

O/0705/26

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. UK00003783076
BY WLEV MOTOR, S.L. TO REGISTER:**



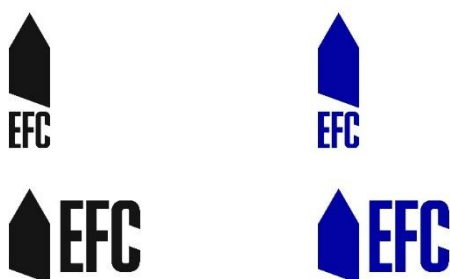
**AS A TRADE MARK IN CLASSES 3, 9, 12,
14, 18, 25, 28, 33, 35, 36, 38, 41 & 43**

AND

**IN THE MATTER OF THE OPPOSITION THERETO
UNDER NO. 437046 BY
THE EVERTON FOOTBALL CLUB COMPANY LIMITED**

BACKGROUND AND PLEADINGS

1. On 29 April 2022, WLEV MOTOR, S.L. (“the applicant”) applied to register the trade mark shown on the cover page of this decision in the UK (“the applicant’s mark”). The applicant’s mark was published on 22 July 2022 and registration is sought for the goods and services set out in **Annex 1** of this decision.¹
2. On 21 October 2022, the applicant’s mark was opposed by The Everton Football Club Company Limited (“the opponent”). The opposition is based on sections 5(2)(b), 5(3) and 5(4)(a) of the Trade Marks Act 1994 (“the Act”). The section 5(2)(b) ground is aimed at some goods and services only, being those found at **Annex 2** of this decision. The section 5(3) and 5(4)(a) grounds are targeted at the applicant’s mark in its entirety.
3. Under the section 5(2)(b) ground, the opponent relies on the following series of four trade marks:



UK registration no. 3673454

Filing date 26 July 2021; registration date 18 February 2022

Relying on some goods and services, being those set out at **Annex 3** of this decision.

(“the opponent’s registration”).

¹ It is noted that during the course of these proceedings, the applicant sought to amend its specification by introducing a limitation. However, this was rejected by the Tribunal and confirmed to the parties on 29 April 2025. No further request for an amendment was filed.

4. The opponent's position under this ground is that the marks at issue are closely similar and cover goods and services that are identical and similar. As such, the opponent claims that there exists a likelihood of confusion on the part of the public, including a likelihood of association.
5. Turning to the section 5(3) ground, the opponent relies on the following trade mark:

EFC

UK registration no. 2215550

Filing date 27 November 1999; registration date 12 January 2001

Relying on some goods and services, namely:

Class 25: Articles of outerclothing.

Class 41: Provision of club sporting services.
("the opponent's mark").

6. Under this ground, the opponent claims that its mark enjoys a reputation for the goods and services relied upon and that such a reputation in the UK would mean that the relevant public would believe that the marks are used by a single undertaking or that there is an economic connection between them. It is claimed that as a result of the near identity of the marks and the reputation of the opponent, any use by the applicant of its mark would result in the applicant obtaining an unfair advantage from the opponent. In addition, the opponent argues that use of the applicant's mark would be detrimental to the repute and/or distinctive character of the opponent's mark.
7. Lastly, under the section 5(4)(a) ground, the opponent relies on the sign 'EFC' that it claims to have used throughout the UK since 1999 in respect of "clothing" and "football club services". It is claimed that this use has resulted in the opponent

generating goodwill in its business. The opponent's position is that use of the applicant's mark would constitute a misrepresentation which would ultimately damage the opponent's goodwill and business under the sign relied upon.

8. The applicant filed a counterstatement wherein it denied all of the claims against it. In addition, the applicant also requested that the opponent provide proof of use for the mark relied upon under the section 5(3) ground.
9. The applicant is represented by Page, White & Farrer Limited and the opponent is represented by Wilson Gunn. Only the opponent filed evidence in chief. No hearing was requested and neither party filed written submissions in lieu of the same. This decision is taken after careful consideration of the papers.
10. 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.

EVIDENCE

11. The opponent's evidence in chief was provided in the form of the witness statement of Mr Andrew Scott dated 9 September 2024. Mr Scott is the Head of Legal Services for the opponent, a position he has held since September 2022. His evidence is accompanied by eight exhibits, being AS1 to AS8, and was adduced in order to prove that the mark relied upon (under section 5(3)) has been genuinely used and enjoys a reputation and that the sign relied upon (under section 5(4)(a)) benefits from a protectable goodwill.

12. I do not intend to summarise the evidence in full here. However, I confirm that I have taken all filed documents into account and will summarise them to the extent that I deem necessary below.

DECISION

Section 5(2)(b): legislation and case law

13. Section 5(2)(b) states that:

“(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.”

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

“Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

15. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

“(6)(1) In this Act an “earlier trade mark” means –

(a) a registered trade mark or international trade mark (UK) which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks,

(aa) a comparable trade mark (EU) or a trade mark registered pursuant to an application made under paragraph 25 of Schedule 2A which has a valid claim to seniority of an earlier registered trade mark or protected international trade mark (UK) even where the earlier trade mark has been surrendered or its registration has expired;

(ab) a comparable trade mark (IR) or a trade mark registered pursuant to an application made under paragraph 28, 29 or 33 of Schedule 2B which has a valid claim to seniority of an earlier registered trade mark or protected international trade mark (UK) even where the earlier trade mark has been surrendered or its registration has expired.

[...]

(2) References in this Act to an earlier trade mark include a trade mark in respect of which an application for registration has been made and which, if registered, would be an earlier trade mark by virtue of subsection (1)(a) or (b), subject to its being so registered.”

16. Given its filing date, the opponent’s registration qualifies as an earlier trade mark in accordance with the above provisions. As it did not complete its registration process more than five years prior to the filing date of the application, the use provisions set out in section 6A of the Act do not apply. The consequence of this

is that the opponent may rely on all of the goods and services identified under the present ground in its notice of opposition.

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

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

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

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

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

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

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

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

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

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

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

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

Comparison of goods and services

18. The opposed goods and services of the applicant are set out at Annex 2 of this decision whereas the goods and services relied on by the opponent are set out at Annex 3 of this decision.

19. When making the comparison, all relevant factors relating to the goods and services 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:

“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”.

20. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

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

21. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court stated that:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM- Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.”

22. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06, the General Court stated that “complementary” means:

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

23. In its notice of opposition, the opponent provided a table listing the goods and services at issue under the present ground side by side. The purpose of the table is to demonstrate what goods and services of the applicant are considered identical or similar to the different goods and services relied upon. While noted, there is no specific reasoning provided in support of the claims of similarity. That being said, while the goods and services at issue are of a substantial length, they are not particularly complicated so I see no issue with the way in which the opponent has put forward its case.

24. As for the applicant, its position in respect of the goods and services is a general denial of any identity or similarity. On this point, I note that the applicant’s counterstatement includes comments as to its four lines of business, being electric motorsport, engineering, sustainable electric vehicles and education services in the electric vehicle industry. Whilst this is noted, the activities of the applicant are not relevant to the comparison I must make. Instead, the assessment of likelihood

of confusion under Section 5(2)(b) must be based, in fact, on the concept of 'notional and fair use' which involves carrying out the comparison of the goods and services based on the specifications before me, not the goods and services effectively provided by the parties.²

Class 3

Perfumery products, essential oils, non-medicated cosmetics, non-medicated hair lotions; non medicated dentifrices; deodorants for personal use (perfumery products); non medicated soaps.

25. The above goods of the applicant are identical (be that self-evidently or under the principle outlined in *Meric*) with the opponent's goods of "perfumery", "essential oils", "cosmetics", "hair care products", "personal deodorants", "soaps" and "dentifrices".

Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations.

26. Insofar as the first term listed above covers 'other substances for laundry use', I consider that it can reasonably be said to encompass the opponent's term of "detergents" which, in my view, can be said to be an 'other substance' for use in laundry. The same applies to the element of the second term that relates to "cleaning [...] preparations". Such goods are identical under the principle outlined in *Meric*.

27. Insofar as the second term listed above covers "polishing [...] preparations", I note that the opponent's specification includes the term "boot cream and polish". This is

² *O2 Holdings Limited, O2 (UK) Limited v Hutchison 3G UK Limited*, Case C-533/06 at [66] and *Compass Publishing BV v Compass Logistics Ltd* [2004] RPC 41 at [22]

clearly a polishing preparation and, as such, falls within the term listed above. These goods are, therefore, identical under the principle outlined in *Meric*.

28. This leaves the terms of “bleaching preparations [...] for laundry use” and “scouring and abrasive preparations”. These terms are similar to “detergents” in that the purpose of the goods at issue is to disperse and remove a variety of stains, albeit via different methods. Further, I consider it likely that the producer of detergents would also produce and sell bleaching, scouring and abrasive preparations. Additionally, such goods are likely to be found in the same sections or aisles of retailers. As far as the user of these goods is concerned, I consider these will be the same. Lastly, the goods are not complementary or in competition. Overall, I find that the aforementioned overlaps are sufficient to warrant a finding that these goods are similar to a medium degree.

Class 9

Downloadable software, namely perfumery and cosmetic products for use in virtual reality and augmented reality; software; downloadable computer applications, downloadable mobile applications for the management and transmission of data and information; downloadable virtual goods, namely, computer programs with perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, vehicles for locomotion by land, air and water, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, clocks, stickers, decals, photographs, posters, magazines, parasols, wines and alcoholic beverages for use online and in virtual worlds, online and augmented reality; downloadable computer programs for interactive games for use via a global computer network and via various wireless networks and electronic devices; downloadable software for participating in social networks and interacting with online communities; downloadable software for accessing and streaming multimedia entertainment content; downloadable software

for providing access to a virtual online environment; downloadable computer software for creating, producing, and modifying animated and non-animated digital characters and designs, avatars, digital overlays, and skins for access and use in online environments, online virtual environments, and extended reality virtual environments; downloadable computer game software for use on mobile devices; downloadable game software; downloadable software as non-expendable tokens; artificial intelligence software; simulation software for use on digital computers; interactive computer software; downloadable software namely vehicles, apparatus for locomotion by land, air or water for use in virtual reality and augmented reality; downloadable software namely precious metals and their alloys, jewellery, precious and semiprecious stones, watches and chronometric instruments, for use in virtual reality and augmented reality; downloadable software namely collars, leashes and clothing for animals, including these products for use in virtual reality and augmented reality; downloadable software namely clothing, footwear, headgear for use in virtual reality and augmented reality; downloadable software namely games, toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees for use in virtual reality and augmented reality; downloadable software namely wines, spirits, alcoholic beverages, except beers, for use in virtual reality and augmented reality.

