goods that would be sold through different retailers. There may be some overlap in user. However, the nature, method of use and purpose of the goods and services would clearly differ. There is no competition between them. In my view, the

goods and services are dissimilar. If I am wrong in that finding, then they are similar to only a low degree.

Class 43

Services for providing food and drink.

36. There is overlap in trade channels, as someone might choose to purchase the opponent's goods from the provider of the applicant's services. The user will plainly overlap. In my view, that is where any similarity between the goods and services ends. Consequently, I agree with Mr Smith's submission that they are similar to a low degree.

The average consumer and the nature of the purchasing act

37. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purposes 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 and services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

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

39. The average consumer for the goods and services will be members of the general public (who are over the age of 18 in the case of alcohol-related goods/services) or

business users that purchase the goods for the purpose of supplying their businesses. The goods and services are likely to vary in cost; whilst not everyday purchases, they are likely to be purchased reasonably frequently. The average consumer is likely to consider factors such as flavour, age and origin for the goods and customer service standards and location for the services. Taking all of this into account, I consider that a medium degree of attention is likely to be paid during the purchasing process, although I recognise that it might be slightly higher for business users (although still not at the highest end of the scale).

40. The goods are likely to be self-selected from the shelves of a retail outlet or following perusal of a drinks menu, or bottles behind a bar. The services are likely to be purchased following perusal of signage at physical premises, on websites or advertisements. Consequently, visual considerations are likely to dominate the purchasing process. However, given that orders may be placed aurally, and word-of-mouth recommendations may play a part, I do not discount an aural component.

Comparison of trade marks

41. It is clear from *Sabel* 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 impression created by the trade marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

42. 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.

43. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
MINUTY	MINUTO 93

Overall Impression

44. The opponent's mark consists of the word MINUTY presented in a slightly stylised font. The overall impression of the mark predominantly resides in the word itself, with the stylisation playing a much lesser role.

45. The applicant's mark consists of the word/number combination MINUTO 93. The word MINUTO is likely to be the more distinctive element, as 93 is likely to be seen as a reference to a date or product number.

Visual Comparison

46. The first five letters of each mark are identical. They differ in the endings, being -Y in the opponent's mark and -O 93 in the applicant's mark. I bear in mind that the beginnings of marks tend to make more of an impact than the ends.¹⁰ The applicant's mark is a word only mark so could be used in any font. In my view, the marks are visually similar to between a medium and high degree.

¹⁰ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

Aural Comparison

47. The applicant's mark is likely to be pronounced MIN-OOO-TOE-NINE-TEE-THREE. The opponent's mark is likely to be pronounced MIN-OOO-TEE. Consequently, I consider the marks to be aurally similar to a medium degree.

Conceptual Comparison

48. I agree with Mr Smith's submission that the words MINUTO/MINUTY are likely to be viewed as invented or foreign language words with no particular meaning. They are, therefore, conceptually neutral. I consider that the number 93 is likely to be viewed as a date/product number. Whilst this might be a point of conceptual difference, it is not a distinctive one.

Distinctive character of the earlier trade mark

49. 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 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-2779, paragraph 49).

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

50. 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/services, 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.

51. The earlier mark consists of the word MINUTY in a slightly stylised font. I do not consider that the stylisation contributes significantly to the distinctiveness of the mark. However, the word MINUTY will be viewed as an invented or foreign language word with no clear meaning. Consequently, it is inherently distinctive to a high degree.

52. I have summarised much of the opponent’s evidence of use above. Its unchallenged evidence shows that the earlier mark has been in use in the UK in relation to wine since 1999, meaning use is longstanding. It is also fairly intensive given the number of bottles sold (and turnover figures listed above). I do not have any evidence as to the amount that has been spent on advertising in the UK. However, the brand has received some accolades/media coverage: Wine of the Week (*The London Economic*, 2021), Best Rosé Wine 2023 (*Square Meal*, 2023), Best Wines for Easter (*City AM*, 2023), 9 best rosé wines to raise a glass to this summertime (*The Independent*, 2023) and The best rosé wines to stock up on this Spring (*GQ*, March 2024).¹¹ It is also Mr Matton’s unchallenged evidence that MINUTY wines has a 6.45% share of the Rosés de Provence market in the UK. Whilst I note that this figure is not particularly high, I bear in mind that it is undoubtedly a crowded market. The use seems to have been geographically widespread bearing in mind the addresses listed in the invoices (see above). In addition to this, I note the document created for the financial year 2020/2021 that Mr Smith drew my attention to which shows that Berkman Wine Cellars have been distributing the opponent’s products in regions it

