

O/0682/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00004201748

BY DONGGUAN XINUO APOLLO ELECTRICAL TECHNOLOGY CO., LTD.

TO REGISTER THE FOLLOWING TRADE MARK:

HIMNO

IN CLASSES 9, 11 AND 16

AND

IN THE MATTER OF OPPOSITION THERETO UNDER NO. 456244

BY TARGET BRANDS, INC.

Background and Pleadings

1. On 12 May 2025, Dongguan Xinuo Apollo Electrical Technology CO., LTD. ('the Applicant') filed an application to register the following trade mark ('the Contested Mark'):

HIMNO

2. The application was published for opposition purposes in the Trade Marks Journal on 23 May 2025. Registration is sought in respect of the following goods, all of which are opposed:

Class 9:

Materials for electricity mains [wires, cables]; Electric wire harnesses for automobiles; Fibre optic cables; Cables, electric; Wire connectors [electricity]; Wires, electric; Connections for electric lines; Junction boxes [electricity]; Antennas; Aerials; Connectors [electricity]; Electric plugs; Electric sockets; Time switches, automatic; Electrical adapters; Batteries, electric, for vehicles; Accumulators, electric, for vehicles; Mobile phone chargers; Portable power chargers; Charging stations for electric vehicles; Battery chargers; Accumulators, electric; Coaxial cables; Converters, electric; Batteries, electric; Chargers for electric accumulators; Photovoltaic cells; Solar batteries; Accumulator jars; Battery jars; Copper wire, insulated; Couplings, electric; Connections, electric.

Class 11:

Lighting apparatus and installations; Luminous tubes for lighting; Light-emitting diodes [LED] lighting apparatus; Lighting apparatus for vehicles; Germicidal lamps for purifying air; Ultraviolet ray lamps, not for medical purposes; String lights for festive decoration; Electric flashlights; Searchlights; Electric lamps; Kettles, electric; Electric fans for personal use; Hair dryers; Lamps; Lights for automobiles; Automobile lights; Running lights for vehicles.

Class 16:

Packing paper; Bags [envelopes, pouches] of paper or plastics, for packaging; Hat boxes of cardboard; Bottle wrappers of paper or cardboard; Sheets of reclaimed cellulose for wrapping; Boxes of paper or cardboard.

3. On 26 August 2025, the application was opposed by Target Brands, Inc. ('the Opponent') pursuant to section 5(2)(b) of the Trade Marks Act 1994 ('the Act').¹ This is a total opposition directed to the application in its entirety. The Opponent relies upon the following three earlier marks, basing its section 5(2)(b) claim on *part* of each of their respective registered specifications:²

All three earlier marks have the same visual representation:		
		
(1) UK00004049068 ('Earlier Mark 1') Filing date: 8 May 2024 Date of entry in register: 23 August 2024	(2) UK00917882836 ³ Filing date: 3 April 2018 Date of entry in register: 8 October 2020	(3) UK00003505961 Filing date: 29 June 2020 Date of entry in register: 2 April 2021 Mark Description/Limitation: The colour white is not part of the trade mark

¹ The initial pleading included a claim pursuant to section 5(3) of the Act, which was subsequently withdrawn on 6 March 2026. The opposition now proceeds based on section 5(2)(b) of the Act only.

² The full registered specifications are lengthy and are set out in **Annex 1** to this decision, with the terms relied upon underlined.

³ This right is a comparable mark pursuant to Article 54 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (2019/C 384 I/01)', also known as the 'Withdrawal Agreement', based on an EUTM that was registered prior to the withdrawal of the UK from the European Union.

		and serves solely as background.
--	--	----------------------------------

4. The Opponent claims that the parties' respective marks are similar and that the applied-for goods are identical (or at least highly similar) 'to the goods of the earlier marks in the same classes and to goods retailed in class 35 of the earlier mark[s] as they are all electronic items, lighting products and paper and related products'.⁴ A section 5(2)(b) pleading entails a claim that the similarity between the marks and the identity/similarity between the goods/services is such that there is a likelihood of confusion.
5. The Applicant filed a Defence and Counterstatement in which it denies the claim against it in its entirety.⁵ In particular, the Applicant argues that, irrespective of any similarity that might be found between the parties' goods/services, the marks are dissimilar and there is, therefore, no likelihood of confusion.⁶
6. The Opponent is represented by Cleveland Scott York LLP. The Applicant is represented by Paweł Wowra.
7. Only the Opponent filed evidence. A hearing was neither requested nor considered necessary; and only the Opponent filed written submissions in lieu thereof. The following decision has been made after careful consideration of the case papers available to me.

RELEVANCE OF EU LAW

8. 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

⁴ Opponent's form TM7, at Q9 (in relation to each earlier right relied upon).

⁵ Applicant's Counterstatement, [5].

⁶ As above, [15], [16] and [23].

assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

EVIDENCE AND SUBMISSIONS

9. The Opponent's evidence comes from Martina Ferro, Chartered Trade Mark Attorney of the Opponent's representative.⁷ Ms Ferro's Witness Statement is dated 24 February 2026 and is accompanied by nine exhibits: MF1 to MF9. The evidence is intended to support the Opponent's arguments for the identity/similarity of the parties' offerings.
10. The Opponent's written submissions in lieu of a hearing are dated 29 June 2026.
11. I confirm that I have read all of the evidence and submissions; and I will refer to them to the extent that they are relevant.

DECISION

Earlier mark

12. In accordance with section 6 of the Act, all three of the Opponent's marks are earlier marks by virtue of their filing dates, which precede the filing date of the application.

The proof of use provisions

13. Section 6A of the Act provides that, in opposition proceedings, where the date on which the registration procedure of the earlier mark was completed more than 5 years prior to the filing date (or priority date) of the Contested Mark, the Opponent may be required to prove use of the earlier mark. In the instant case, section 6A is not engaged, because each earlier mark had been registered for less than 5 years at the date on which the application was filed. The Opponent is, therefore, entitled to rely upon all of its terms identified in its pleading.

⁷ Witness Statement of M. Ferro, [1].

Relevant legislation

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

‘5(1) [...]

(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.’

15. I also note section 5A of the Act:

‘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.’

Relevant case law

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

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

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed

and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

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

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

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

(f) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

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

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

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

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

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

Comparison of the marks

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

18. The marks to be compared are as follows:

Earlier Marks:	Contested Mark:
	

Overall impression of the marks

19. The Opponent's marks are visually identical. I will, therefore, refer to them hereafter in the singular. The Opponent's mark takes the form of a circular device composed of a solid black circle centred within a thick black ring. The overall impression of

the mark is based solely on the device of which it consists. The Opponent has described the form of its mark as a 'bullseye device'.⁸ I consider that a significant proportion of average consumers would see or be reminded of a 'bullseye' or 'target' when faced with this mark.

20. The Applicant has described its mark as 'consisting of the verbal element "HiMNO" presented in a stylized form'; with the character 'i' represented as a 'plug-like design', and the character 'o' represented by 'a black ring enclosing a dot'.⁹ I agree that the Contested Mark will be seen as the 'word' element 'HiMNO'; and consider that it will likely be perceived as an invented word to which no meaning will readily attach. Some average consumers may notice that the dot on the 'i' character resembles a plug; although I consider that many would overlook this. It is my view that some average consumers may find that the 'O' character resembles a 'bullseye' or target shape; albeit this perception would not disturb the immediate visual impression of the mark as 'HiMNO'. I find that, first and foremost, the mark will be seen as the 'word' element 'HiMNO'. For the average consumer who sees the stylised 'O' as a 'bullseye', I consider that this would be noticed almost as an 'afterthought'. In the light of the foregoing, the overall impression resides in the word 'HiMNO', with the stylisation of the 'O' character playing a much lesser visual role.