29.Despite some of the above covering software for use of goods in virtual reality games, they are all still specifically categorised as items of software. As such, they are identical under the principle outlined in *Meric* with the opponent's terms of "computer software" and "application software for mobile communication devices".

Photographic, cinematographic, optical, measuring, signalling [...] apparatus and instruments.

30.While expressed differently, I consider that the above term describes goods that appear in the opponent's specification. These include "apparatus for recording, transmission or reproduction of sounds or images", "apparatus for receiving,

recording and downloading sounds and images”, “digital communications apparatus and instruments” and “electrical and electronic apparatus for use in the reception of satellite, terrestrial or cable broadcasts”. As such, I find that these goods are identical.

Life-saving apparatus and instruments.

31. The above term is broad so can cover any instrument that is used to send a distress signal. For example, this can include something that is included on board a boat that transmits a distress signal in case of an emergency. In considering the opponent’s terms, I note that it includes “digital communications apparatus and instruments”. This is sufficiently broad so as to cover a device that is used to communicate signals for any purpose. Such signals could be those same distress signals I have discussed above. As such, I find that these goods are identical, be that self-evidently or under the principle outlined in *Meric*, in the event that the opponent’s goods encompass the applicant’s, and vice versa.

Apparatus for recording, transmitting or reproducing sound or images;

32. The above term is self-evidently identical with the opponent’s term of “apparatus for recording, transmission or reproduction of sounds or images”.

Magnetic data carriers, recording discs; compact discs, DVDs and other digital recording carriers.

33. The above goods are either self-evidently identical or identical under the principle outlined in *Meric* with the opponent’s term of “compact discs, DVDs and other digital recording media”.

Cash registers.

34. The opponent's position is that the above term is identical or similar to "calculators", "data processing equipment", "computers" and "computer hardware". In my view, the latter term is the best comparator for the above. I say this because cash registers are tangible items of computer hardware. For example, a cash register will commonly include a screen, a keyboard and a printer as well as other periphery devices such as a scanner and a payment terminal. As these are all types of computer hardware, I find that these terms are identical under the principle outlined in *Meric* because the above term falls within that of the opponent. Failing that, I find that the goods at issue are similar to at least a medium degree based on overlaps in nature, purpose, trade channels and user.

Calculating machines, data processing equipment, computers; smart phones; mobile phones.

35. The above goods are either self-evidently identical or identical under the principle outlined in *Meric* with the opponent's terms of "calculators", "data processing equipment", "computers", "telephones", "mobile phones, smartphones and video phones".

Non fungible tokens (NFTs); downloadable art image files authenticated by non-fungible tokens; downloadable digital art.

36. It is my understanding that an NFT is an electronic file such as an image, graphic or video that is authenticated or verified on a blockchain. Given that the second term listed above expressly covers an NFT as downloadable art, I consider it reasonable to conclude that any NFT can be a downloadable good, despite not expressly being stated that way. As such, I find that all of the above terms fall within the opponent's term of "downloadable music, sounds, images, graphics, videos,

games, text or data”. Therefore, I consider these goods to be identical under the principle outlined in *Meric*.

Class 14

Precious metals and their alloys.

37. While the opponent’s specification does not include the above term, it does include a range of goods that are specifically made of precious metals. These include “key rings, key chains, key charms, all of precious metal or coated therewith”, “badges of precious metal or coated therewith” and “ornaments, busts, figurines, statues and statuettes, works of art, models, trophies, plates, plaques, shields and signs, all of precious metal or coated therewith”. Further, there are other goods that are commonly made with precious metals or their alloys. These include “medals and medallions”, “coins”, “rings”, “earrings”, “bracelets”, “bangles”, “brooches”, “jewellery chains”, “necklaces” and “pendants”. While I do not consider that these goods are identical, they are highly similar. I say this because they overlap in nature, method of use, purpose, trade channels and user. This is on the basis that both parties’ goods are made of the same materials, can be used in the same manner (i.e. displayed on shelves or on the person for adornment purposes), will be sold by the same undertakings, via the same retailers and sought by the same user.

Jewellery, precious and semi-precious stones; costume jewellery; watches and chronometric instruments.

38. The above goods are all either self-evidently identical or identical under the principle outlined in *Meric* with the opponent’s terms of “jewellery”, “precious and semi-precious stones”, “costume jewellery”, “watches” and “clocks”.

Class 18

Leather.

39. I consider that the term of “leather straps” in the opponent’s specification is the best comparator to the above term. I say this because there is some overlap in nature in that the products are made from the same material. Further, there is some overlap in method of use on the basis that whilst a leather strap can be a finished product, it is also likely to cover goods that are used as parts affixed to a bag or a watch. Therefore, both goods can be said to operate as parts of finished leather articles. I do not consider that the provider of leather would actually manufacture the leather to then sell it as a leather strap meaning that I am not convinced there is any overlap in trade channels. However, the goods are likely to be selected by the same user, namely a business user looking to manufacture a finished article such as a watch or a bag (as per my previously used example). As a result, and because the aforementioned overlaps in nature and method of use are not particularly pronounced, I am of the view that these goods are similar to a low degree.

Imitation leather.

40. As the above term is not leather, I consider that the preceding comparison is not directly applicable. That being said, a similar comparison can apply between the above term and the opponent’s “luggage straps” and “covers for bags”. I say this because, the goods of the opponent can be made of imitation leather and may be used as parts of finished imitation leather products. Therefore, there is some overlap in nature and method of use. Further, the user may be the same because businesses looking to manufacture a bag or luggage made of imitation leather are likely to select the goods of the opponent. Therefore, applying the same reasoning set out in the preceding paragraph, I find that these goods are similar to a low degree.

Animal hides.

41. As far as I understand the above term, it covers the raw and unprocessed animal hide prior to it being made into leather. While I have found a degree of similarity between “leather” and “leather straps” above, I am of the view that the above term is a further step removed from that of the opponent. While the end product that is made from the animal hide will likely be leather (it can also cover fur), its present form differs in nature, method of use and purpose with the opponent’s “leather straps”. Further, I have nothing before me to suggest any overlap in trade channels or user. Therefore, I find that these goods are dissimilar.

42. For the avoidance of doubt, I have given consideration as to whether the above term is similar to “parts and fittings for all of the aforesaid goods” in the opponent’s specification. This duly covers parts and fittings for a range of goods made from leather. Whilst I appreciate that an animal hide is the raw material used to create leather, I do not consider it to be a part or a fitting for the same. As such, this term of the opponent does not offer any material degree of similarity with “animal hides”.

Luggage and carrying bags; handbags, purses and pocket wallets; umbrellas and parasols; walking sticks.

43. The above goods are all either self-evidently identical or identical under the principle outlined in *Meric* with the opponent’s terms of “luggage”, “bags”, “purses”, “wallets”, “umbrellas and parasols”, “walking sticks”

Whips, harnesses and saddlery.

44. The above goods cover those that are used to control or lead animals. As such, I will compare them to the opponent’s term of “collars, leads and leashes for animals”. The nature overlaps to some degree as both parties’ goods are

commonly made of leather. In addition, I consider it reasonable to suggest that there is some overlap in purpose because, as above, the goods are used to control or lead animals. Further, there is an overlap in both trade channels and user on the basis that such goods are likely to be produced by and sought from the same undertaking, by the same users. Lastly, there is a degree of competition in that someone looking to control or lead their pet on walks may wish to use a harness or a lead, for example. As a result, I find that these goods are similar to a high degree.

45. If it can be said that the above term of the applicant, insofar as it relates to saddles, is used to ride animals as opposed to controlling or leading them, then there will be no overlap in purpose. That being said, the other overlaps discussed above apply and, in my view, these remain sufficient to find that these goods, in this context, are similar to a medium degree.

Collars, leashes and clothing for animals.

46. The above goods are self-evidently identical with the opponent's terms of "collars, leads and leashes for animals" and "clothing and covers for animals".

Class 25

Clothing, footwear, headgear.

47. The above goods are self-evidently identical with the opponent's term of "clothing, footwear, headgear".

Class 28

Games, toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees.

48. The above goods are either self-evidently identical or identical under the principle outlined in *Meric* with the opponent's terms of "games and playthings", "gymnastic and sporting articles", "controllers for video games and covers therefor" and "Christmas decorations".

Class 33

Wines, spirits, alcoholic beverages, except beers and alcoholic preparations for making beverages.

49. The above goods are self-evidently identical with the opponent's terms of "alcoholic beverages", "wines" and "spirits".

Class 35

Online retail store [...] services featuring digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs), cryptocurrencies and digital art.

50. The above term covers the retail services for sale of a range of NFTs. As an NFT is a downloadable or streamable image or graphic, I find that the above services are identical under the principle outlined in *Meric* with the opponent's "retail services and online retail services all connected with the sale of [...] downloadable and streamable music, sounds, images, graphics, videos, games, text or data."

Online retail and wholesale services offering virtual goods including perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and

shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols, digital illustrations represented by non-fungible tokens for use online and in online virtual worlds.

51. The above term specifically covers the retail services for online digital goods. All of the goods covered are those that can be said to fall within the category of an NFT and, even if not, the goods covered are downloadable images, graphics or data. As such, I find that the above services are identical under the principle outlined in *Meric* with the opponent's "retail services and online retail services all connected with the sale of [...] downloadable and streamable music, sounds, images, graphics, videos, games, text or data."

Provision of an online marketplace for buyers and sellers of NFT-authenticated downloadable digital goods; online auction services featuring digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs), cryptocurrencies and digital art; and marketplace services featuring digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs), cryptocurrencies and digital art; provision of an online marketplace for buyers and sellers of non-fungible tokens (NFTs); provision of an online marketplace for buyers and sellers of non-fungible tokens (NFTs); provision of an online marketplace for buyers and sellers of goods and services; provision of an online and virtual marketplace for goods and services.