¹¹ Exhibit FM3

describes as London, South, North, South West and Scotland.¹² In my view, when taken as a whole, the evidence shows that the distinctiveness of the earlier mark has been enhanced through use to a very high degree in relation to wine.

Likelihood of confusion

53. 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 them and the goods/services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the goods/services may be offset by a greater degree of similarity between the marks, and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the goods/services and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

54. I have found as follows:

- a. The goods and services vary from being dissimilar to identical.
- b. The average consumer for the goods and services is a member of the general public or business user who will pay a medium degree of attention when purchasing the goods (although I recognise it may be higher in some circumstances, although not at the highest end of the scale).
- c. The purchasing process will be predominantly visual, although I do not discount an aural component.

¹² Exhibit FM5

- d. The marks are visually similar to between a medium and high degree and aurally similar to a medium degree. The words MINUTY and MINUTO are conceptually neutral and, whilst the number 93 may be a point of conceptual difference, it is not a distinctive one.
- e. The earlier mark is inherently distinctive to a high degree, which has been enhanced through use to a very high degree in relation to wines.

55. In my view, given that the number 93 is likely to be viewed as a date or product number by a significant proportion of average consumers (and, therefore, attributed little or no trade mark significance), there is a possibility that it will be overlooked and the words MINUTY/MINUTO will be mistaken one for the other. This will apply even where a higher than medium degree of attention is being paid. However, where the goods/services are similar to only a low degree, I consider that the distance between them will be sufficient to offset the similarity of the marks. Consequently, I find a likelihood of direct confusion for only those goods/services that I have found to be similar to a medium degree or higher.

56. I will now consider whether there is a likelihood of indirect confusion. In *L.A. Sugar Limited v By Back Beat Inc*, Case 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)”.

57. If the presence of the number 93 is recalled, in my view, the words MINUTY/MINUTO will still be mistakenly recalled or misremembered as each other. In those circumstances, the addition of the number 93 will be seen as a non-distinctive addition and there will be a likelihood of indirect confusion. However, as above, this applies only to those goods/services that I have found to be similar to a medium degree or higher. Where the goods/services are similar to only a low degree, I consider that the distance between them is sufficient to offset the similarity of the marks and avoid a likelihood of confusion arising.

58. In reaching this conclusion, I have borne in mind that there was some discussion at the hearing as to whether the opponent was entitled to rely upon any enhanced distinctiveness in light of the fact that it had not been specifically pleaded. Given that

the distinctiveness of the earlier mark is a matter inherently linked with the assessment of likelihood of confusion, I do not consider that the failure of the opponent to specifically plead enhanced distinctiveness is problematic in this instance. However, even if that is wrong, my decision would have been the same even if proceeding on the basis of the inherent distinctiveness of the earlier mark alone (which, as noted above, is high in any event).

CONCLUSION

59. The opposition is successful in relation to the following goods and services, in respect of which the application is refused (subject to appeal):

Class 33 Alcoholic beverages, except beers.

Class 35 Retail and wholesale services in shops, online retail services in relation to alcoholic beverages.

60. The opposition is unsuccessful in relation to the following goods and services, in respect of which the application may proceed to registration (subject to appeal) along with the terms which are unopposed:

Class 32 Beers.

Class 33 Alcoholic preparations for making beverages.

Class 35 Retail and wholesale services in shops, online retail services in relation to beers, alcoholic preparations for making beverages.

Class 43 Services for providing food and drink.

61. For the avoidance of doubt, the goods and services for which the application may proceed to registration are set out in Annex 2 to this decision.