Visual comparison

21. The Opponent has submitted that the parties' marks are 'visually highly similar'; based on the shared 'bullseye' element, and its contention that the visual differences (namely, the 'plug-like' device and characters 'HIMN') within the Contested Mark) are descriptive and/or have no distinctive character.¹⁰

22. The Applicant, on the other hand, argues that the parties' marks create different overall impressions, with the 'primary and dominant element' of the Contested Mark being the word 'HiMNO'.¹¹

⁸ Opponent's written submissions in lieu of a hearing, [41].

⁹ Applicant's Counterstatement, [17].

¹⁰ As above, [47] – [50].

¹¹ Applicant's Counterstatement, [18].

23. I respectfully disagree with the Opponent's analysis; and I prefer the Applicant's submission. Whilst I have, in my earlier comments at [20], acknowledged that some average consumers may find the circular device within the Contested Mark to resemble a 'bullseye' or target, it is the 'word' element 'HiMNO' that will strike the consumer first. To my mind, the shared element, *as it appears in the Contested Mark*, will still be seen primarily as the character 'O', albeit stylised as a target or bullseye. In other words, the character 'O' fashioned as a 'bullseye'/target is still the character 'O'. I have borne in mind that it is generally the case that words 'speak louder' than devices.¹² I also remind myself that the beginnings of words tend to have more visual (and aural) impacts than their ends;¹³ although this is not an absolute rule. In the instant case, I find that the parties' marks convey very different overall visual impressions. Although the Opponent's device mark is subsumed within the Contested Mark, it functions as the final character within the 'word' element 'HiMNO'. All things considered, I do not find any appreciable level of visual similarity between the marks. If the presence of the 'bullseye' device within the Contested mark gives rise to any visual similarity at all, it is, at best, very low.

Aural comparison

24. The Opponent has submitted that no aural comparison can be made because the earlier mark is purely figurative.¹⁴ The Applicant has argued that the Contested Mark will be pronounced as 'HIM-NO', whereas the earlier mark will be read as the alphabetic character 'O'; rendering the competing marks aurally distinct.¹⁵

25. With respect, I consider the Opponent's reasoning to be faulty. Where one mark is articulated whereas the other is not (e.g. because it is purely figurative), this nevertheless gives rise to an aural difference. The fact that one mark has an aural aspect whereas the other does not is still a point of aural difference.

26. As to the Applicant's argument, my view is that, while it is at least *possible* that some average consumers might articulate the earlier mark as the letter 'O', I

¹² *Wassen International Ltd v OHIM (SELENIUM-ACE)*, Case T-312/03, [37].

¹³ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02, [81] – [83].

¹⁴ Opponent's written submissions in lieu of a hearing, [51].

¹⁵ Applicant's Counterstatement, [20].

consider it more likely to be perceived as a mere circular device or a 'bullseye'/target shape. My view is that most average consumers would not attempt to articulate the earlier mark. That said, irrespective of whether the average consumer neglects to articulate the earlier mark, or 'reads' it as the letter 'O', I do not find the marks to be aurally similar.

Conceptual comparison

27. The Opponent has argued that the marks have a high level of similarity; owing to the presence, in the Contested Mark, of the 'dominant and distinctive' bullseye device (the aforesaid device being identical in form to the earlier mark).¹⁶ The Applicant has argued that the marks are conceptually different because the Contested Mark will be seen as an invented word with no particular meaning, whereas the earlier mark may be perceived as 'a target symbol or a push button'.¹⁷ I note that the Applicant's conceptual analysis is somewhat at odds with its earlier contention that, aurally speaking, the earlier mark will be seen as the letter 'O', although it will be seen that this does not affect the outcome of this decision.

28. I refer back to my earlier comments, at [19] and [20], on the overall impressions of the parties' marks; in particular, my finding that the Contested Mark will be seen as an invented word 'HiMNO'. Whilst the earlier mark *is* subsumed within the Contested Mark, it functions as the final character of the aforesaid invented word. The earlier mark, on the other hand, will be seen by most as a mere circular arrangement, perhaps resembling a 'bullseye' or target. It is my view that, viewing the marks as wholes, the overall impression conveyed by each is very different. I do not find any obvious level of conceptual similarity between the marks. Even if the final character of the Contested Mark is seen as a 'bullseye'/target, any conceptual overlap would be very low and likely tempered by the immediate impression of 'HiMNO' as an invented word.

29. For an opposition action to succeed, there must be at least some similarity between the parties' marks. Although, primarily, I have found that the marks are not similar,

¹⁶ Opponent's written submissions in lieu of a hearing, [52].

¹⁷ Applicant's Counterstatement, [21] – [22].

strictly speaking, my 'back-up' findings of very low levels of visual and conceptual similarity mean that the opposition remains 'live'. I will, therefore, proceed to address the matter of the similarity of the goods/services.

Comparison of goods and services

30. The goods/services in issue are set out at [2] and Annex 1 (marked in underline).

My approach

31. For reasons that will become apparent, I do not consider it necessary to carry out a full goods and services comparison. For each class of opposed goods, I propose to identify one example of goods that are identical to those of the Opponent. I will then proceed to assess the likelihood of confusion based on those points of identity. Should the opposition fail on that basis, then consideration of any other of the Opponent's goods/services would unlikely place the Opponent in any better position.

32. On the matter of identity, I note the case of *Gérard Meric v Office for Harmonisation in the Internal Market*,¹⁸ in which the General Court ('GC') held that:

'29. ... the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM-Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark'.

33. I set out the appropriate points of identity in the following paragraphs [34] – [36].

34. Class 9: The contested goods *Wires, electric and battery chargers* are present in the Opponent's specification for Earlier Mark 1.

¹⁸ Case T-133/05.

35. Class 11: The contested term *Lighting apparatus and installations* will be encompassed by the Opponent's broad term *Lighting* (Earlier Mark 1). The parties' goods are, therefore, identical based on the principle in *Meric*.
36. Class 16: The contested goods *packing paper* and *boxes of paper or cardboard* are present in the Opponent's specification for Earlier Mark 1.
37. The remainder of my assessment will proceed based on the points of identity set out above.

Average consumer and the purchasing act

38. The average consumer is deemed to be reasonably well-informed and reasonably observant and circumspect. The word 'average' denotes that the person is typical. In *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor*, [2025] UKSC 25, the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)* [2024] EWCA Civ 262, where he pointed out that:

- (a) Consumers who are ill-informed or careless, or consumers with specialised knowledge or who are excessively careful are excluded from consideration;
- (b) The average consumer provides a standard which enables the courts to strike a balance between the competing interests involved, such as trade mark owners, their competitors and consumers;
- (c) The average consumer is neither a single hypothetical person nor a mathematical average; assessment from the perspective of the average consumer does not involve a statistical test. There is no single meaning rule and if, having regard to the perceptions and expectations of the average consumer, the court considers that a significant proportion of the relevant public is likely to be confused, a finding of infringement may properly be made;

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

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

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

39. The goods upon which I have focused my comparison (at [34] – [36]) are, broadly speaking, fairly frequent 'every day' purchases.

40. *Wires, electric* (class 9) will be purchased predominantly by professionals, e.g. electricians and other professionals in the business of construction or repair. I acknowledge that a smaller proportion of purchasers will be the general public who undertake DIY projects/repairs. The purchasing act will, in many cases, be primarily visual; with the goods selected from online listings, catalogues or displays/shelves in physical shops. I appreciate that there will be an aural aspect to the purchasing process in some cases. For example, it is my experience, as an ordinary member of the general public, that, in some hardware shops, the customer makes their request to the shop staff because the stock is held in a back room. For the professional consumer, whilst their purchases may be 'routine', their professional status means that some measure of care will be likely taken to check that the goods selected are appropriate for the relevant project/task. I consider that at least an average level of attention will be paid during the purchasing act.