52. It is my understanding that an online marketplace is a website wherein users may place items for sale and other users may bid on them. It is also my understanding that 'eBay', being the popular online auction website falls within the category of an online marketplace. As such, I consider that all of the above services fall within the opponent's term of "auctioneering", which is sufficiently broad so may cover the provision of an online auction marketplace. As a result, I find that these services

are identical under the principle outlined in *Meric*. However, if I am incorrect in this finding, I offer the below alternative.

53. While the provision of an online marketplace is not identical to retail services, be that online or not, I find that the above services are still similar to “retail services and online retail services all connected with the sale of [...] downloadable and streamable music, sounds, images, graphics, videos, games, text or data”.³ Following the finding that an NFT covers downloadable or streamable images or graphics, I find that the purpose of the services is the same in that both parties’ services aim to offer a place for users to buy NFTs. Further, I consider it likely that the provider of an online retail platform for NFTs may also offer the user a place to place their NFTs for sale (or resale) via an online marketplace. Further, the users will be the same and, in addition, there is a degree of competition in that someone looking to buy an NFT will either select it via online retail or via an online marketplace. As such, I find that these services are similar to a medium degree.

Retail and wholesale services through global computer networks of perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols.

54. The above services cover both the retail and wholesale of various goods. Insofar as the services are retail, they are identical (be that self-evidently or under the principle outlined in *Meric*) to the following retail services of the opponent:

Retail services and online retail services all connected with the sale of soaps, perfumery, essential oils, cosmetics, hair lotions, toiletries, body cleaning and

³ For the avoidance of doubt, this applies even where the applicant’s terms are broad so can cover an online marketplace relating to any good. In this case, this can still include the goods covered by the opponent’s term.

body care preparations, shower and bath preparations, personal deodorants, skin care products and preparations, ornaments, busts, figurines, statues and statuettes, works of art, eye glasses, spectacles and sunglasses and cases, jewellery and parts, fittings, boxes and cases therefor, costume jewellery, precious and semi-precious stones, rings, earrings, bracelets, bangles, brooches, jewellery chains, necklaces, pendants, jewellery charms, clocks, watches, watch straps, ornamental pins, lapel pins, tie pins, tie clips, cufflinks, charity wrist bands, key fobs, key charms, mobile phone charms, badges of precious metal or coated therewith, ornaments of precious metal or coated therewith, busts of precious metal or coated therewith, figurines of precious metal or coated therewith, statues and statuettes of precious metal or coated therewith, works of art of precious metal or coated therewith, models of precious metal or coated therewith, trophies of precious metal or coated therewith, signs of wood, wax, plaster, plastic or resin, umbrellas and parasols, poster magazines, signed photographs, printed matter, prints and pictures, art prints, graphic prints, luggage, bags, clothing, footwear, headgear, toys, sports games, sporting equipment.

55. However, where the applicant's term covers 'wholesale', I do not consider them to be identical. This is because their natures differ in that retail and wholesale are not the same. That being said, they share the same overall commercial purpose, namely that provision of goods, whether in bulk or otherwise. Further, as far as I understand it, it is common for retailers of goods to offer those goods in wholesale and vice versa. Further, the services will be sought by the same user. As such, the wholesale services of the applicant's are highly similar to the aforementioned retail services of the opponent.

Retail and wholesale services through global computer networks of [...] vehicles [and] furs.

56. As was the case above, I will consider these services as both retail and wholesale services separately. In considering the above retail services against the various retail services of the opponent (some of which are listed in the preceding comparison but others are not), I note that there is no direct retail services covered in the opponent's specification. That being said, there is a degree of overlap in nature and method of use between the above services and the various retail services of the opponent. I say this because both parties' services are retail services, be that physical or online, that will be sought via the usual method (be that by visiting a physical store or shopping online). In terms of purpose, whilst both services cover different end products, they are retail services meaning that there is some overlap here too. I do not consider that the trade channels that offer the above services would offer the retail of the goods covered by the opponent's service listed above (or any of the other retail services covered by the opponent's specification). Further, there is some overlap in user but this is somewhat fleeting given the wide user base for both parties' services. Taking all of this into account, I appreciate that the aforementioned overlaps are not particularly pronounced but they are, in my view, sufficient to give rise to a finding that these services are similar to between a low and medium degree.

57. In respect of the wholesale services of the applicant, following a similar approach to that above, I find that there is no overlap in nature between these and the retail services of the opponent. In terms of the remaining factors, I find that there exists an overlap in method of use, purpose (as per paragraph 55 above) and user but no overlap in trade channels for the same reasons set out immediately above. In my view, these overlaps are not particularly pronounced but are sufficient to give rise to a finding that these services are similar to a low degree.

Sales promotion services for third parties; advertising; market study and analysis services; services for promoting financial and insurance services for third parties.

58. The above services are all differing types of advertising, promotional or marketing services. As the opponent's specification includes the terms "advertising" and "promotional and marketing services", I find that the above services are identical to those of the opponent under the principle outlined in *Meric*.

Commercial business management; commercial administration; administrative work; support services for the operation or management of commercial or industrial companies; commercial representation services; import and export agencies; services for conducting studies on business organisation, planning, control, management and expertise of companies and verification of accounts; business meeting planning services; business office management for third parties; administrative services related to referral to insurance agencies.

59. The above services all describe different types of management and administration services that pertain to the operation of a business. As a result, I find that the above services all fall within the opponent's terms of "business management", "business administration" and "office functions". These services are, therefore, identical under the principle outlined in *Meric*.

Information, advisory and consultancy services relating to the entire chain of services mentioned above.

60. Given that, at the end of the opponent's list of class 35 services, its specification includes the term "information, advisory and consultancy services in relation to all of the aforesaid", I find that where I have found the class 35 services to be identical or similar to any degree, the same finding applies insofar as it relates to the above. For the avoidance of doubt, the above term of the applicant is presented only after some of its class 35 services. This finding is not, therefore, applicable to the

following terms of the applicant on the basis that registration is not for information, advisory or consultancy services for the same:

“Services for promoting financial and insurance services for third parties; administrative services related to referral to insurance agencies; business meeting planning services; business office management for third parties; online auction services featuring digital media, namely, digital collectibles, digital tokens, non- fungible tokens (NFTs), cryptocurrencies and digital art; online retail store and marketplace services featuring digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs), cryptocurrencies and digital art; provision of an online marketplace for buyers and sellers of goods and services; provision of an online marketplace for buyers and sellers of non-fungible tokens (NFTs).”

Class 36

Financial affairs; monetary affairs; capital management and investment; trust services; constitution and investment of funds; virtual provision of financial services; provision of financial services online, via telecommunications networks (including mobile telephones), telematic networks and global computer and virtual communications networks.

61. My primary view is that the above terms all encompass the opponent's terms of “charitable fund raising services”, “managing and monitoring of charitable funds” and “organisation of collections”. This is because all of the services of the opponent are narrower terms relating to finance and given the broad nature of the applicant's services, they are identical under the principle outlined in *Meric*. However, if this is incorrect then I still consider them similar on the basis of a shared overlap in nature, trade channels and user. This is on the basis that all of these services are financial in nature, will be provided by the same financial undertakings and sought by the

same group of consumers. As such, if these services are not considered identical then they are similar to a medium degree.

Class 38

Website access services in connection with an online marketplace for the exchange of digital collectibles; provision of virtual facilities for business meetings, business conferences and conventions; provision of virtual facilities for general use for meetings, conferences and exhibitions and social events.

62. The above services are all different types of telecommunication services or those that relate to the provision of online forums for communication. As such, I find that these services all fall within the opponent's terms of "telecommunications", "provision of discussion forums and chat room services" and "provision of online forums for communication on topics of general interest". These services are, therefore, identical under the principle outlined in *Meric*.

Class 41

Education services; training; virtual training services; virtual training services in insurance, financial and real estate matters.

63. The above services are either self-evidently identical or identical under the principle outlined in *Meric* with the opponent's terms of "education" and "providing of training".

Sporting and cultural activities.

64. This term appears in the opponent's specification. It is, therefore, self-evidently identical.

Entertainment services; entertainment services, namely, providing real and virtual online concerts and other virtual events; entertainment services, namely, providing non-downloadable virtual goods, namely, computer programs with perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols for use online and in online virtual worlds; entertainment services, namely, providing virtual environments in which users can interact for educational, recreational, leisure or entertainment purposes; entertainment services, namely, providing virtual environments in which users can consume virtual food and drink; virtual reality game services provided online.

65. The opponent's specification includes the term "entertainment". This encompasses all of the above services and, as such, I find that they are identical under the principle outlined in *Meric*.

Services for the preparation, organisation and management of cultural and sporting events; services for the preparation, organisation and management of cultural and sporting events in virtual reality; organisation and management of contests and virtual entertainment events to promote the use and development of interactive entertainment, virtual reality, augmented reality; organisation of exhibitions in the field of interactive entertainment and virtual reality.

66. The opponent's term of "arranging, organising and conducting of conferences, conventions, seminars, events and exhibitions" can cover the preparation of any type of event, be that sporting, cultural or one that relates to virtual reality. As such, I find that it encompasses the above terms of the applicant. These services are, therefore, identical under the principle outlined in *Meric*.

Online publications; multimedia entertainment publishing and production services; online publication offering services in a virtual environment.

67. Insofar as the above terms cover the provision of publications, I find that they are identical to the opponent's terms of "providing online non-downloadable electronic publications" and "publishing by electronic means". This is either self-evident or on the basis that one parties' term encompasses the other, meaning that they are identical under the principle outlined in *Meric*. Insofar as the above terms cover production services, they encompass the opponent's various production terms, including "film production" and "production of video recordings, sound recordings, DVDs, CDs, CD-ROMs, video and audio tapes" on the basis that the opponent's terms cover the production of various types of multimedia entertainment. Such services are identical under the principle outlined in *Meric*.

Class 43

Catering services [food].

68. The opponent's specification includes the term "catering services". While expressed slightly differently, these terms are self-evidently identical.

Temporary accommodation services.

69. The opponent's specification includes the term "temporary accommodation". While expressed slightly differently, these terms are self-evidently identical.

Accommodation reservation services; in-person and online reservation services for hotel accommodation for third parties.