COSTS

62. The applicant has enjoyed the greater degree of success. Consequently, it is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023. I bear in mind that whilst there was a hearing, the applicant did not attend. I have also accounted for the only partial success. Consequently, I award the applicant the sum of **£450**, calculated as follows:

Preparing a counterstatement and considering the Notice of opposition	£150
Considering the other side's evidence	£300
Total	£450

63. I therefore order Minuty SAS to pay SERMOS 32, S.L. the sum of **£450**. 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 17th day of July 2025

S WILSON
For the Registrar

ANNEX 1

Class 3

Non-medicated cosmetics and toiletry preparations; Non-medicated dentifrices; Perfumery; Ethereal oils; Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Aromatic oils; Oils for toilet purposes; Eau de Cologne; Cosmetic kits; Make-up kits.

Class 9

Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus; Mobile telephone batteries; Electronic publications, downloadable; electronic sporting event tickets; Mobile apps; Computer software applications, downloadable; E-books; Talking books; Camera covers; Covers for glasses; Sleeves for laptops; cases for mobile devices, namely, mobile phones, tablets, e-books, GPS devices, wireless headphones; blockchain software; Cryptography software; downloadable virtual products, namely clothing, works of art, artistic objects, religious figures and figurines, badges; downloadable software for the creation, production and modification of animated and non-animated digital designs and characters, avatars, overlays and digital skins for access and use in virtual environments, online virtual environments and extended reality virtual environments; downloadable virtual goods for use online and in virtual environments, namely houses and real estate, non-commercial establishments, churches and chapels; NFC near field communications software; downloadable computer programs; downloadable computer programs authenticated by non-fungible tokens [NFT]; Downloadable digital files authenticated by non-fungible tokens [NFT]; Downloadable

digital files authenticated by non-fungible tokens for use with blockchain technology; Virtual collectibles authenticated by non-fungible tokens [NFTs] namely digital works of art; digital assets authenticated by non-fungible tokens (NFT), namely, sports uniforms, sports equipment, statues and works of art, paintings, decorative items, photographs, music, videos, video games, avatars, toys and games, video games, balls , collectible coins, collectible cards, collectible cards, posters, cards, books, automobiles, car parts and accessories; digital assets authenticated by non-fungible tokens (NFT), namely, buses, trucks, motorcycles, airplanes, boats, bicycles, scooters, drones, quads, tractors, airships, balloons, space vehicles, cosmetics and perfumery products, clothing , footwear, headgear, haberdashery, jewelry, costume jewelry and watches; digital assets authenticated by non-fungible tokens (NFT), namely, luggage items, handbags, briefcases, handbags, bags, backpacks, purses, wallets, key holders, toiletry bags, fanny packs, pencil cases, luggage tags, briefcases and other carrying items, goods real estate, furniture, event tickets, animated digital characters, stationery, computer parts and components, musical instruments; digital assets authenticated by non-fungible tokens (NFT), namely, information technology, audiovisual and photographic equipment, glasses, harnesses and saddlery, printing products, utensils and containers for household and culinary use, gymnastics articles and sports, badges, riding crops, harnesses and saddlery, collars, leashes and animal clothing, gift boxes, cutlery, tableware, fabrics, flags, pennants; digital assets authenticated by non-fungible tokens (NFT), namely, household linens, lighters, key chains; downloadable media files; virtual reality models, namely, glasses, helmets, controllers, body sensors, gloves and suits; downloadable image files; downloadable crypto keys to receive and spend cryptocurrency; data sets, recorded or downloadable; downloadable cartoons; downloadable graphic elements and emoticons for mobile phones; downloadable media; decorative magnets; audiovisual recordings; magnetic badges; video games, computer programs.

Class 14

Precious metals and their alloys; Jewellery; Precious and semi-precious stones; Horological and chronometric instruments; Paste jewellery; Imitation jewellery ornaments; Amulets [jewellery]; Decorative articles [trinkets or jewellery] for personal use; Bracelets; Decorative brooches [jewellery]; Chains [jewellery]; Imitation leather key chains; Key chains; Jewellery boxes; Cases for watches [presentation]; Pendants;

Necklaces [jewellery]; Diadems; Statues of precious metal; Statuettes of precious metal and their alloys; Figures of precious metal; Figurines of precious metal; Badges of precious metal; Lapel badges of precious metal; Key rings, not of metal; Key rings [split rings with trinket or decorative fob]; Key rings; Medals; Medallions; Commemorative medals; Coins; Collectable coins; Commemorative coins; Works of art of precious metal; Personal ornaments of precious metal; Trophies made of precious metals.