41. As to *battery chargers*, these goods will be purchased by both the general and professional public. Considerations analogous to those set out above at [40] will also apply here. I find that the average consumer, whether professional or a

member of the general public, will likely pay at least an average level of attention during the purchasing act.

42. The relevant goods in class 11 will encompass a range of items from lightbulbs and lighting fixtures to entire lighting systems. Lightbulbs are generally inexpensive 'everyday' items purchased by ordinary consumers who will select the goods from the shelves (or online product listings). Some degree of care will be taken to ensure that the appropriate bulb is selected based on, inter alia: size; wattage; brightness; lighting colour; energy efficiency; whether screw-in or bayonet etc. In this instance, I find that the general consumer will pay at least an average level of attention when making their purchase. At the other end of the scale, a consumer contemplating installing an entire lighting system is likely to pay a much higher level of attention. In this situation, a transaction would typically conclude only after consultation/discussion with the seller/supplier.

43. The paper/cardboard goods in class 16 will be purchased by both the general and professional public. The purchasing act will be predominantly visual, with the goods selected from displays/shelves (in physical shops), catalogues or online product listings. For the general consumer intending to purchase, say, a gift-bag or some packing boxes, such purchases will be fairly insignificant. I consider that no more than an average degree of attention would be paid. For the professional consumer who wishes to place a bulk order for cardboard boxes or packing paper, for example, a higher level of attention would be expected. Factors influencing the purchasing decision, for general and professional purchaser alike, might include, inter alia: the size, strength and shape of the goods.

Distinctive character of the earlier mark

44. 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-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)'.¹⁹

45. Registered trade marks possess varying degrees of inherent distinctive character. Where a mark is suggestive or allusive of a characteristic of the goods or services, it tends to be lower. Inherent distinctive character may range up to a high level for marks which consist of invented words with no allusive qualities.

46. Given that the evidence filed by the Opponent is not concerned with use of the earlier mark, I have no reason to consider whether the earlier mark enjoys an enhanced level of distinctive character. I will, therefore, confine my assessment to the inherent position.

47. The parties more-or-less agree that the earlier mark has a normal or average degree of inherent distinctive character.¹⁹ I agree; given that the earlier mark neither describes nor alludes to the relevant goods, and the circular device is relatively simple in form.

¹⁹ Opponent's written submissions in lieu of a hearing, [46]; Applicant's Counterstatement, [14].

Likelihood of confusion

48. Confusion can be direct or indirect. Mr Iain Purvis Q.C., (as he then was) as the Appointed Person, explained the difference in the decision of *L.A. Sugar Limited v By Back Beat Inc*²⁰. Direct confusion occurs when one mark is mistaken for another. In *Lloyd Schuhfabrik*²¹, the CJEU recognised that the average consumer rarely encounters the two marks side by side but must rely on the imperfect picture of them that they have kept in mind. Direct confusion can therefore occur by imperfect recollection when the average consumer sees the later mark but mistakenly matches it to the imperfect image of the earlier mark in their ‘mind’s eye’. Indirect confusion occurs when the average consumer recognises that the competing marks are not the same in some respect, but the similarities between them, combined with the goods/services at issue, leads them to conclude that the goods/services are the responsibility of the same or an economically linked undertaking.
49. I must keep in mind that a global assessment is required taking into account all of the relevant factors, including the principles a) – k) set out above at [16]. When considering all relevant factors ‘in the round’, I must bear in mind that a greater degree of similarity between goods/services *may* be offset by a lesser degree of similarity between the marks, and vice versa.
50. My assessment of likelihood of confusion is based upon the identical goods identified at [34] – [36]; and my ‘back up’ findings of, at best, very low levels of visual and conceptual similarity. I will address direct confusion first. The parties’ marks convey very different immediate visual impressions. I have found the marks to be aurally different. The earlier mark enjoys a normal or average degree of inherent distinctive character. Even if the stylised ‘O’ within the Contested Mark is seen as a ‘bullseye’/target, this does not, to my mind, prevent the Contested Mark from being seen, first and foremost, as an invented word (‘HiMNO’), with the final character, a stylised ‘O’, which might be noted to resemble a ‘bullseye’/target. My

²⁰ Case BL O/375/10 at [16].

²¹ *Lloyd Schuhfabrik Meyer and Co GmbH v Klijsen Handel BV* (C-34297) at [26].

view is that, although the 'bullseye' device is contained within the Contested Mark, it functions within the mark as a character within an invented word. For this reason, any 'bullseye'/target resemblance attributed to the 'O' character, as it appears in the Contested Mark, gets more-or-less 'lost' within the word. When the Contested Mark is viewed as a whole, the stylised 'O' does not have a great deal of impact.

51. In spite of the identity of the goods, I find that the net effect of the differences that I have identified between the marks is sufficient to prevent one mark being mistaken for the other. I find this to be the case even where only an average level of attention is paid during the purchasing act. I have considered carefully whether the interdependency principle comes into play in this case. My view is that it does not. I consider the differences between the parties' marks to be so pronounced that the identity between the goods is incapable of muting these differences. There is no likelihood of direct confusion.

52. For completeness, I now consider the likelihood of indirect confusion.

53. In the case of *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor QC (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said the following at [16]:

'a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion'. Mr Mellor went on to say that, if there is no likelihood of direct confusion, 'one needs a reasonably special set of circumstances for a finding of a likelihood of indirect confusion'.

54. Arnold LJ emphasised that 'there must be a proper basis for concluding that there is a likelihood of indirect confusion given that there is no likelihood of direct confusion'.²²

²² *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207.

55. I have borne in mind *Whyte and Mackay*²³ in which it was held that where an average consumer perceives that a composite mark consists of two or more elements, one of which has a distinctive significance independent of the mark as a whole, confusion may occur as a result of the similarity/identity of that element to the earlier mark.

56. The Opponent has argued that the 'bullseye' device retains an independent distinctive role within the Contested Mark, whether or not it forms the dominant and distinctive element of the mark.²⁴

57. Following my finding that the common 'bullseye' element, as it appears within the Contested Mark, functions as the character 'O' within the invented word 'HiMNO', I am not persuaded that it retains an independent distinctive role. The distinctive character of the Contested Mark arises by virtue of the mark being immediately perceived as an invented word 'HiMNO'. Even if the shared element is seen as a 'bullseye'/target, my view is that it will still be seen primarily as the alphabetic character 'O', forming part of the invented word.

58. I also note that, in *L.A. Sugar Limited v Back Beat Inc*²⁵ Mr Iain Purvis Q. C. (as he then was), as the Appointed Person, explained that:

'17. Instances where one may expect the average consumer to reach such a conclusion [i.e. to conclude that marks relate to the same or economically linked undertakings] 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).

²³ *Whyte and Mackay Ltd v Origin Wine UK Ltd and Another* [2015] EWHC 1271.

²⁴ Opponent's written submissions in lieu of a hearing, [44] – [45].

²⁵ Case BL O/375/10

(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)'.

59. I acknowledge that these categories are not intended to be exhaustive. The instant case cannot be said to fall within any of the three categories identified by Mr Purvis. Furthermore, I can conceive of no other mental process according to which an average consumer would conclude that the parties' marks belonged to the same or economically-related undertakings. The shared 'bullseye'/target element functions differently in the parties' respective marks. I can find no 'proper basis' for a finding of a likelihood of indirect confusion.

60. I do not consider that basing my assessment on any other of the Opponent's goods/services would place the Opponent in any better position.