70. The above services are actually reservation services and are not, therefore, the same as "temporary accommodation" in the opponent's specification. That being

said, they are still similar. The natures and methods of use differ and while the core purposes are not the same, there is an overlap in end purpose in that both services aim to provide accommodation. I consider it likely that the provider of the accommodation service will also provide the reservation services as well. Further, the user will also book their accommodation via a reservation service, meaning that there is an overlap in user too. Lastly, I consider that there is a complementary relationship between these services on the basis that the reservation service is important to the accommodation service and the relationship is such that consumers would believe them to originate from the same undertaking. Taking all of this into account, I find that these services are similar to a medium degree.

Virtual reservation services for third parties by providing an interactive online website offering temporary accommodation.

71. While the use of 'virtual' is noted, I see no reason why the conclusion in the preceding paragraph cannot apply here. This is on the basis that if the above term is suitably registerable in class 43, then the opponent's term of "temporary accommodation" can reasonably be said to encompass the provision of virtual temporary accommodation. As such, I find that, in this context, these services overlap in end purpose, trade channels and user with, and are complementary to one another. Overall, I find that these services are similar to a medium degree.

Animal boarding services.

72. As set out above, the opponent's specification includes the term "temporary accommodation". As a class 43 service relating to accommodation without limitation, there is no reason why the opponent's term would not cover temporary accommodation for animals, such as a kennel or a cattery, for example. Therefore, I am of the view the opponent's term encompasses the term of the applicant meaning that these services are identical under the principle outlined in *Meric*.

Provision of physical facilities for general use for meetings, conferences and exhibitions and social events; provision of physical facilities for business meetings; provision of physical facilities for business conferences and conventions.

73. The above services are either self-evidently identical or identical under the principle outlined in *Meric* with the opponent's term of "provision of accommodation and facilities for conferences, conventions, seminars, events and exhibitions."

Provision of virtual hotel rooms; operation of a virtual restaurant with real and virtual products.

74. Despite the reference to virtual hotel rooms and a virtual restaurant, I note that the opponent's terms of "restaurants" and "hotel services" are not limited in any way. I, therefore, see no reason why they cannot cover virtual restaurants and hotels in the same way described by the applicant's terms. As such, I find that these services are identical under the principle outlined in *Meric*.

Conclusion of the goods comparison.

75. Under the present ground, a likelihood of confusion can only exist where there is at least some similarity between the parties' goods and services.⁴ This means that as a result of my findings above, the present ground fails against the following services:

Class 18: Animal hides.

76. The present ground may proceed against all other terms opposed.

⁴ *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

The average consumer and the nature of the purchasing act

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

78. In *Iconix Luxembourg Holdings*, 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.

79. The goods and services at issue are broad. As such, I find that they will be selected by members of the general public at large and business users. The goods will either be available via general physical retailers or online. In both circumstances, the goods will be displayed on shelves or racks, or on images on webpages. Either way, they will be self-selected by the consumer. As for the services, these will be obtained from the provider directly either in at its physical premises or via its website. The services will be selected after consideration of lists, pamphlets or placards, or where retail services are concerned, via signage on the high street. Regardless of whether the consumer is selecting goods or services, the purchasing process will be primarily visual. Saying that, I do not discount an aural component playing a part via word of mouth recommendations or advice from sales assistants.

80. The goods and services at issue will range in price and frequency of selection. For example, on one end of the scale, goods such as computer software can include downloadable apps that will be cheap (or even free) and selected with a high degree of frequency whereas, on the other end of the scale, some goods (such as precious metals or jewellery) and services (such as hotel services or the various organisational services at issue) can be expensive and selected at a much lesser degree of frequency. I will not go over each factor considered for each different category of goods or services. Instead, I will simply state that depending on the goods and services being selected, the degree of attention paid for the goods and services at issue will range from relatively low to relatively high.

Comparison of the marks

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

82. 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.”

83. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account the distinctive and dominant components of the 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.

84. The respective tra

85. de marks are shown below:

The opponent's registration	The applicant's mark
 (series of four)	

86. As above, the opponent's registration consists of four marks. Given their similarities to one another, I see no reason to assess each mark here and will, instead, focus on the first mark, which, for the purpose of this comparison, I will refer to as 'the opponent's mark'. For the avoidance of doubt, my findings in respect of this mark apply equally to the other marks in the opponent's registration.

87. I have comments from the applicant as to the similarity of the marks. I can confirm that these have been duly considered and while I will not reproduce them here, I will refer to them where necessary below.

Overall impression

88. The applicant argues that it is questionable whether its own mark would even be perceived as three letters, instead arguing that the first element is a reversed number '3', the second being a corkscrew device and the third being an open circle.

While I accept that these elements are stylised, I have no doubt that at least a significant proportion of consumers would see them as the three letters 'EFC'. As such, the applicant's mark is a figurative mark that consists of the letters 'EFC' displayed in a stylised typeface. Given that consumers tend to focus on elements of marks that can be read, I find that it is the letters 'EFC' that dominate the overall impression of the mark, with the stylisation playing a lesser role.

89. Turning to the opponent's mark, this is a figurative mark that consists of a pentagon shaped device element that sits on top of the letters 'EFC'. Both of these elements are presented in black and on a white background, with the typeface used being standard. The applicant argues that its device element is the prominent and dominant element of the mark. This position is based on a claim that the device is a distinctive and unusual logo and that the letters are basic and un-stylised. I disagree. While the device element is large, it is a simple and banal shape which is entirely unremarkable from a trade mark perspective. Given that, as above, consumers tend to be drawn to elements of marks that can be read, I find that it is the letters 'EFC' that will dominate the overall impression of the mark. The device element will not be ignored but will play a lesser role.

Visual comparison

90. Visually, the marks share the letters 'EFC' as their dominant elements. They differ in the presence of the device in the opponent's mark and the stylisation of the letters. While these points of difference play lesser roles in their respective marks, they will still be noticed and impact upon the visual comparison of the marks. That being said, they do not offset the identical use of the letters 'EFC' which, when considering the marks overall, leads to a finding that they are visually similar to between a medium and high degree.

Aural comparison

91. The basis for the applicant's position that the marks are not aurally similar is that its own mark will not be seen as consisting of the letters 'EFC'. I have disagreed with this above and, as such, I find that the aural element of the applicant's mark consists solely of the letters 'EFC', which will be pronounced individually. This is the same for the opponent's mark as the device element will, clearly, not be pronounced. As a result, I find that the marks are aurally identical.

Conceptual comparison

92. I appreciate that 'EFC' in the opponent's mark stands for 'Everton Football Club'. However, this is not immediately graspable within the mark itself. Therefore, I find that the concept of the opponent's mark lies in the letters 'EFC'. Consumers will likely believe that 'EFC' is an initialism that is meant to stand for something but they may not necessarily know what. As such, I do not consider that the mark will be associated with any obvious meaning by the average consumer. The same goes for the applicant's mark. As neither mark has any immediately identifiable concept, I find that they are conceptually neutral.

Distinctive character of the opponent's registration

93. 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)."

94. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of marks can be enhanced through use, and I note that the opponent has filed evidence of use. I will, therefore, consider whether the opponent's evidence is sufficient to give rise to a finding that the distinctiveness of its marks has been enhanced through use. Before doing so, I will consider the inherent position.

95. The opponent's marks are all figurative marks consisting of a pentagon shaped device that either sits on top of, or to the left of, the letters 'EFC'. Depending on the mark, these elements are either in black on a white background or blue on a white background. Regardless of their differences, I can deal with the assessment of their distinctiveness together.

96. Firstly, despite the fact the letters stand for 'Everton Football Club', this is not evident from the mark as it stands before me. As such, I find that the letters 'EFC' have no obvious meaning in the opponent's marks. On this point, I appreciate that marks with no identifiable meaning are commonly found to be highly distinctive. However, I am of the view that consumers will be used to seeing trade marks in the form of simple initialisms meaning that the use of three separate letters across the opponent's marks is not particularly remarkable. For the avoidance of doubt, I do not consider that this means the distinctiveness of this element is on the lower end of the scale because (1) it consists of three letters as opposed to one or two and (2) it still has no obvious meaning in the context of the goods and services relied upon. Instead, I find that 'EFC' enjoys a medium degree of distinctive character. As for the device element, this is fairly banal and I see no reason why it would alter the distinctive character of the mark to any material degree beyond that created by the letters 'EFC'. As a result, I find that the opponent's mark enjoys a medium degree of inherent distinctive character.

97. I turn now to the evidence of use. The evidence sets out that the opponent is a football club that was established over 100 years ago and that it has been a leading English football club throughout most of its history, presently playing in the Premier League, of which it was a founding member. The club is known as 'Everton Football Club' but it is claimed that 'EFC' has been used as an abbreviation of the club's name to identify both it and its goods and services. The evidence states that 'EFC' has been used on items such as kit, merchandise, tickets, memorabilia, flags, stadium signage, documents and social media.

98. In respect of social media, the evidence sets out that both the club and third parties (such as fans and commentators) use '#EFC' when referring to the club. This hashtag is shown in the bio of the opponent's Instagram account via a screenshot taken from the internet archive facility, the Wayback Machine, dated 8 June 2020.⁵

⁵ AS1

Additionally, images are shown of the letters 'EFC' in the stands of Everton's home ground which, during 2021 and 2022 (being when the posts are dated), was Goodison Park.⁶ For illustrative purposes, the lettering featured in the stand as follows:



99. In addition, there are images of historic kits bearing the letters 'EFC'.⁷ While the posts are dated in 2021, it is not clear when these kits were in use.

100. The evidence makes reference to the club's own 'fan token' under the label '\$EFC', which is confirmed as being launched in 2021.⁸ The aim of this was to give holders access to content and other features relating to the club. While noted, the opponent offers no further evidence in respect of this token.

101. A range of social media posts taken from Twitter prior to the relevant date are provided.⁹ All of these use the hashtag 'EFC'. The content of these posts appears to cover mostly events at football games, potential transfers of players and the appointment of coaches. I note that, by my count, there are 18 posts shown with only 7 having a level of engagement over 1,000 likes or retweets. The highest engaging tweet is one confirming the transfer to Everton of the player Dele Alli in January 2022 which had 15,000 retweets and 98,000 likes.