Class 16

Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks; Paper party decorations; Prints; Invitation cards; Printed publications; Periodicals; Books; Printed programmes; Bookmarkers; Desk mats; Souvenir banknotes; Gift cartons; Catalogues; Paper ribbons; Newsletters; Collages; Trading cards; Graphic prints; Paper boxes; Labels of paper; Table linen of paper; Engravings; Lithographic works of art; Works of art made of paper; Stickers [stationery]; Mats of paper for drinking glasses; Drip mats of cardboard; Tablemats of paper; Paperweights; Posters; Page holders; Cards; Cards; Rubber finger tips; Paper hangtags; Printed event admission tickets; Flags of paper.

Class 18

Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals; Saddlery; Wallets; Carrying cases; Bags; Bags; Bags; Travelling sets [leatherware]; Purses; Luggage tags; Briefcases; Rucksacks; Canvas bags; Leather bags and wallets; Hipsacks; Pocket wallets; Clutches [purses]; Key cases; Shoulder belts; Vanity cases, not fitted; Key cases made of leather; Key-cases of leather and skins; Bumbags; Card wallets [leatherware]; Cosmetic purses.

Class 21

Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making

materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware; china ornaments; Works of art made of glass; Statues of porcelain, ceramic, earthenware, terra-cotta or glass; Figurines of porcelain, ceramic, earthenware, terra-cotta or glass; Statues, figurines, plaques and works of art, made of materials such as porcelain, terra-cotta or glass, included in the class; Figurines of porcelain, ceramic, earthenware, terra-cotta or glass; Figurines made of terra cotta; Trivets [table utensils]; Fitted vanity cases; Table napkin holders; Glass stoppers for bottles.

Class 24

Textiles and substitutes for textiles; Linens; Curtains of textile or plastic; Flags and pennants of textile; Banners of textile; Valances; Printed textile labels; Oilcloth; Table linen; Bed blankets; Textile material; Tea towels; Handkerchiefs of textile; Bed linen; Wall hangings; Table napkins of textile; Textiles; Cloth; Fabrics; Printed textile piece goods; Towels of textile.

Class 25

Clothing, footwear, headgear; Religious garments; Sashes for wear; Waist belts; Neckties; Scarves; Caps being headwear; Caps [headwear]; Football shoes; Football jerseys; Soccer bibs; Sportswear; Athletic uniforms; Boots for sports; Pyjamas; Neck tube scarves.

Class 28

Games and playthings; Video game apparatus; Gymnastic and sporting articles; Decorations for Christmas trees; Soccer balls; Sports equipment; Football equipment; Bags specially adapted for sports equipment; Gloves made specifically for use in playing sports.

Class 29

Meat, fish, poultry and game; Meat extracts; Preserved, frozen, dried and cooked fruits and vegetables; Jellies, jams, compotes; Eggs; Eggs; Milk; Cheese; Butter; Yoghurt; Milk products; Edible oils and fats.

Class 30

Coffee, tea, cocoa and substitutes therefor; rice, pasta and noodles; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; chocolate; ice cream, sorbets and other edible ices; sugar, honey, treacle; yeast, baking-powder; salt, seasonings, spices, preserved herbs; vinegar, sauces and other condiments; ice (frozen water).

Class 31

Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt.

Class 32

Beers; non-alcoholic beverages; mineral and aerated waters; fruit beverages and fruit juices; syrups and other preparations for making non-alcoholic beverages.

Class 33

Alcoholic beverages, except beers; alcoholic preparations for making beverages.