61. The section 5(2)(b) opposition has failed in its entirety. Subject to any successful appeal, the application may proceed to registration in full.

COSTS

62. The Applicant is the successful party and is, therefore, entitled to a contribution to its costs based on TPN 1/2023, calculated as follows:

Preparing a statement and considering the other side's statement	£350
--	------

63. I therefore order Target Brands, Inc. to pay Dongguan Xinuo Apollo Electrical Technology CO., LTD. the sum of £350. This sum is to be paid within twenty-one days of the expiry of the appeal period or within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 30th day of July 2026

N. R. Morris

**For the Registrar,
the Comptroller-General**

Annex 1

(1) UK00004049068
Class 4: <i>Candles; candle torches; lamp oils; artificial fireplace logs and fire starters, namely, pinecones and kindling.</i>
Class 6: <i>Baskets of common metals; metal lawn or garden structures, namely, arches, arbors, trellises, edging; desktop statuary made of non-precious metal; door hardware; door stops; fireplace grates; gazebos [metal structures]; metal hardware, namely pulls and knobs; metal hooks; key hooks; piggy banks of metal; wrought iron decorative artwork; decorative hardware and fixtures made of metal, namely mailboxes, house numbers, address plates, doorknobs, clothing hooks, drawer pulls, drawer knobs, drawer handles, cabinet pulls, cabinet knobs and cabinet handles; bird baths (structures of metal); metal cages for animals; fences of metal; figurines (statuettes) of common metal, statuettes of common metal; greenhouse frames of metal; greenhouses of metal, transportable; gutter pipes of metal; hooks (metal hardware); ladders of metal; letter boxes of metal; outdoor blinds of metal; packaging containers of metal; padlocks; palings of metal; partitions of metal; pegs of metal; ropes of metal; scythe handles of metal; swimming pools (metal structures); tins; tool chests of metal, empty; tool boxes of metal, empty; traps for wild animals; trays of metal; tree protectors of metal; metal bins, metal storage containers; badges of metal; plates of metal; plaques of metal; decorative plates of metal; decorative plaques of metal; memorial plates and memorial plaques of metal; sign boards of metal; signs, non-luminous and non-mechanical, of metal; ironmongery; small items of metal hardware; weather vanes; door fittings and handles of metal; locks of metal.</i>
Class 9: <u><i>Mobile phone software and computer software for mobile digital devices that allows users to access coupons, incentive award program loyalty points, special offers, vouchers, savings and discount information; mobile phone software and</i></u>

computer software for mobile digital devices that enables tracking of accumulated rewards points; mobile phone software and computer software for mobile digital devices that allows users to access and electronically download price information, price-comparison information, product information and product reviews; mobile phone software and computer software for mobile digital devices that enables purchases of goods and services, that enables order fulfillment and shipment of goods on a regular, semi-regular or one-time basis, and that enables electronic payments for purchase of goods and services; information or data processing apparatus; sound or image recording and reproduction media; sound and image transmitting and receiving apparatus; apparatus and instruments for the retrieval, storage and processing of texts, information or data; software, software packages, computer programs including in the fields of advertising, communications, marketing and multimedia; magnetic data carriers; sound, video and data recordings and carriers including records, discs, tapes, cassettes, cartridges, compact discs, CD ROMs, MPEGs, JPEGs, DVDS, DVD-RWs and all other media for storing and/or reproduction of information, data, signals, images and/or sounds; software (recorded programs) exclusively for searching advertising space; sound and video recordings; downloadable and streamable sound recordings, video recordings, music, sounds, images, text, signals, software, information, data and code provided by telecommunications networks, by online delivery and by way of the Internet and the world wide web; magnetic data carriers, audio CDs; compact discs, DVDs and other digital information carrying mediums, including with recordings; downloadable, interactive and networked software, files and applications for computers; multi-function hand-held computers, electronic personal organizers, e-readers, tablet computers, personal audio players, personal electronic entertainment devices, namely, laptops, electronic tablets, smart phones, media players, electronic readers, portable gaming devices, mobile phones, and cases and covers for such goods; hands free kits for phones; microphones, megaphones, loudspeakers; cameras; computer software, including software for the downloading of music, audio, video and text by means of a global computer network; floppy discs; hard discs; video cassettes; audio cassettes; radios; phonograph records; tapes; CD ROMs; phonograph turntables and record players; teaching apparatus; video and

computer game programs and discs, virtual reality game software, downloadable video games; downloadable digital media and computer files; downloadable digital animations and moving images; downloadable ring tones; downloadable digital media and computer files being text messages, video messages, musical messages and multimedia messages; downloadable digital media being electronic greeting cards; downloadable digital educational media; electronic publications and downloadable electronic publications; computer software; interactive data media; podcasts; apparatus for recording, transmission or reproduction of sound and/or images; electronic publications; electronic media and magnetic media all bearing music or sound; communications apparatus; digital music; digital audiovisual media; computers; personal audio players, personal video players, personal media players; MP3 players; multi-media recordings and publications; downloadable files including music and images; apparatus for processing music; video, music and audiovisual recordings; contact lenses; spectacles, eyeglasses, sunglasses, eyewear and their frames, cases, chains and lenses; voting machines; facsimile machines; weighing machines; compasses; measuring apparatus; binoculars; wires, electric; magnets; heat-regulating apparatus; electrolyzers; fire extinguishers; helmets; protective masks; alarms; battery chargers; films; decorative magnets; magnetic badges.

Class 11:

Lighting; lamps; lamp shades; lamp bases; lamp finials; lamp shades electric string lights; light bulbs; electric lighting fixtures; electric night lights; flashlights; toilet seats; shower heads; hand held shower heads; barbeque grills; air purifiers; fans; candle lamps and lanterns; dehumidifiers; electrical dispensing units for air fresheners and room deodorants; electric blankets; electric candles; bread makers; coffee makers; electric cookware included in this class, namely, frying pans, griddles, slow cookers [crock pots], waffle makers, indoor grills, steam fryers, rice cookers and woks; popcorn poppers; fondue pots; microwave ovens; oil lamps and lanterns; solar light fixtures, namely, indoor and outdoor solar powered lighting units and fixtures; sconce lighting fixtures.

Class 14:

Clocks; jewelry and accessory boxes; decorative boxes made of precious metal; home decorative accessories of precious metal, namely figurines, statues and statuettes; wine charms of precious metal; alarm clocks; atomic clocks; digital clocks; watches; wrist watches; watch straps; watch bands; buckles for watchstraps; watch cases; cases for jewellery, watches and clocks; boxes of precious metals; trinkets; key rings; jewellery and imitation jewellery; necklaces, chains, pendants; bracelets; charms; ear-rings, brooches and rings; tie pins and tie clips; cuff links; hat ornaments of precious metal; beads for making jewellery; medals; badges of precious metal; garden ornaments made of metal; key chains; keyrings of metal.