⁶ Pages 2 to 4 of AS2

⁷ Page 6 at AS2

⁸ Page 7 of AS2

⁹ AS3

102. The evidence goes on to discuss the club's average attendance figures for matches at Goodison Park between 2013 and 2022. The numbers for 2020/2021 are not shown as this season was impacted by the COVID-19 pandemic. I do not intend to produce the other figures but note a steady average attendance of around 37,000 to 39,000 per home game for each season during this time. In addition to this, it is confirmed that the matches are televised and that the typical match is viewed by millions of fans in the UK, meaning that the club ground has been seen by many millions of viewers since the formation of the Premier League in 1992.

103. In terms of the team crest, the evidence shows a range of crests used on the club's kit since 1920.¹⁰ I do not intend to reproduce those images here but note that in 1920, 1938, 1976 to 1978 and 1983 to 1991, the club's crest includes the letters 'EFC'. While this shows some historic use, it does not necessarily point to the actual impact of the mark 'EFC' in the years leading up to the relevant date. The evidence goes on to explain that the opponent has sold official merchandise bearing the 'EFC' crest. One post shows a heavily stylised crest on a shirt that was produced in 2017. For illustrative purposes, this appears as follows:



104. I appreciate that the intention is for this to be read as 'EFC' but it is so heavily stylised that I do not consider use of this is sufficient to point to use of the marks in the registration relied upon.

¹⁰ AS4

105. Further contemporary merchandise showing use of the historic 'EFC' crest is provided from 2021.¹¹ This comes via images from the opponent's website on 21 December 2021. These show an 'EFC' baby outfit and a 'retro' collection which shows two different types of tops bearing the 'EFC' branding (albeit in a different form to that relied upon). There are no sales figures provided but, in terms of 'EFC' branded merchandise, the evidence confirms that over 600,000 items bearing the sign 'EFC' were produced between 2014 and 2022. This includes goods such as clothing, keyrings, bags, pencil cases, thermometers and teddies. No breakdown is provided as to how the overall item number can be said to apply to the various goods mentioned. This is a particular issue here because the evidence mentions a range of goods that are not at issue in these proceedings. Lastly in respect of this evidence, there is nothing to confirm how many of the 600,000 items produced were actually sold in the UK prior to the relevant date as I have no actual revenue or turnover figures before me.

106. While on the point of merchandise, the opponent discusses two 'membership packs' that were distributed to members during the 2020/2021 and 2021/2022 seasons (the latter being confirmed as being launch in July 2021).¹² Images of the goods that form this pack is shown in evidence and I note that some of the items do show the branding 'EFC', with some of the goods from the 2021/2022 pack showing use of the actual marks in the registration. It is stated that these packs were distributed to around 12,000 members in 2020/2021 and 23,000 in 2021/2022. In terms of the items that actually bear the branding 'EFC' (including those that bear the registration relied upon), I note that this includes stickers, patches, a water bottle, a small case, some stationery and a mouse pad.

107. The above summary reflects the entirety of the evidence filed. Having taken all of it into account, I do not consider it to be of any real assistance to the present

¹¹ AS6

¹² AS7 and AS8

ground. The evidence does not include anything sufficiently solid to allow me to pin a finding that, due to the use of the registration, there exists a degree of enhanced distinctiveness. In short, there is no breakdown of any of the goods sold to allow me to determine the actual level of use that can be associated with the registration relied upon. In my view, the vague reference to 600,000 goods is insufficiently solid in that it covers a range of different types of goods and, further, there is nothing to suggest how many of those goods (that are relevant to these proceedings) were actually sold to consumers in the UK. Lastly, I appreciate that some items contained within the membership packs bore branding consistent with the registration relied upon. However, these goods are not at issue under the present ground so I fail to see how they are of any assistance here.

108. Taking all of the above into account, I find that the opponent has failed to demonstrate that its registration enjoys an enhanced degree of distinctive character. Therefore, the inherent position applies.

Likelihood of confusion

109. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier registration, the average consumer for the goods and 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 they have retained in their mind.

110. I found the goods at issue to be either identical or similar to varying degrees, including low. The average consumer base for the goods at issue will be members of the general public and business users who will select the goods via primarily visual means (though I do not discount an aural component) whilst paying a range of attention spanning from relatively low to relatively high. I have found the marks at issue are visually similar to between a medium and high degree, aurally identical and conceptually neutral. Lastly, I concluded that the marks in the opponent's registration, enjoy a medium degree of inherent distinctive character.

111. Taking all of the above into account, I find that despite the difference in stylisation and the presence of a device element in each of the opponent's marks, the average consumer will inaccurately recall or misremember the parties' marks for one another. This is on the basis that, when confronted by the parties' marks, consumers will seek to pin their recollection of them on the letters 'EFC'. Bearing in mind the principle of imperfect recollection, those consumers will subsequently be unable to remember which party's mark included the stylised 'EFC' element and which included the standard letters 'EFC' presented below or alongside a banal shape element. Consequently, I find that there exists a likelihood of direct confusion between the marks at issue. Given the identity of the common and dominant element of the marks, I find that this applies even when the consumer is confronted by the marks on lowly similar goods or services and regardless of the level of attention paid.

112. For the sake of completeness, I will now proceed to consider a likelihood of indirect confusion. In doing so, I remind myself of the case of *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10, wherein 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)”.

113. While the above examples in *L.A. Sugar* are noted, they are not intended to be treated as an exhaustive list of the only instances whereby indirect confusion occurs.

114. Even if the consumer was to use the differences between the marks to accurately recall them, I consider that they will still view the marks as being those that originate from the same or economically linked undertakings. I say this because the origin of both marks will still be viewed as a reference to the same undertaking, being 'EFC'. As such, the consumer will believe there to be a shared origin, thereby giving rise to indirect confusion. Further, I consider that the consumer will put the differences between the marks down to indications of alternate marks. I say this because the difference in stylisation may either be viewed as changes that are attributed to a brand reimagining or simply to different styled marks used in different contexts. Consequently, I consider that there exists a likelihood of indirect confusion between the mark at issue. As was the case above, I consider that the identity of the 'EFC' element is such that consumers will be indirectly confused even when they are confronted by the marks on lowly similar goods or in circumstances where they pay a lesser degree of attention.

Section 5(3)

115. I appreciate that the mark relied upon under this ground is subject to proof of use. However, I do not consider it necessary to undertake an ordinary proof of use assessment. I will, instead, proceed straight to an assessment as to whether there exists a reputation or not. I take this approach because in order for oppositions reliant upon section 5(3) to proceed, a reputation is required. Given that the bar for proving a reputation is higher than that for genuine use,¹³ it follows that if I find

¹³ A finding of genuine use only requires a sufficient level of use (as per the case of *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247, this need not be quantitatively significant) whereas a finding of a reputation requires that the marks relied upon are known by a significant part of the relevant public in the relevant territory.

there exists a reputation, then the burden for proving genuine use will have also been satisfied. Alternatively, if no reputation exists then the question of genuine use becomes irrelevant.

116. Section 5(3) of the Act states:

“5(3) A trade mark which –

is identical with or similar to an earlier trade mark, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a European Union trade mark or international trade mark (EC), in the European Union) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark.”

117. The relevant case law can be found in the following judgments of the CJEU: Case C-375/97, *General Motors*, Case 252/07, *Intel*, Case C-408/01, *Adidas-Salomon*, Case C-487/07, *L’Oreal v Bellure*, Case C-323/09, *Marks and Spencer v Interflora*, Case C383/12P, *Environmental Manufacturing LLP v OHIM*. The law appears to be as follows:

(a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors*, paragraph 24.

(b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors*, paragraph 26.

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas Salomon*, paragraph 29 and *Intel*, paragraph 63.

(d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark's reputation and distinctiveness; *Intel*, paragraph 42

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel*, paragraph 68; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel*, paragraph 79.

(f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel*, paragraphs 76 and 77 and *Environmental Manufacturing*, paragraph 34.

(g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel*, paragraph 74.

(h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs

particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact of the earlier mark; *L’Oreal v Bellure NV*, paragraph 40.

(i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the holder of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora*, paragraph 74 and the court's answer to question 1 in *L’Oreal v Bellure*).

118. Under the present ground, the opponent relies on the mark ‘EFC’ and claims that this mark benefits from a reputation in “articles of outerclotthing” and “provision of club sporting services”. Further, I remind myself that the present ground is aimed at all of the goods and services for which the applicant seeks registration.

119. The conditions of section 5(3) are cumulative. Firstly, the opponent must show that the marks at issue are similar. Secondly, the opponent must show that its mark has achieved a level of knowledge/reputation amongst a significant part of the public throughout the relevant territory. Thirdly, it must be established that the level of reputation and the similarities between the parties’ marks will cause the public to make a link between them. Finally, assuming the first three conditions have been met, section 5(3) requires that one or more of the pleaded types of damage will occur. It is unnecessary for the purposes of section 5(3) that the goods or services be similar, although the relative distance between them is one of the factors which

must be assessed in deciding whether the public will make a link between the marks.

Reputation

120. I have summarised the evidence of the opponent at paragraphs 96 to 107 above. While that evidence related to the opponent's registration, it is equally applicable to the opponent's mark relied upon here. Insofar as the evidence relates to 'articles of outerclothing', I remind myself of the criticisms of the opponent's evidence in that there is no breakdown of how much of the 600,000 products produced were clothing and, further, how many of the relevant goods were actually sold to consumers in the UK prior to the relevant date. I found that such evidence was not sufficient to warrant a finding that the registration relied upon under the above ground enjoyed an enhanced degree of distinctive character. On this point, I appreciate that the tests for enhanced distinctiveness and reputation are not the same. However, they involve the same factors and it is common in proceedings before the Tribunal for their outcomes to be similar. I consider that applies here meaning that, for the reasons set out above, I am not willing to find that there exists a reputation in respect of the class 25 goods.

121. As for the class 41 services, I accept that the opponent clearly operates a successful football club in that Everton Football Club attracted an average of around 37,000 to 39,000 attendees to its home games between 2013 and the relevant date (save for the COVID-19 impacted season). I also accept that those games are watched by many UK based consumers on television. Further, the club has been in existence for over 100 years and, as a part of the Premier League, it is plainly a well-known football club across the UK. On balance, I accept that 'Everton Football Club' enjoys a reputation in the UK in respect of the provision of a football club service. However, the issue I must consider here is whether that reputation is associated with the mark relied upon, being 'EFC'.