Class 35

Advertising; Business management; Business organisation; Administration of business affairs; Promotion services; Online community management services; Business management services for footballers; **Retail and wholesale services in shops, online retail services in relation to** sporting goods, cosmetic and perfumery products, stationery and office requisites, saddlery and leather goods, namely, handbags, briefcases, handbags, bags, cases, luggage tags and briefcases, clothing, household linen, fabrics, utensils and containers for domestic use, haberdashery, jewelry, costume jewelery and watches, sports clothing and uniforms, games and toys, gymnastics and sports articles, sports equipment and bracelets, coffee, tea, cocoa and cocoa substitutes, rice, pasta and noodles, tapioca and sago, flours and preparations based on cereals, bread, pastry and confectionery products, chocolate, ice cream, sorbets, sugar, honey, treacle, yeast, baking powder, salt, seasoning products, spices, preserved herbs, vinegar, sauces and other condiments, raw and unprocessed

agricultural, aquacultural, horticultural and forestry products, raw grains and seeds or unprocessed, fruits and vegetables, fresh vegetables and legumes, fresh aromatic herbs, natural plants and flowers, bulbs, seedlings and seeds for planting, live animals, food products and beverages for animals, malt, **beers**, non-alcoholic beverages, mineral and carbonated waters, fruit-based beverages and fruit juices, syrups and other preparations for making non-alcoholic beverages, **alcoholic beverages**, **alcoholic preparations for making beverages**; creation, development and dissemination of advertising and promotional material on the Internet, mobile telecommunications and other interactive media; Retail and wholesale services in shops, online retail services in relation to virtual products authenticated by non-fungible tokens [NFT] namely digital art products, avatars, clothing and sporting goods in form of images and figures; organisation, operation and supervision of loyalty schemes and incentive schemes; Market campaigns; Promotion of sports competitions and events; Promotion of goods and services through sponsorship of sports events; Promotion services relating to esports events.

Class 38

Telecommunication services; Radio and television program broadcasting; Transmission of radio and television programs; Audio, video and multimedia broadcasting via the Internet and other communications networks; Communication by online blogs; Providing access to weblogs; Sending of telegrams; Electronic transmission of news; Communication via virtual private networks; Transmission of data, audio, video and multimedia files, including downloadable files and files streamed over a global computer network; Virtual chatrooms established via text messaging; Streaming of data; Providing access to platforms on the Internet; Online document delivery via a global computer network; Providing online forums; Providing on-line chat rooms for social networking; Providing on-line electronic bulletin boards for transmission of messages among computer users; On-line transmission of electronic publications.

Class 41

Teaching; Training; Entertainment services; Sporting and cultural activities; Sports training; Organising of sporting activities and of sporting competitions; Providing online electronic publications, not downloadable; education and training services relating to

virtual reality, virtual world, blockchain and downloadable digital files authenticated by non-fungible tokens [NFT]; Virtual reality game services provided on-line from a computer network; Online game services through mobile devices; entertainment services, namely, provision of online video games; leisure services, in particular, enabling virtual environments where users can interact for cultural and recreational purposes, free time or leisure; Entertainment services, namely, providing an online environment with real-time broadcasting of entertainment content and the live broadcasting of cultural and entertainment events; entertainment services, namely, preparation, organization and hosting of virtual performances and social entertainment events; entertainment services, in particular, provision of non-downloadable online virtual goods for use in virtual environments, namely clothing, sporting goods, works of art and artistic objects, insignia in connection with characters and animated and non-animated digital cartoons, avatars, digital overlays and masks; Providing online images, not downloadable; Providing online videos, not downloadable; Art exhibition services; Arranging of award ceremonies; Provision of non-downloadable films; Sports club services; Fan clubs; Fan club organisation; Fan club services; Organisation and holding of fairs for cultural or educational purposes; Organisation of entertainment and cultural events; Writing services for blogs; Online publication of electronic books and journals; Providing online courses of instruction; Organisation of Webinars; Information relating to education, provided on-line from a computer database or the internet; Publication of multimedia material online; entertainment services in virtual environments that allow members of an online community to receive and access downloadable digital files authenticated by non-fungible tokens [NFT] in relation to the following areas: education, culture, sport, art and teaching; Electronic publishing services; Publishing services for books and magazines; Arranging and conducting educational conferences; Arranging of conferences relating to cultural activities; Arranging of lectures; Rental of sports equipment and facilities; Sport camp services; Ticket information services for sporting events; Ticket reservation and booking services for education, entertainment and sports activities and events.