Class 16:

Printed publications; books, annuals, comic books, joke books; publicity texts, journals, magazines, news sheets and newspapers, manuals, catalogues, brochures, guides, maps; illustrated maps; atlases; instructional and teaching materials; text books; reference materials; leaflets; printed matter; advertising material; tickets; vouchers; travel vouchers; travel and transport cards; card holders made of paper; passport holders; time tables; labels; tags; writing implements; rulers; erasers; pencil sharpeners; pencil holders and pencil cases; stationery; office requisites; artists' materials; stencils; stickers; temporary tattoos; scrap-books; pictures and posters; prints; photographs; calendars; diaries; address books; note books; ring binders; wall charts; book-ends; clip boards; thumb tacks; paper clips and paper weights; paper, cardboard; paper articles namely announcement cards made of paper [stationery]; bags of paper; bibs of paper; blotters; bottle envelopes of paper; bottle wrappers of paper; boxes of paper; coasters of paper; conical paper bags; desk mats of paper; face towels of paper; flower-pot covers of paper/covers of paper for flower pots; packing [cushioning, stuffing] materials of paper; paper ribbons; paper bows; placards of paper; place mats of paper; tissues of paper for removing make-up; wrapping paper/packing paper; card board articles namely announcement cards made of cardboard [stationery]; bookends made of cardboard; bottle envelopes of cardboard; bottle wrappers of cardboard; boxes of cardboard; hat boxes of cardboard; cardboard tubes, coasters of cardboard; desk mats of cardboard; packing [cushioning, stuffing] materials of cardboard; placards of cardboard;

place mats of cardboard; handkerchiefs of paper; table linen of paper; table mats; paper napkins; coasters; toilet paper; paper towels; greetings cards; post cards; wrapping paper; gift bags of paper; packaging materials; cardboard tubes.

Class 18:

Goods made of leather and imitations of leather, namely, shoulder belts and shoulder straps, boxes, bags, suitcases, trunks, garment bags for travel, luggage straps, luggage tags, briefcases, card cases, casings, covers for animals, fastenings for saddles, harnesses for animals, canes, umbrellas and parasol covers, furniture coverings of leather; bags; shopping bags and wheeled shopping bags; rucksacks; school bags; school satchels; portfolios; document bags and cases; music cases; attaché cases; travel bags; trunks; suitcases; slings and pouches for carrying infants; hat boxes; purses for travel cards and passes; purses for payment cards; wallets for travel cards and passes; wallets for payment cards; holders for payment cards, travel cards and travel passes; cases for toiletry or cosmetic articles; parasols and walking sticks; reins; riding saddles, whips; mountaineering sticks; collars for animals.

Class 19:

Clay figurines; pottery stone; stone sculptures; non-precious stones for garden or ornamental use, decorative stones.

Class 20:

Furniture and parts therefor; furniture units; furniture panels; furniture screens; upholstered furniture; padded furniture; stuffed furniture; furniture frames; furniture moldings; nursery furniture; bathroom furniture; outdoor furniture; animal housing and beds; beds, bedding, mattresses; cushions, chair cushions; furnishings of wood, cork, reed, cane, wicker, horn, bone, ivory whalebone, shell, amber, mother of pearl, meerschaum and substitutes for all these materials; photo frames; notice boards and display boards; flower pot pedestals, flower stands; newspaper display stands; umbrella stands; works of art of wood, wax, plaster or plastic; baskets; storage boxes; bins not of metal; clothes hooks; gate and window fittings; indoor blinds and fittings for curtains and indoor blinds; curtain tie backs; curtain rods, rails, rings and poles; book rests; bottle caps, not of metal; corks; bottle racks; tea carts and tea trolleys; trays, not of metal.

Class 21:

Household and kitchen utensils and containers; moulds; ice cube moulds; glassware, porcelain and earthenware not included in other classes; works of art of porcelain, ceramic, earthenware or glass; figurines (statuettes) of porcelain, ceramic, earthenware or glass, statuettes of porcelain, ceramic, earthenware or glass; china ornaments; majolica; mosaics of glass, not for building; pottery; urns; vases; watering cans; window boxes; articles made of ceramics, glass, porcelain or earthenware including souvenirs made from these materials, namely mugs, plates, plaques; signboards of porcelain and glass; crockery; plates; jugs; knife rests; menu card holders; napkin holders and napkin rings; lazy susans; plastic plates; cups; plastic cups; bowls; salad bowls; plastic bowls; egg cups; butter dishes; tea pots; coffee pots; cafetieres; sugar bowls; milk jugs; coffee grinders (non electric); tea cosies; covers for cafetieres; mugs; beer mugs; flasks; refrigerating bottles; heat insulating containers for beverages; containers for household or kitchen use; lunch boxes; picnic baskets; bottle openers; corkscrews; drinking straws; chop sticks; bread boards and bread bins; bread baskets; cookie jars; trays for domestic purposes; cruet stands for oil and vinegar; domestic grinders (non electric); salt cellars; sieves and sifters; spice sets; candle sticks and candelabra; coasters; paper plates; paper cups; paper bowls; serving trays; rolling pins; bakeware; aluminum bakeware; cookware; cake tins; pastry cutters; saucepans; frying pans; cooking pots; cooking pot sets; cooking utensils (non electric); ice cream scoops; pie dishes and pie servers; vegetable dishes; graters; griddles, griddles (cooking utensils) and grill supports; chopping boards; gloves for household purposes; oven gloves; oven mitts; cloths for cleaning; chopsticks; combs and sponges; bottles; toothbrushes; trays; teapots; saucers; brushes; bristles; basins; baskets; brooms; buckets; cleaning cloths.

Class 26:

Badges; ornamental novelty badges; buttons; badges for wear, not of precious metal; patches (heat adhesive); decoration of textile articles; appliqués; haberdashery; ribbons; rosettes; belt clasps; hooks; bows for the hair; hair accessories; false hair; wigs; brooches; hair bands; hair grips; hair barrettes; hair pins; hair nets; hair extensions; hat ornaments; needle cushions; needle cases; pin cushions; sewing kits; shoe laces; shoe fasteners.

Class 27:

Rugs, wallpaper, wallpaper borders, bath mats, fabric bath tub rugs, accent rugs, door mats, woven area rugs, rugs in the nature of floor runners; rugs stays, namely non-slip rug pads; carpets; beach mats; door mats; play mats; gymnastic and yoga mats; textile floor coverings; linoleum and other materials for covering existing floors; floor coverings and materials for covering existing floors made from leather hides; protective floor coverings; hard surface covering for floors; carpet tiles; cork tiles; linoleum tiles; vinyl tiles; underlays for carpets; underlays for mats; underlays for rugs; cloth wall coverings; decorative wall hangings, not of textile; friezes (non-textile wall hangings); wallpaper; wallpaper borders; non-textile wall hangings; wall coverings.

Class 28:

Games and playthings; action figures; dolls and accessories for dolls, including dolls' clothes, dolls' feeding bottles and dolls' houses; marionettes and puppets; teddy bears; mobiles; kites; rocking horses; rattles; toy masks; bath toys; board games; parlour games; building blocks; dice and cups for dice; marbles; conjuring apparatus; toy vehicles; toy scooters; scale model vehicles; toys for domestic pets; twirling batons; electric games and playthings (other than those adapted for use with television); electronic remote controlled toys; hand held computer games; hand held electronic games; amusement apparatus and machines being automatic and/or coin or counter operated; amusement apparatus for use in arcades; amusement apparatus and machines incorporating television screens and/or sound recording facilities; coin-operated games; Christmas trees made of synthetic materials; Christmas tree stands; decorations for Christmas trees; Christmas crackers; novelties for parties; hockey sticks; golf clubs; billiard tables, balls and cues; body building and training apparatus; dumb bells; stationary exercise bicycles; gloves for sporting purposes, including golf gloves and boxing gloves; protective padding, elbow guards and knee guards; sleighs, bobsleighs, skis, skates and parts and fittings for such goods; waterskis and surf boards; skateboards; paragliders; hang gliders; climbers' harnesses; fencing weapons, masks and gauntlets; fishing rods, fishing reeds, fishing tackle and fish hooks; tables for indoor football; swimming pools; swimming flippers;

swimming floats; swings and slides; skittles, quoits and ninepins; none of the aforesaid goods being targets that consist of, or include, a bull's eye.

Class 31:

Dried flower wreaths, swags and arrangements.