122. Of the evidence, I make the following observations:

- a. 'EFC' was used on the crest of Everton's kit at various stages, but all of these were prior to 1991 and despite some release of merchandise bearing the 'EFC' badge, I have nothing to suggest these kits were ever used to indicate the football club services offered by the team since.
- b. Prior to the relevant date, the letters 'EFC' were incorporated into a stand at Goodison Park, being Everton's home ground. While noted, I am not convinced that this is suitable trade mark use as it does not necessarily indicate the offering of any specific service. It is merely a reproduction of the team's initials in the stand.
- c. There was a range of social media posts prior to the relevant date where users have posted with the hashtag '#EFC' to indicate that the post relates to Everton FC. Firstly, I do not consider the use of a hashtag to be trade mark use. Secondly, this evidence covers just 18 posts, with only seven showing a meaningful level of engagement. As such, any use associated with these posts is limited.
- d. The opponent launched an '\$EFC' token in 2021 but, outside of a screenshot confirming its existence in 2021, I have nothing to suggest its actual use, implementation or reach prior to the relevant date.

123. Taking all of the above into account, I find that, for the reasons set out in my observations above, the opponent's use does not constitute trade mark use of 'EFC' that can be relied upon to support a claim to enjoy a reputation in said mark. As a result, I find that there exists no reputation in the opponent's mark. Without a reputation, there can be no link and no subsequent damage. The present ground, therefore, falls at the first hurdle.

Section 5(4)(a)

124. Section 5(4)(a) of the Act reads as follows:

“(4) A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented-

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, where the condition in subsection (4A) is met,

(aa)

(b)

A person thus entitled to prevent the use of a trade mark is referred to in this Act as the proprietor of an “earlier right” in relation to the trade mark.”

125. Subsection (4A) of Section 5 states:

“(4A) The condition mentioned in subsection (4)(a) is that the rights to the unregistered trade mark or other sign were acquired prior to the date of application for registration of the trade mark or date of the priority claimed for that application.”

126. I can deal with this ground briefly. Clearly, the opponent enjoys a goodwill in its business as a football club. However, following similar reasons to those given above when discussing the issue of reputation, I find that any such goodwill is associated with the signs ‘Everton’ or ‘Everton Football Club’ and not the sign relied upon, being ‘EFC’. While I appreciate that the burden for proving goodwill is lower than that for a reputation, this does not alter the issue in the present case in that

there is not enough evidence before me regarding the 'EFC' sign to allow me to find that any of the opponent's goodwill vests in that sign. As a result, I find that the present ground falls at the first hurdle.

CONCLUSION

127. The opposition succeeds in part and, subject to any successful appeal against my decision, the applicant's mark is refused registration for the goods and services set out in Annex 4 of this decision. However, it may (again, subject to any successful appeal of my decision) proceed to registration for the following goods and services, being those against which the opposition failed:

Class 9: Scientific apparatus and instruments; nautical apparatus and instruments; geodetic apparatus and instruments; weighing apparatus and instruments; controlling (inspecting) apparatus and instruments; teaching apparatus and instruments; apparatus and instruments for conducting, distributing, transforming, accumulating, regulating or controlling electricity; mechanisms for counter-operated mechanisms; fire extinguishers.

Class 12: Vehicles; apparatus for locomotion by land, air or water.

Class 18: Animal hides.

Class 35: Database management.

Class 36: Insurance services; financial analysis; banking affairs; direct banking (home banking); stock listing and brokerage services; real estate administration, brokerage and appraisal; real estate services; rental of offices; management of commercial premises; leasing of commercial premises; security deposit services;

issuance of credit and debit cards; constitution of mortgages; virtual provision of insurance, financial and real estate services; provision of insurance, financial and real estate services online, via telecommunications networks (including mobile telephones), telematic networks and global computer and virtual communications networks; cryptocurrency securities exchange services; virtual currency exchange and transfer service; financial management of a virtual token-based economy; issuance of security or utility tokens; electronic payment services involving the electronic transmission of virtual tokens; virtual real estate management services.

COSTS

128. While the applicant successfully defended its mark for some goods and services, it is the opponent that has enjoyed the greater degree of success. Therefore, the opponent is entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 2/2016.¹⁴ That being said, I consider it necessary to reduce the opponent's cost award to a degree in order to reflect the partial success of the applicant.

129. In the circumstances, I award the opponent the sum of £800 as a contribution towards its costs. The sum is calculated as follows:

Preparing a notice of opposition and considering the counterstatement:	£200
Filing evidence:	£500

¹⁴ On the basis that these proceedings commenced prior to 1 February 2023.

Official fees:	£200
<u>Sub-total:</u>	<u>£900</u>
<i>Reduction:</i>	<i>-£100</i>
Total:	£800

130. I hereby order WLEV MOTOR, S.L. to pay The Everton Football Club Company Limited the sum of £800. The above sum should be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 6th day of August 2026

A COOPER

For the Registrar

Annex 1

Class 3

Perfumery products, essential oils, non-medicated cosmetics, non-medicated hair lotions; non medicated dentifrices; deodorants for personal use (perfumery products); bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; non medicated soaps.

Class 9

Downloadable software, namely perfumery and cosmetic products for use in virtual reality and augmented reality; Scientific, nautical, geodetic, photographic, cinematographic, optical, weighing, measuring, signalling, controlling (inspecting), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, distributing, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmitting or reproducing sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording carriers; mechanisms for counter-operated mechanisms; cash registers, calculating machines, data processing equipment, computers; smart phones; mobile phones; software; fire extinguishers; downloadable computer applications, downloadable mobile applications for the management and transmission of data and information; downloadable virtual goods, namely, computer programs with perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, vehicles for locomotion by land, air and water, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, clocks, stickers, decals, photographs, posters, magazines, parasols, wines and alcoholic beverages for use online and in virtual worlds, online and augmented reality; downloadable computer programs for interactive games for use via a global computer network and via various wireless networks and electronic devices; downloadable software for participating in social networks and interacting with online communities; downloadable software for accessing and streaming multimedia entertainment content; downloadable software

for providing access to a virtual online environment; downloadable computer software for creating, producing, and modifying animated and non-animated digital characters and designs, avatars, digital overlays, and skins for access and use in online environments, online virtual environments, and extended reality virtual environments; downloadable computer game software for use on mobile devices; downloadable game software; non fungible tokens (NFTs); downloadable art image files authenticated by non-fungible tokens; downloadable software as non-expendable tokens; downloadable digital art; artificial intelligence software; simulation software for use on digital computers; interactive computer software; downloadable software namely vehicles, apparatus for locomotion by land, air or water for use in virtual reality and augmented reality; downloadable software namely precious metals and their alloys, jewellery, precious and semiprecious stones, watches and chronometric instruments, for use in virtual reality and augmented reality; downloadable software namely collars, leashes and clothing for animals, including these products for use in virtual reality and augmented reality; downloadable software namely clothing, footwear, headgear for use in virtual reality and augmented reality; downloadable software namely games, toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees for use in virtual reality and augmented reality; downloadable software namely wines, spirits, alcoholic beverages, except beers, for use in virtual reality and augmented reality.

Class 12

Vehicles, apparatus for locomotion by land, air or water.

Class 14

Precious metals and their alloys; jewellery, precious and semi-precious stones; costume jewellery; watches and chronometric instruments.

Class 18

Leather and imitation leather; animal hides; handbags, purses and pocket wallets; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harnesses and saddlery; collars, leashes and clothing for animals.

Class 25

Clothing, footwear, headgear.

Class 28

Games, toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees.

Class 33

Wines, spirits, alcoholic beverages, except beers and alcoholic preparations for making beverages.

Class 35

Provision of an online marketplace for buyers and sellers of NFT-authenticated downloadable digital goods; sales promotion services for third parties; advertising; commercial business management; commercial administration; administrative work; support services for the operation or management of commercial or industrial companies; import and export agencies; commercial representation services; market study and analysis services, services for conducting studies on business organisation, planning, control, management and expertise of companies and verification of accounts; retail and wholesale services through global computer networks of perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols; online retail and wholesale services offering virtual goods including

perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols, digital illustrations represented by non-fungible tokens for use online and in online virtual worlds; database management; provision of an online and virtual marketplace for goods and services; information, advisory and consultancy services relating to the entire chain of services mentioned above; services for promoting financial and insurance services for third parties; administrative services related to referral to insurance agencies; business meeting planning services; business office management for third parties; online auction services featuring digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs), cryptocurrencies and digital art; online retail store and marketplace services featuring digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs), cryptocurrencies and digital art; provision of an online marketplace for buyers and sellers of goods and services; provision of an online marketplace for buyers and sellers of non-fungible tokens (NFTs).

Class 36

Insurance services; financial affairs; financial analysis; monetary affairs; banking affairs; direct banking (home banking); stock listing and brokerage services; capital management and investment; real estate administration, brokerage and appraisal; real estate services; rental of offices; management of commercial premises; leasing of commercial premises; security deposit services; issuance of credit and debit cards; trust services; constitution and investment of funds; constitution of mortgages; virtual provision of insurance, financial and real estate services; provision of insurance, financial and real estate services online, via telecommunications networks (including mobile telephones), telematic networks and global computer and virtual communications networks; cryptocurrency securities exchange services; virtual currency exchange and transfer service; financial management of a virtual token-

based economy; issuance of security or utility tokens; electronic payment services involving the electronic transmission of virtual tokens; virtual real estate management services.

Class 38

Website access services in connection with an online marketplace for the exchange of digital collectibles; provision of virtual facilities for business meetings, business conferences and conventions; provision of virtual facilities for general use for meetings, conferences and exhibitions and social events.

Class 41

Education services; training; entertainment services; sporting and cultural activities; entertainment services, namely, providing real and virtual online concerts and other virtual events; entertainment services, namely, providing non-downloadable virtual goods, namely, computer programs with perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols for use online and in online virtual worlds; entertainment services, namely, providing virtual environments in which users can interact for educational, recreational, leisure or entertainment purposes; entertainment services, namely, providing virtual environments in which users can consume virtual food and drink; virtual reality game services provided online; virtual training services; virtual training services in insurance, financial and real estate matters; services for the preparation, organisation and management of cultural and sporting events; services for the preparation, organisation and management of cultural and sporting events in virtual reality; online publication offering services in a virtual environment; online publications; organisation and management of contests and virtual entertainment events to promote the use and development of interactive entertainment, virtual reality, augmented reality; organisation of exhibitions in the field

of interactive entertainment and virtual reality; multimedia entertainment publishing and production services.