Class 43

Services for providing food and drink; temporary accommodation.

ANNEX 2

Class 3

Non-medicated cosmetics and toiletry preparations; Non-medicated dentifrices; Perfumery; Ethereal oils; Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring and abrasive preparations; Aromatic oils; Oils for toilet purposes; Eau de Cologne; Cosmetic kits; Make-up kits.

Class 9

Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus; Mobile telephone batteries; Electronic publications, downloadable; electronic sporting event tickets; Mobile apps; Computer software applications, downloadable; E-books; Talking books; Camera covers; Covers for glasses; Sleeves for laptops; cases for mobile devices, namely, mobile phones, tablets, e-books, GPS devices, wireless headphones; blockchain software; Cryptography software; downloadable virtual products, namely clothing, works of art, artistic objects, religious figures and figurines, badges; downloadable software for the creation, production and modification of animated and non-animated digital designs and characters, avatars, overlays and digital skins for access and use in virtual environments, online virtual environments and extended reality virtual environments; downloadable virtual goods for use online and in virtual environments, namely houses and real estate, non-commercial establishments, churches and chapels; NFC near field communications software; downloadable computer programs; downloadable computer programs authenticated by non-fungible tokens [NFT]; Downloadable digital files authenticated by non-fungible tokens [NFT]; Downloadable

digital files authenticated by non-fungible tokens for use with blockchain technology; Virtual collectibles authenticated by non-fungible tokens [NFTs] namely digital works of art; digital assets authenticated by non-fungible tokens (NFT), namely, sports uniforms, sports equipment, statues and works of art, paintings, decorative items, photographs, music, videos, video games, avatars, toys and games, video games, balls , collectible coins, collectible cards, collectible cards, posters, cards, books, automobiles, car parts and accessories; digital assets authenticated by non-fungible tokens (NFT), namely, buses, trucks, motorcycles, airplanes, boats, bicycles, scooters, drones, quads, tractors, airships, balloons, space vehicles, cosmetics and perfumery products, clothing , footwear, headgear, haberdashery, jewelry, costume jewelry and watches; digital assets authenticated by non-fungible tokens (NFT), namely, luggage items, handbags, briefcases, handbags, bags, backpacks, purses, wallets, key holders, toiletry bags, fanny packs, pencil cases, luggage tags, briefcases and other carrying items, goods real estate, furniture, event tickets, animated digital characters, stationery, computer parts and components, musical instruments; digital assets authenticated by non-fungible tokens (NFT), namely, information technology, audiovisual and photographic equipment, glasses, harnesses and saddlery, printing products, utensils and containers for household and culinary use, gymnastics articles and sports, badges, riding crops, harnesses and saddlery, collars, leashes and animal clothing, gift boxes, cutlery, tableware, fabrics, flags, pennants; digital assets authenticated by non-fungible tokens (NFT), namely, household linens, lighters, key chains; downloadable media files; virtual reality models, namely, glasses, helmets, controllers, body sensors, gloves and suits; downloadable image files; downloadable crypto keys to receive and spend cryptocurrency; data sets, recorded or downloadable; downloadable cartoons; downloadable graphic elements and emoticons for mobile phones; downloadable media; decorative magnets; audiovisual recordings; magnetic badges; video games, computer programs.

Class 14

Precious metals and their alloys; Jewellery; Precious and semi-precious stones; Horological and chronometric instruments; Paste jewellery; Imitation jewellery ornaments; Amulets [jewellery]; Decorative articles [trinkets or jewellery] for personal use; Bracelets; Decorative brooches [jewellery]; Chains [jewellery]; Imitation leather key chains; Key chains; Jewellery boxes; Cases for watches [presentation]; Pendants;

Necklaces [jewellery]; Diadems; Statues of precious metal; Statuettes of precious metal and their alloys; Figures of precious metal; Figurines of precious metal; Badges of precious metal; Lapel badges of precious metal; Key rings, not of metal; Key rings [split rings with trinket or decorative fob]; Key rings; Medals; Medallions; Commemorative medals; Coins; Collectable coins; Commemorative coins; Works of art of precious metal; Personal ornaments of precious metal; Trophies made of precious metals.