Class 35:

Wholesale services relating to a wide variety of consumer goods, namely
chemicals for use in industry, science, photography, agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, fire extinguishing and fire prevention compositions, fire proofing preparations, tempering and soldering preparations, automotive maintenance and repair supplies and equipment, anti-freeze and automotive accessories, coolants for vehicle engines, chemical substances for preserving foodstuffs, substances for tanning animal skins and hides, adhesives for use in industry, putties and other paste fillers, compost, manures, fertilizers, biological preparations for use in industry and science, paints, varnishes, lacquers, preservatives against rust and against deterioration of wood, colorants, dyes, inks for printing, marking and engraving, raw natural resins, metals in foil and powder form for use in painting, decorating, printing and art, beauty care products, cosmetics, toiletries, health and beauty aids, dentifrices, perfumery, body preparations and soaps, essential oils, hair products, hair removal preparations, artificial nails, manicure sets, pedicure sets, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, industrial oils and greases, wax, lubricants, dust absorbing, wetting and binding compositions, fuels, illuminants, candles, wicks for lighting, pharmaceutical, medical, surgical and veterinary preparations, sanitary preparations for medical purposes, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, common metals and their alloys, ores, ironmongery, goods made of common metals, metal materials for building and construction, pipes and tubes of metal, transportable buildings of metal, non-electric cables and wires of common metal, small items of metal hardware, metal containers for storage or transport, safes, machines, machine tools, power-operated tools, motors and engines, machine

coupling and transmission components, agricultural implements, incubators for eggs, automatic vending machines, hand tools and hand-operated implements, domestic electrical and electronic equipment including white goods, machines for household use, cutlery, razors, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), lifesaving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, computer hardware, computer accessories, tablet cases, mobile phone cases, sunglasses, cases for sunglasses, optical goods, spectacles, cases for spectacles, contact lenses, contact lens solutions, contact lens cases, televisions, sound equipment, video recorders, DVD recorders, cameras, batteries, fire-extinguishing apparatus, medical, dental and veterinary apparatus and instruments outside the field of endoscopy, artificial limbs, eyes and teeth, orthopaedic articles, suture materials, plasters, bandages, therapeutic and assistive devices adapted for the disabled, massage apparatus, apparatus, devices and articles for nursing infants, sexual activity apparatus, devices and articles, contraceptives, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, vehicles, bicycles, accessories for bicycles, trolleys, apparatus for locomotion by land, air or water, fireworks, precious metals and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments, presentation boxes for watches, presentation boxes for jewellery, ornaments and statues of precious metal, tie clips, tie pins, musical instruments, paper and cardboard, printed matter, bookbinding material, photographs, stationery and office requisites, 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, packaging materials, gift wrap, printers' type, printing blocks, unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all

these materials, plastics and resins in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes, tubes and hoses, leather and imitations of leather, animal skins and hides, luggage and carrying bags, wallets, purses, bags, music cases, suitcases, travelling sets [leather ware], umbrellas and parasols, walking sticks, whips, harness and saddlery, collars, leashes and clothing for animals, building materials, rigid pipes for building, asphalt, pitch and bitumen, transportable buildings, monuments, furniture, mirrors, picture frames, containers for storage or transport, unworked or semi-worked bone, horn, whalebone or mother-of-pearl, shells, meerschaum, yellow amber, household or kitchen utensils and containers, cookware and tableware, combs and sponges, brushes, brush-making materials, articles for cleaning purposes, unworked or semi-worked glass, glassware, porcelain and earthenware, ropes and string, nets, tents and tarpaulins, awnings of textile or synthetic materials, sails, sacks for the transport and storage of materials in bulk, padding, cushioning and stuffing materials, raw fibrous textile materials and substitutes therefor, yarns and threads, textiles, substitutes for textiles, textile goods, bedding, towels, table covers, napkins, household linen, curtains, draperies, blankets, clothing, footwear, headgear, aprons, belts, haberdashery, lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers, hair decorations, false hair, carpets, rugs, mats and matting, yoga mats, linoleum and other materials for covering existing floors, wall hangings, wallpaper, games, toys and playthings, pet toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees, Christmas trees of synthetic materials, Christmas tree stands, food, drink, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, oils and fats for food, coffee, tea, cocoa and artificial coffee, rice, tapioca and sago, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, sugar, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice, 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,

beers, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, alcoholic beverages, food for animals, animal litter, pet equipment and supplies, pet jewellery, pet grooming articles, trees, plants, flowers, fishing, boating, camping and hunting equipment, gardening tools, garden lawn and patio equipment and supplies, electrical plumbing maintenance and repair supplies and equipment, tobacco, smokers' articles, matches, e-cigarettes, ecigarette liquids, e-cigarette accessories.

Class 36:

Financial services; banking services; credit, debit and cash services; cash card services; the issuance of credit cards, debit cards and cash card liabilities; automatic cash dispensing; discount card services; the issuing of tokens of value in relation to incentive schemes; sponsorship services; the issuing of travellers' cheques; financial services, namely, credit card and debit card transaction processing services, electronic cash transactions; stored value prepaid card services, namely, processing electronic payments through prepaid cards; advisory services relating to all the aforesaid services.

Class 37:

Installation services namely, staging and sequencing, disassembly and installation of furniture, office equipment, portable walls, flooring, windows, doors and paneling; maintenance services, namely, panel upholstery, laminate cleaning, fabric protection, wood cleaning, oiling and restoration of furniture, office equipment, portable walls, flooring, windows, doors and paneling refurbishing.

Class 42:

Hosting online facilities for conducting interactive discussions; commercial interior design services including but not limited to consulting, design, project management, space planning, furniture specification.

(2) UK00917882836

Class 35:

On-line retail store services featuring a wide variety of consumer goods of others, namely²⁶ chemicals for use in industry, science, photography, agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, fire extinguishing and fire prevention compositions, fire proofing preparations, tempering and soldering preparations, automotive maintenance and repair supplies and equipment, anti-freeze and automotive accessories, coolants for vehicle engines, chemical substances for preserving foodstuffs, substances for tanning animal skins and hides, adhesives for use in industry, putties and other paste fillers, compost, manures, fertilizers, biological preparations for use in industry and science, paints, varnishes, lacquers, preservatives against rust and against deterioration of wood, colorants, dyes, inks for printing, marking and engraving, raw natural resins, metals in foil and powder form for use in painting, decorating, printing and art, beauty care products, cosmetics, toiletries, health and beauty aids, dentifrices, perfumery, body preparations and soaps, essential oils, hair products, hair removal preparations, artificial nails, manicure sets, pedicure sets, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, industrial oils and greases, wax, lubricants, dust absorbing, wetting and binding compositions, fuels, illuminants, candles, wicks for lighting, pharmaceutical, medical, surgical and veterinary preparations, sanitary preparations for medical purposes, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, common metals and their alloys, ores, ironmongery, goods made of common metals, metal materials for building and construction, pipes and tubes of metal, transportable buildings of metal, non-electric cables and wires of common metal, small items of metal hardware, metal containers for storage or transport, safes, machines, machine tools, power-operated tools, motors and engines, machine coupling and transmission components, agricultural implements, incubators for eggs, automatic vending machines, hand tools and

²⁶ The Opponent has, in its Form TM7, erroneously attributed the following wording to this class of services in respect of UK917882836: ‘supermarket, department store, superstore, and convenience store services and [...], online supermarket, online department store, online superstore, and online convenience store services, all connected with the sale [...]’.