Class 43

Catering services [food]; temporary accommodation services; accommodation reservation services; animal boarding services; provision of physical facilities for general use for meetings, conferences and exhibitions and social events; in-person and online reservation services for hotel accommodation for third parties; virtual reservation services for third parties by providing an interactive online website offering temporary accommodation; provision of virtual hotel rooms; operation of a virtual restaurant with real and virtual products; provision of physical facilities for business meetings; provision of physical facilities for business conferences and conventions.

Annex 2

Class 3

Perfumery products, essential oils, non-medicated cosmetics, non-medicated hair lotions; non medicated dentifrices; deodorants for personal use (perfumery products); bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; non medicated soaps.

Class 9

Downloadable software, namely perfumery and cosmetic products for use in virtual reality and augmented reality; photographic, cinematographic, optical, measuring, signalling, life-saving apparatus and instruments; apparatus for recording, transmitting or reproducing sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording carriers; cash registers, calculating machines, data processing equipment, computers; smart phones; mobile phones; software; downloadable computer applications, downloadable mobile applications for the management and transmission of data and information; downloadable virtual goods, namely, computer programs with perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, vehicles for locomotion by land, air and water, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, clocks, stickers, decals, photographs, posters, magazines, parasols, wines and alcoholic beverages for use online and in virtual worlds, online and augmented reality; downloadable computer programs for interactive games for use via a global computer network and via various wireless networks and electronic devices; downloadable software for participating in social networks and interacting with online communities; downloadable software for accessing and streaming multimedia entertainment content; downloadable software for providing access to a virtual online environment; downloadable computer software for creating, producing, and modifying animated and non-animated digital characters and designs, avatars, digital overlays, and skins for access and use in online environments, online virtual

environments, and extended reality virtual environments; downloadable computer game software for use on mobile devices; downloadable game software; non fungible tokens (NFTs); downloadable art image files authenticated by non-fungible tokens; downloadable software as non-expendable tokens; downloadable digital art; artificial intelligence software; simulation software for use on digital computers; interactive computer software; downloadable software namely vehicles, apparatus for locomotion by land, air or water for use in virtual reality and augmented reality; downloadable software namely precious metals and their alloys, jewellery, precious and semiprecious stones, watches and chronometric instruments, for use in virtual reality and augmented reality; downloadable software namely collars, leashes and clothing for animals, including these products for use in virtual reality and augmented reality; downloadable software namely clothing, footwear, headgear for use in virtual reality and augmented reality; downloadable software namely games, toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees for use in virtual reality and augmented reality; downloadable software namely wines, spirits, alcoholic beverages, except beers, for use in virtual reality and augmented reality.

Class 14

Precious metals and their alloys; jewellery, precious and semi-precious stones; costume jewellery; watches and chronometric instruments.

Class 18

Leather and imitation leather; animal hides; handbags, purses and pocket wallets; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harnesses and saddlery; collars, leashes and clothing for animals.

Class 25

Clothing, footwear, headgear.

Class 28

Games, toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees.

Class 33

Wines, spirits, alcoholic beverages, except beers and alcoholic preparations for making beverages.

Class 35

Provision of an online marketplace for buyers and sellers of NFT-authenticated downloadable digital goods; sales promotion services for third parties; advertising; commercial business management; commercial administration; administrative work; support services for the operation or management of commercial or industrial companies; import and export agencies; commercial representation services; market study and analysis services, services for conducting studies on business organisation, planning, control, management and expertise of companies and verification of accounts; retail and wholesale services through global computer networks of perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols; online retail and wholesale services offering virtual goods including perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols, digital illustrations represented by non-fungible tokens for use online and in online virtual worlds; provision of an online and virtual marketplace for goods and services; information, advisory and consultancy services relating to the entire chain of services mentioned above; services for promoting financial and

insurance services for third parties; administrative services related to referral to insurance agencies; business meeting planning services; business office management for third parties; online auction services featuring digital media, namely, digital collectibles, digital tokens, non- fungible tokens (NFTs), cryptocurrencies and digital art; online retail store and marketplace services featuring digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs), cryptocurrencies and digital art; provision of an online marketplace for buyers and sellers of goods and services; provision of an online marketplace for buyers and sellers of non-fungible tokens (NFTs).

Class 36

Financial affairs; monetary affairs; capital management and investment; trust services; constitution and investment of funds; virtual provision of financial services; provision of financial services online, via telecommunications networks (including mobile telephones), telematic networks and global computer and virtual communications networks.

Class 38

Website access services in connection with an online marketplace for the exchange of digital collectibles; provision of virtual facilities for business meetings, business conferences and conventions; provision of virtual facilities for general use for meetings, conferences and exhibitions and social events.

Class 41

Education services; training; entertainment services; sporting and cultural activities; entertainment services, namely, providing real and virtual online concerts and other virtual events; entertainment services, namely, providing non-downloadable virtual goods, namely, computer programs with perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment,

art, games, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols for use online and in online virtual worlds; entertainment services, namely, providing virtual environments in which users can interact for educational, recreational, leisure or entertainment purposes; entertainment services, namely, providing virtual environments in which users can consume virtual food and drink; virtual reality game services provided online; virtual training services; virtual training services in insurance, financial and real estate matters; services for the preparation, organisation and management of cultural and sporting events; services for the preparation, organisation and management of cultural and sporting events in virtual reality; online publication offering services in a virtual environment; online publications; organisation and management of contests and virtual entertainment events to promote the use and development of interactive entertainment, virtual reality, augmented reality; organisation of exhibitions in the field of interactive entertainment and virtual reality; multimedia entertainment publishing and production services.

Class 43

Catering services [food]; temporary accommodation services; accommodation reservation services; animal boarding services; provision of physical facilities for general use for meetings, conferences and exhibitions and social events; in-person and online reservation services for hotel accommodation for third parties; virtual reservation services for third parties by providing an interactive online website offering temporary accommodation; provision of virtual hotel rooms; operation of a virtual restaurant with real and virtual products; provision of physical facilities for business meetings; provision of physical facilities for business conferences and conventions.

Annex 3

Class 3

Soaps; perfumery; essential oils; cosmetics; hair lotions; dentifrices; detergents; toiletries; body cleaning and body care preparations; shower and bath preparations; shower and bath gels; bath foams; bath oils; bubble baths; talcum powder; hand washes; fragrances; body sprays; personal deodorants; skin care products and preparations; oils, creams, lotions, gels and powders for the skin and body; facial washes; moisturisers; aromatherapy products; non-medicated massage oils and creams; hair care products; shampoos; conditioners; hair styling products; shaving preparations; shaving creams, foams, lotions and gels; after-shave preparations; toothpaste; sun tanning and sun protection preparations; non-medicated lip balms and lip protectors; cosmetic kits; boot cream and polish; car cleaning preparations; room fragrances.

Class 9

Apparatus for recording, transmission or reproduction of sounds or images; apparatus for receiving, recording and downloading sounds and images; digital communications apparatus and instruments; electrical and electronic apparatus for use in the reception of satellite, terrestrial or cable broadcasts; signal decoders; apparatus for processing digital video signals; audio and/or video file recorders and/or players; headphones; earphones; audio and/or video recordings; recorded programmes for television and for radio; motion picture films; animated cartoons; photographic transparencies and photographic and cinematographic films prepared for exhibition purposes; magnetic data carriers; compact discs, DVDs and other digital recording media; CD-ROMs; cassettes; video cassettes; phonographic records; pre-recorded sound storage media, image storage media and data storage media; electronic data storage media; data storage devices; memory cards; downloadable audio and video recordings; downloadable music, sounds, images, graphics, videos, games, text or data; screen savers; downloadable electronic publications; publications in electronic format; printed publications in electronically readable form; electronic books and electronic book readers; calculators; data processing equipment; computers; computer hardware and

parts and fittings therefor; portable computers, including laptop computers and tablet computers; covers, cases, chargers, speakers, headsets, data input devices and media storage, all for portable computers; computer software; computer programs; downloadable computer software; software downloadable from the Internet and other computer and communications networks; computer games programs; games for video game machines; computer application software; application software for mobile communication devices; cameras and video cameras; covers and cases for cameras and video cameras; covers and cases for photographic apparatus and instruments; projection apparatus and screens; digital photo frames; binoculars; magnifying glasses; eye glasses, spectacles and sunglasses and cases, chains, straps, cords and frames therefor; holograms; egg timers; pedometers; decorative magnets; batteries; battery chargers; electrical and electronic communications and telecommunications apparatus; telephones, mobile phones, smartphones and video phones and transmitters, receivers, covers, cases, fascia, holders, chargers, speakers, headsets, hands-free-kits, software, sounds, graphics, data input devices and media storage therefor; straps for mobile phones; cards bearing machine readable information; electronic, magnetic and optical identity cards; payment cards; smart cards; credit cards and debit cards; telephone cards; electric signs; whistles; articles of protective clothing, footwear and headgear; protective helmets; sports helmets; mouth protectors including gum shields; parts and fittings for all of the aforesaid goods.

Class 14

Jewellery; costume jewellery; precious and semi-precious stones; rings; earrings; bracelets; bangles; brooches; jewellery chains; necklaces; pendants; jewellery charms; clocks; watches; watch straps; ornamental pins; lapel pins; tie pins; tie clips; cufflinks; charity wrist bands; key fobs; key rings, key chains, key charms, all of precious metal or coated therewith; mobile phone charms; badges of precious metal or coated therewith; ornaments, busts, figurines, statues and statuettes, works of art, models, trophies, plates, plaques, shields and signs, all of precious metal or coated therewith; medals and medallions; coins; parts, fittings, boxes and cases for all of the aforesaid goods.

Class 18

Luggage; bags; travelling bags and cases; trunks; sports bags; athletic bags; kit bags; gym bags; garment bags; boot and shoe bags; holdalls; back packs; rucksacks; folding bags and cases; duffel bags; school bags; satchels; brief cases; shoulder bags; waist bags; belt bags; handbags; pocketbooks; tote bags; shopping bags; toilet bags; covers for bags; liners for bags; wallets; purses; card wallets; card cases; business card cases; card holders; luggage label holders; luggage tags; luggage straps; umbrellas and parasols; walking sticks; leather straps; reins for guiding children; collars, leads and leashes for animals; clothing and covers for animals; parts and fittings for all of the aforesaid goods.