Class 16

Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks; Paper party decorations; Prints; Invitation cards; Printed publications; Periodicals; Books; Printed programmes; Bookmarkers; Desk mats; Souvenir banknotes; Gift cartons; Catalogues; Paper ribbons; Newsletters; Collages; Trading cards; Graphic prints; Paper boxes; Labels of paper; Table linen of paper; Engravings; Lithographic works of art; Works of art made of paper; Stickers [stationery]; Mats of paper for drinking glasses; Drip mats of cardboard; Tablemats of paper; Paperweights; Posters; Page holders; Cards; Cards; Rubber finger tips; Paper hangtags; Printed event admission tickets; Flags of paper.

Class 18

Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals; Saddlery; Wallets; Carrying cases; Bags; Bags; Bags; Travelling sets [leatherware]; Purses; Luggage tags; Briefcases; Rucksacks; Canvas bags; Leather bags and wallets; Hipsacks; Pocket wallets; Clutches [purses]; Key cases; Shoulder belts; Vanity cases, not fitted; Key cases made of leather; Key-cases of leather and skins; Bumbags; Card wallets [leatherware]; Cosmetic purses.

Class 21

Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making

materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware; china ornaments; Works of art made of glass; Statues of porcelain, ceramic, earthenware, terra-cotta or glass; Figurines of porcelain, ceramic, earthenware, terra-cotta or glass; Statues, figurines, plaques and works of art, made of materials such as porcelain, terra-cotta or glass, included in the class; Figurines of porcelain, ceramic, earthenware, terra-cotta or glass; Figurines made of terra cotta; Trivets [table utensils]; Fitted vanity cases; Table napkin holders; Glass stoppers for bottles.

Class 24

Textiles and substitutes for textiles; Linens; Curtains of textile or plastic; Flags and pennants of textile; Banners of textile; Valances; Printed textile labels; Oilcloth; Table linen; Bed blankets; Textile material; Tea towels; Handkerchiefs of textile; Bed linen; Wall hangings; Table napkins of textile; Textiles; Cloth; Fabrics; Printed textile piece goods; Towels of textile.

Class 25

Clothing, footwear, headgear; Religious garments; Sashes for wear; Waist belts; Neckties; Scarves; Caps being headwear; Caps [headwear]; Football shoes; Football jerseys; Soccer bibs; Sportswear; Athletic uniforms; Boots for sports; Pyjamas; Neck tube scarves.

Class 28

Games and playthings; Video game apparatus; Gymnastic and sporting articles; Decorations for Christmas trees; Soccer balls; Sports equipment; Football equipment; Bags specially adapted for sports equipment; Gloves made specifically for use in playing sports.

Class 29

Meat, fish, poultry and game; Meat extracts; Preserved, frozen, dried and cooked fruits and vegetables; Jellies, jams, compotes; Eggs; Eggs; Milk; Cheese; Butter; Yoghurt; Milk products; Edible oils and fats.

Class 30

Coffee, tea, cocoa and substitutes therefor; rice, pasta and noodles; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; chocolate; ice cream, sorbets and other edible ices; sugar, honey, treacle; yeast, baking-powder; salt, seasonings, spices, preserved herbs; vinegar, sauces and other condiments; ice (frozen water).

Class 31

Raw and unprocessed agricultural, aquacultural, horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt.

Class 32

Beers; non-alcoholic beverages; mineral and aerated waters; fruit beverages and fruit juices; syrups and other preparations for making non-alcoholic beverages.

Class 33

Alcoholic preparations for making beverages.