hand-operated implements, domestic electrical and electronic equipment including white goods, machines for household use, cutlery, razors, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), lifesaving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, computer hardware, computer accessories, tablet cases, mobile phone cases, sunglasses, cases for sunglasses, optical goods, spectacles, cases for spectacles, contact lenses, contact lens solutions, contact lens cases, televisions, sound equipment, video recorders, DVD recorders, cameras, batteries, fire-extinguishing apparatus, medical, dental and veterinary apparatus and instruments outside the field of endoscopy, artificial limbs, eyes and teeth, orthopaedic articles, suture materials, plasters, bandages, therapeutic and assistive devices adapted for the disabled, massage apparatus, apparatus, devices and articles for nursing infants, sexual activity apparatus, devices and articles, contraceptives, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, vehicles, bicycles, accessories for bicycles, trolleys, apparatus for locomotion by land, air or water, fireworks, precious metals and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments, presentation boxes for watches, presentation boxes for jewellery, ornaments and statues of precious metal, tie clips, tie pins, musical instruments, paper and cardboard, printed matter, bookbinding material, photographs, stationery and office requisites, 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, packaging materials, gift wrap, printers' type, printing blocks, unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials, plastics and resins in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes,

tubes and hoses, leather and imitations of leather, animal skins and hides, luggage and carrying bags, wallets, purses, bags, music cases, suitcases, travelling sets [leather ware], umbrellas and parasols, walking sticks, whips, harness and saddlery, collars, leashes and clothing for animals, building materials, rigid pipes for building, asphalt, pitch and bitumen, transportable buildings, monuments, furniture, mirrors, picture frames, containers for storage or transport, unworked or semi-worked bone, horn, whalebone or mother-of-pearl, shells, meerschaum, yellow amber, household or kitchen utensils and containers, cookware and tableware, combs and sponges, brushes, brush-making materials, articles for cleaning purposes, unworked or semi-worked glass, glassware, porcelain and earthenware, ropes and string, nets, tents and tarpaulins, awnings of textile or synthetic materials, sails, sacks for the transport and storage of materials in bulk, padding, cushioning and stuffing materials, raw fibrous textile materials and substitutes therefor, yarns and threads, textiles, substitutes for textiles, textile goods, bedding, towels, table covers, napkins, household linen, curtains, draperies, blankets, clothing, footwear, headgear, aprons, belts, haberdashery, lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers, hair decorations, false hair, carpets, rugs, mats and matting, yoga mats, linoleum and other materials for covering existing floors, wall hangings, wallpaper, games, toys and playthings, pet toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees, Christmas trees of synthetic materials, Christmas tree stands, food, drink, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, oils and fats for food, coffee, tea, cocoa and artificial coffee, rice, tapioca and sago, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, sugar, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice, 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, beers, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and

other preparations for making beverages, alcoholic beverages, food for animals, animal litter, pet equipment and supplies, pet jewellery, pet grooming articles, trees, plants, flowers, fishing, boating, camping and hunting equipment, gardening tools, garden lawn and patio equipment and supplies, electrical plumbing maintenance and repair supplies and equipment, tobacco, smokers' articles, matches, e-cigarettes, ecigarette liquids, e-cigarette accessories; comparison shopping services; order fulfillment services; sales promotion of products for third parties; seller services, namely, retail store services and distributorship services for a wide variety of consumer goods, namely chemicals for use in industry, science, photography, agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, fire extinguishing and fire prevention compositions, fire proofing preparations, tempering and soldering preparations, automotive maintenance and repair supplies and equipment, anti-freeze and automotive accessories, coolants for vehicle engines, chemical substances for preserving foodstuffs, substances for tanning animal skins and hides, adhesives for use in industry, putties and other paste fillers, compost, manures, fertilizers, biological preparations for use in industry and science, paints, varnishes, lacquers, preservatives against rust and against deterioration of wood, colorants, dyes, inks for printing, marking and engraving, raw natural resins, metals in foil and powder form for use in painting, decorating, printing and art, beauty care products, cosmetics, toiletries, health and beauty aids, dentifrices, perfumery, body preparations and soaps, essential oils, hair products, hair removal preparations, artificial nails, manicure sets, pedicure sets, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, industrial oils and greases, wax, lubricants, dust absorbing, wetting and binding compositions, fuels, illuminants, candles, wicks for lighting, pharmaceutical, medical, surgical and veterinary preparations, sanitary preparations for medical purposes, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, common metals and their alloys, ores, ironmongery, goods made of common metals, metal materials for building and construction, pipes and tubes of metal,

transportable buildings of metal, non-electric cables and wires of common metal, small items of metal hardware, metal containers for storage or transport, safes, machines, machine tools, power-operated tools, motors and engines, machine coupling and transmission components, agricultural implements, incubators for eggs, automatic vending machines, hand tools and hand-operated implements, domestic electrical and electronic equipment including white goods, machines for household use, cutlery, razors, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, computer hardware, computer accessories, tablet cases ,mobile phone cases, sunglasses, cases for sunglasses, optical goods, spectacles, cases for spectacles, contact lenses, contact lens solutions, contact lens cases, televisions, sound equipment, video recorders, DVD recorders, cameras, batteries, fire-extinguishing apparatus, medical, dental and veterinary apparatus and instruments outside the field of endoscopy, artificial limbs, eyes and teeth, orthopaedic articles, suture materials, plasters, bandages, therapeutic and assistive devices adapted for the disabled, massage apparatus, apparatus, devices and articles for nursing infants, sexual activity apparatus, devices and articles, contraceptives, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, vehicles, bicycles, accessories for bicycles, trolleys, apparatus for locomotion by land, air or water, fireworks, precious metals and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments, presentation boxes for watches, presentation boxes for jewellery, ornaments and statues of precious metal, tie clips, tie pins, musical instruments, paper and cardboard, printed matter, bookbinding material, photographs, stationery and office requisites, 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, packaging materials, gift wrap, printers' type, printing blocks, unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials, plastics and resins in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes, tubes and hoses, leather and imitations of leather, animal skins and hides, luggage and carrying bags, wallets, purses, bags, music cases, suitcases, travelling sets [leather ware], umbrellas and parasols, walking sticks, whips, harness and saddlery, collars, leashes and clothing for animals, building materials, rigid pipes for building, asphalt, pitch and bitumen, transportable buildings, monuments, furniture, mirrors, picture frames, containers for storage or transport, unworked or semi-worked bone, horn, whalebone or mother-of-pearl, shells, meerscham, yellow amber, household or kitchen utensils and containers, cookware and tableware, combs and sponges, brushes, brush-making materials, articles for cleaning purposes, unworked or semi-worked glass, glassware, porcelain and earthenware, ropes and string, nets, tents and tarpaulins, awnings of textile or synthetic materials, sails, sacks for the transport and storage of materials in bulk, padding, cushioning and stuffing materials, raw fibrous textile materials and substitutes therefor, yarns and threads, textiles, substitutes for textiles, textile goods, bedding, towels, table covers, napkins, household linen, curtains, draperies, blankets, clothing, footwear, headgear, aprons, belts, haberdashery, lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers, hair decorations, false hair, carpets, rugs, mats and matting, yoga mats, linoleum and other materials for covering existing floors, wall hangings, wallpaper, games, toys and playthings, pet toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees, Christmas trees of synthetic materials, Christmas tree stands, food, drink, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, oils and fats for food, coffee, tea, cocoa and artificial coffee, rice, tapioca and sago, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, sugar, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice, 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, beers, mineral and aerated waters and other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, alcoholic beverages, food for animals, animal litter, pet equipment and supplies, pet jewellery, pet grooming articles, trees, plants, flowers, fishing, boating, camping and hunting equipment, gardening tools, garden lawn and patio equipment and supplies, electrical plumbing maintenance and repair supplies and equipment, tobacco, smokers' articles, matches, e-cigarettes, ecigarette liquids, e-cigarette accessories,; provision of an on-line marketplace for buyers and sellers of goods and services; providing a website featuring an online marketplace for exchanging goods and services with other users; providing evaluative feedback and ratings of sellers' goods and services, the value and prices of sellers' goods and services, buyers' and sellers' performance, delivery, and overall trading experience in connection therewith; providing a searchable online advertising guide featuring the goods and services of online vendors; providing a searchable online evaluation database for buyers and sellers; providing a web site featuring the ratings, reviews and recommendations on consumer goods for feedback purposes posted by viewers.

Class 42:

Platform as a service (PAAS) featuring computer software platforms for facilitating online transactions between sellers and buyers of consumer goods and services; Computer services, namely, providing search platforms for search engines and retail websites that provide consumers with consumer goods and services or retail product information and supplemental information based on the search query.

(3) UK00003505961

Class 9:

Mobile phone software and computer software for mobile digital devices that allows users to access coupons, incentive award program loyalty points, special

offers, vouchers, savings and discount information; mobile phone software and computer software for mobile digital devices that enables tracking of accumulated rewards points.

Class 35:

Supermarket, department store, superstore, and convenience store services and online retail store services, online supermarket, online department store, online superstore, and online convenience store services, all connected with the sale of chemicals for use in industry, science, photography, agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, fire extinguishing and fire prevention compositions, fire proofing preparations, tempering and soldering preparations, automotive maintenance and repair supplies and equipment, anti-freeze and automotive accessories, coolants for vehicle engines, chemical substances for preserving foodstuffs, substances for tanning animal skins and hides, adhesives for use in industry putties and other paste fillers, compost, manures, fertilizers, biological preparations for use in industry and science, paints, varnishes, lacquers, preservatives against rust and against deterioration of wood, colorants, dyes, inks for printing, marking and engraving, raw natural resins, metals in foil and powder form for use in painting, decorating, printing and art, beauty care products, cosmetics, toiletries, health and beauty aids, dentifrices, perfumery, body preparations and soaps, essential oils, hair products, hair removal preparations, artificial nails, manicure sets, pedicure sets, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, industrial oils and greases, wax, lubricants, dust absorbing, wetting and binding compositions, fuels, illuminants, candles, wicks for lighting, pharmaceutical, medical, surgical and veterinary preparations, sanitary preparations for medical purposes, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, preparations for destroying vermin, fungicides, herbicides, common metals and their alloys, ores, ironmongery, all purpose boxes and containers of common metal (not being high security cabinets for IT equipment or relating to high security cabinets for IT equipment), statues, busts and works of art of common metal, metal materials for building and

construction (not being high security cabinets for IT equipment or relating to high security cabinets for IT equipment), pipes and tubes of metal transportable buildings of metal (not being high security cabinets for IT equipment or relating to high security cabinets for IT equipment), non-electric cables and wires of common metal (not relating to high security cabinets for IT equipment), small items of metal hardware, metal containers for storage or transport (not being high security cabinets for IT equipment or relating to high security cabinets for IT equipment), safes (not being high security cabinets for IT equipment or relating to high security cabinets for IT equipment), electric cleaning machines and polishing apparatus, including electric shoe polishers, electric machines and apparatus for carpet shampooing and vacuum cleaners, machine tools, power-operated tools, motors and engines, machine coupling and transmission components, agricultural implements, incubators for eggs, automatic vending machines, hand tools and hand-operated implements, domestic electrical and electronic equipment including major kitchen and laundry appliances, household machines for lighting, heating, cooling, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, machines for household use, cutlery, razors, scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), lifesaving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and Other digital recording media, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, computer hardware, computer accessories, tablet cases mobile phone cases, sunglasses cases for sunglasses, optical goods, spectacles, cases for spectacles, contact lenses, contact lens solutions, contact lens cases, televisions, sound equipment, video recorders, DVD recorders, cameras, batteries, fire-extinguishing apparatus, surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth, orthopaedic articles, suture materials, plasters, bandages, therapeutic and assistive devices adapted for the disabled, massage apparatus, apparatus,

devices and articles for nursing infants, sexual activity apparatus, devices and articles, contraceptives, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, vehicles, bicycles, accessories for bicycles, trolleys, apparatus for locomotion by land, air or water, fireworks, precious metals, and their alloys, jewellery, precious and semi-precious stones, horological and chronometric instruments, presentation boxes for watches, presentation boxes for jewellery, ornaments and statues of precious metal, tie clips, tie pins, musical instruments, paper and cardboard, printed matter, bookbinding material, photographs, stationery and office requisites, 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, packaging materials, gift wrap, printers' type, printing blocks, unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials, plastics and resins in extruded form for use in manufacture, packing, stopping and insulating materials, flexible pipes, tubes and hoses, leather and imitations of leather, animal skins and hides, luggage and carrying bags, wallets, purses, bags, music cases, suitcases, travelling sets [leatherware], umbrellas and parasols, walking sticks, whips, harness and saddlery, collars, leashes and clothing for animals, building materials, rigid pipes for building, asphalt, pitch and bitumen, transportable buildings (not being high security, cabinets for IT equipment or relating to high security cabinets for IT equipment), monuments, furniture, mirrors, picture frames, containers for storage or transport (not being high security cabinets for IT equipment or relating to high security cabinets for IT equipment), unworked or semi-worked bone, horn, whalebone or mother-of-pearl, shells, meerschaum, yellow amber, household or kitchen utensils and containers, cookware and tableware, combs and sponges, brushes, brush-making materials, articles for cleaning purposes, unworked or semi-worked glass, glassware, porcelain and earthenware, ropes and string, nets, tents and tarpaulins, awnings of textile or synthetic materials, sails, sacks for the transport and storage of materials in bulk, padding, cushioning and stuffing materials, raw fibrous textile materials and substitutes therefor, yarns and threads, textiles, substitutes for textiles, household textile

goods, bedding, towels, table covers, napkins, household linen, curtains, draperies, blankets, clothing, footwear, headgear, aprons, belts, haberdashery, lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers, hair decorations, false hair, carpets, rugs, mats and matting, yoga mats, linoleum and Other materials for covering existing floors, wall hangings, wallpaper, games, toys and playthings, pet toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees, Christmas trees of synthetic materials, Christmas tree stands, food, drink, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milk and milk products, oils and fats for food, coffee, tea, cocoa and artificial coffee, rice, tapioca and sago, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, sugar, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice, 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, beers, mineral and aerated waters and Other non-alcoholic beverages, fruit beverages and fruit juices, syrups and other preparations for making beverages, alcoholic beverages, food for animals, animal litter, pet equipment and supplies, pet jewellery, pet grooming articles, trees, plants, flowers, fishing, boating, camping and hunting equipment, gardening tools, garden lawn and patio equipment and supplies, electrical plumbing maintenance and repair supplies and equipment, tobacco, smokers' articles, matches, e-cigarettes, e-cigarette liquids, e-cigarette accessories; retail services in connection with bakery products; online retail services in connection with bakery products; retail store services in connection with delicatessen products; online retail store services in connection with delicatessen products; retail store services in connection with alcoholic drinks; online retail store services in connection with alcoholic drinks; retail services in connection with optical products; online retail services in connection with optical products; business sourcing services, including business management services, procurement services for others; export consultancy, organization consultancy services; all of the aforementioned services only in the

field of, or in association with, operating retail stores and/or online retail stores and/or online marketplaces.

Class 36:

Financial services, namely, credit card and debit card transaction processing services, electronic cash transactions, and credit card and debit card payment processing services; stored value prepaid card services, namely, processing electronic payments through prepaid cards; providing electronic payment services involving electronic processing and subsequent transmission of bill payment data for purchase of goods and services in-store, electronically or via the Internet, mobile phone or smart phone.