Class 35

Advertising; Business management; Business organisation; Administration of business affairs; Promotion services; Online community management services; Business management services for footballers; Retail and wholesale services in shops, online retail services in relation to sporting goods, cosmetic and perfumery products, stationery and office requisites, saddlery and leather goods, namely, handbags, briefcases, handbags, bags, cases, luggage tags and briefcases, clothing, household linen, fabrics, utensils and containers for domestic use, haberdashery, jewelry, costume jewelry and watches, sports clothing and uniforms, games and toys, gymnastics and sports articles, sports equipment and bracelets, coffee, tea, cocoa and cocoa substitutes, rice, pasta and noodles, tapioca and sago, flours and preparations based on cereals, bread, pastry and confectionery products, chocolate, ice cream, sorbets, sugar, honey, treacle, yeast, baking powder, salt, seasoning products, spices, preserved herbs, vinegar, sauces and other condiments, raw and unprocessed agricultural, aquacultural, horticultural and forestry products, raw grains and seeds or

unprocessed, fruits and vegetables, fresh vegetables and legumes, fresh aromatic herbs, natural plants and flowers, bulbs, seedlings and seeds for planting, live animals, food products and beverages for animals, malt, beers, non-alcoholic beverages, mineral and carbonated waters, fruit-based beverages and fruit juices, syrups and other preparations for making non-alcoholic beverages, alcoholic preparations for making beverages; creation, development and dissemination of advertising and promotional material on the Internet, mobile telecommunications and other interactive media; Retail and wholesale services in shops, online retail services in relation to virtual products authenticated by non-fungible tokens [NFT] namely digital art products, avatars, clothing and sporting goods in form of images and figures; organisation, operation and supervision of loyalty schemes and incentive schemes; Market campaigns; Promotion of sports competitions and events; Promotion of goods and services through sponsorship of sports events; Promotion services relating to esports events.

Class 38

Telecommunication services; Radio and television program broadcasting; Transmission of radio and television programs; Audio, video and multimedia broadcasting via the Internet and other communications networks; Communication by online blogs; Providing access to weblogs; Sending of telegrams; Electronic transmission of news; Communication via virtual private networks; Transmission of data, audio, video and multimedia files, including downloadable files and files streamed over a global computer network; Virtual chatrooms established via text messaging; Streaming of data; Providing access to platforms on the Internet; Online document delivery via a global computer network; Providing online forums; Providing on-line chat rooms for social networking; Providing on-line electronic bulletin boards for transmission of messages among computer users; On-line transmission of electronic publications.

Class 41

Teaching; Training; Entertainment services; Sporting and cultural activities; Sports training; Organising of sporting activities and of sporting competitions; Providing online electronic publications, not downloadable; education and training services relating to virtual reality, virtual world, blockchain and downloadable digital files authenticated by

non-fungible tokens [NFT]; Virtual reality game services provided on-line from a computer network; Online game services through mobile devices; entertainment services, namely, provision of online video games; leisure services, in particular, enabling virtual environments where users can interact for cultural and recreational purposes, free time or leisure; Entertainment services, namely, providing an online environment with real-time broadcasting of entertainment content and the live broadcasting of cultural and entertainment events; entertainment services, namely, preparation, organization and hosting of virtual performances and social entertainment events; entertainment services, in particular, provision of non-downloadable online virtual goods for use in virtual environments, namely clothing, sporting goods, works of art and artistic objects, insignia in connection with characters and animated and non-animated digital cartoons, avatars, digital overlays and masks; Providing online images, not downloadable; Providing online videos, not downloadable; Art exhibition services; Arranging of award ceremonies; Provision of non-downloadable films; Sports club services; Fan clubs; Fan club organisation; Fan club services; Organisation and holding of fairs for cultural or educational purposes; Organisation of entertainment and cultural events; Writing services for blogs; Online publication of electronic books and journals; Providing online courses of instruction; Organisation of Webinars; Information relating to education, provided on-line from a computer database or the internet; Publication of multimedia material online; entertainment services in virtual environments that allow members of an online community to receive and access downloadable digital files authenticated by non-fungible tokens [NFT] in relation to the following areas: education, culture, sport, art and teaching; Electronic publishing services; Publishing services for books and magazines; Arranging and conducting educational conferences; Arranging of conferences relating to cultural activities; Arranging of lectures; Rental of sports equipment and facilities; Sport camp services; Ticket information services for sporting events; Ticket reservation and booking services for education, entertainment and sports activities and events.

Class 43

Services for providing food and drink; temporary accommodation.