Class 25

Clothing, footwear, headgear; articles of outer clothing; sportswear; leisurewear; sports kits; sports shirts; sports shorts; sports socks; replica football kits; replica football shirts; replica football shorts; replica football socks; training clothing; tracksuits; training pants; sweatshirts; sweatpants; jackets; coats; waterproof clothing; anoraks; shirts; tops; t shirts; polo shirts; vests; singlets; knitwear; jerseys; pullovers; sweaters; hooded tops; cardigans; waistcoats; suits; trousers; pants; shorts; ties; underwear; briefs; nightwear; swimwear; socks; gloves; mittens; scarves; wristbands; headbands; ready-made clothes linings; shoes; boots; sandals; slippers; sports shoes; training shoes; football boots and shoes; studs for football boots; hats; caps; sun visors; belts; aprons (clothing); uniforms; articles of clothing, footwear and headgear for babies and children; bodysuits; romper suits; sleep suits; bibs; baby boots; face coverings (clothing); face masks (clothing).

Class 28

Games and playthings; gymnastic and sporting articles; toys; sports games; sporting equipment; balls for games; playing balls; footballs; miniature footballs; miniature replica football kits; goal posts; goal nets; gloves for games; gloves for sports; football gloves; protective padding and supports for sports; shin guards; knee guards; elbow

guards; exercise apparatus and equipment; sports training apparatus; bags adapted for sporting articles; bags specially adapted for sports equipment; sports whistles; rattles; tables for indoor football; articles for playing golf; golf balls; golf tees; golf ball markers; divot repair tools for golf; golf bags; golf club covers; golf gloves; articles for playing darts; dart boards; darts and dart flights; dice; dominoes; marbles; dolls; action figure toys; soft toys; teddy bears; toy vehicles; electronic games; video games; controllers for video games and covers therefor; board games; card games; playing cards; playing card cases; puzzles; jigsaw puzzles; models in kit form; toy mobiles; infant toys; decorations for Christmas trees; Christmas crackers; party novelty hats; confetti; toy masks; costumes being children's playthings; balloons; pet toys; lottery scratch cards; parts and fittings for all of the aforesaid goods.

Class 33

Alcoholic beverages; wines; spirits; distilled beverages; liqueurs; whisky; cider; perry; sparkling wines; champagne.

Class 35

Advertising; business management; business administration; office functions; business management of footballers; promotional management for footballers; football scouting services; advertising via the Internet; provision of advertising space; provision of space on web sites for advertising goods and services; promotional and marketing services; public relations and publicity services; auctioneering; organisation, arrangement and conducting of trade fairs; organisation, arrangement and conducting of events and exhibitions for commercial or advertising purposes; organisation of private draws for promotional and advertising purposes; operation and supervision of membership schemes; organisation, operation and supervision of incentive and customer loyalty schemes; retail services and online retail services all connected with the sale of soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, detergents, toiletries, body cleaning and body care preparations, shower and bath preparations, shower and bath gels, bath foams, bath oils, bubble baths, talcum powder, hand washes, fragrances, body sprays, personal deodorants, skin care

products and preparations, oils, creams, lotions, gels and powders for the skin and body, facial washes, moisturisers, aromatherapy preparations, massage oils and creams, hair care products, shampoos, conditioners, hair styling products, shaving preparations, shaving creams, foams, lotions and gels, after-shave preparations, toothpaste, sun tanning and sun protection preparations, lip balms and lip protectors, cosmetic kits, boot cream and polish, car cleaning preparations, room fragrances, ornaments, busts, figurines, statues and statuettes, works of art, models, commemorative statuary cups, trophies, plates, plaques, shields and signs, bronzes, vehicle badges, number plates and identity plates, boxes and containers, locks and keys, key blanks, key rings and key chains, apparatus for recording, transmission or reproduction of sounds or images, apparatus for receiving, recording and downloading sounds and images, digital communications apparatus and instruments, electrical and electronic apparatus for use in the reception of satellite, terrestrial or cable broadcasts, signal decoders, apparatus for processing digital video signals, audio and/or video file recorders and/or players, headphones, earphones, audio and/or video recordings, recorded programmes for television and for radio, motion picture films, animated cartoons, photographic transparencies and photographic and cinematographic films prepared for exhibition purposes, magnetic data carriers, compact discs, DVDs and other digital recording media, CD-ROMs, cassettes, video cassettes, phonographic records, pre-recorded sound storage media, image storage media and data storage media, electronic data storage media, data storage devices, memory cards, downloadable and/or streamable audio and video recordings, downloadable and streamable music, sounds, images, graphics, videos, games, text or data, screen savers, downloadable electronic publications, publications in electronic format, printed publications in electronically readable form, electronic books and electronic book readers, calculators, data processing equipment, computers, computer hardware and parts and fittings therefor, portable computers, including laptop computers and tablet computers, covers, cases, chargers, speakers, headsets, data input devices and media storage, all for portable computers, computer software, computer programs, downloadable computer software, software downloadable from the Internet and other computer and communications networks, computer games programs, games for video

game machines, computer application software, application software for mobile communication devices, cameras and video cameras, covers and cases for cameras and video cameras, covers and cases for photographic apparatus and instruments, projection apparatus and screens, digital photo frames, binoculars, magnifying glasses, eye glasses, spectacles and sunglasses and cases, chains, straps, cords and frames therefor, holograms, egg timers, pedometers, decorative magnets, batteries, battery chargers, electrical and electronic communications and telecommunications apparatus, telephones, mobile phones, smartphones and video phones and transmitters, receivers, covers, cases, fascia, holders, chargers, speakers, headsets, hands-free-kits, software, sounds, graphics, data input devices and media storage therefor, straps for mobile phones, cards bearing machine readable information, electronic, magnetic and optical identity cards, payment cards, smart cards, credit cards and debit cards, telephone cards, electric signs, whistles, articles of protective clothing, footwear and headgear, protective helmets, sports helmets, mouth protectors including gum shields, jewellery and parts, fittings, boxes and cases therefor, costume jewellery, precious and semi-precious stones, rings, earrings, bracelets, bangles, brooches, jewellery chains, necklaces, pendants, jewellery charms, clocks, watches, watch straps, ornamental pins, lapel pins, tie pins, tie clips, cufflinks, charity wrist bands, key fobs, key charms, mobile phone charms, badges of precious metal or coated therewith, ornaments of precious metal or coated therewith, busts of precious metal or coated therewith, figurines of precious metal or coated therewith, statues and statuettes of precious metal or coated therewith, works of art of precious metal or coated therewith, models of precious metal or coated therewith, trophies of precious metal or coated therewith, plates of precious metal or coated therewith, plaques of precious metal or coated therewith, shields of precious metal or coated therewith, signs of precious metal or coated therewith, medals and medallions, coins, paper, cardboard, printed matter, photographs, stationery, artists' materials, paint brushes, office requisites, instructional and teaching materials, plastic materials for packaging, newspapers, magazines and periodical publications, printed publicity and promotional material, printed programmes, books, booklets, brochures, leaflets, newsletters, comic books, diaries, personal organisers, address books, albums, photograph albums,

autograph books, autographed photographs, and autographed paper items, scrap books, catalogues, manuals, files and folders, binders, programme binders, poster magazines, calendars, note pads and note books, writing pads, drawing pads, jotters, envelopes, labels, bookmarks, bookends, paperweights, posters, trading cards, collectors' cards, stickers, transfers, decalcomanias, stencils, maps, charts, wall charts, tickets, timetables, printed forms, certificates, menus, paper for gift vouchers, philatelic stamps, printed patterns, paper flags and pennants, paper banners, signs and advertisement boards of paper and cardboard, cards, greeting cards, birthday cards, postcards, gift wrap and packaging paper, gift tags, gift bags, carrier bags, packaging bags, letter openers, blackboards, chalk, writing instruments, drawing instruments, pens, pencils, pencil sharpeners, erasers, rulers, cases and boxes for pens and pencils, pen and pencil holders, ink, ink pads, rubber stamps, paint boxes, signed photographs, prints and pictures, art prints, graphic prints, representations and reproductions, lithographs, engravings and etchings, portraits, paper towels, paper handkerchiefs, toilet paper, beer mats, paper and cardboard coasters, paper and cardboard place mats, paper table cloths and napkins, money clips, luggage, bags, travelling bags and cases, trunks, sports bags, athletic bags, kit bags, gym bags, garment bags, boot and shoe bags, holdalls, back packs, rucksacks, folding bags and cases, duffel bags, school bags, satchels, brief cases, shoulder bags, waist bags, belt bags, handbags, pocketbooks, tote bags, shopping bags, toilet bags, covers for bags, liners for bags, wallets, purses, card wallets, card cases, business card cases, card holders, luggage label holders, luggage tags, luggage straps, umbrellas and parasols, walking sticks, leather straps, collars, leads and leashes for animals, clothing and covers for animals, furniture and parts and fittings therefor, mirrors, picture frames, photograph frames, ornaments of wood, wax, plaster, plastic or resin, busts of wood, wax, plaster, plastic or resin, figurines of wood, wax, plaster, plastic or resin, statues and statuettes of wood, wax, plaster, plastic or resin, works of art of wood, wax, plaster, plastic or resin, models of wood, wax, plaster, plastic or resin, trophies of wood, wax, plaster, plastic or resin, plates of wood, wax, plaster, plastic or resin, plaques of wood, wax, plaster, plastic or resin, shields of wood, wax, plaster, plastic or resin, signs of wood, wax, plaster, plastic or resin, name plates, house numbers, coat hangers,

stacking trays, plastic key rings, name badges, plastic key cards (not encoded), display stands, display boards, advertisement boards, advertising signs and banners of plastic, bins, plastic storage boxes, seats and seating, holders for pennants, decorations of plastic for foodstuffs, fans for personal use, sleeping bags, cushions and pillows, bean bags, bedding, animal housing and beds, decorative mobiles, household and kitchen utensils and containers, combs and sponges, brushes, glassware, porcelain, pottery and earthenware, chinaware, cookware, tableware, crockery, plates, commemorative plates, bowls, egg cups, drinking vessels, cups, mugs, insulated mugs and cups, drinking glasses, tankards, bottles, drinking bottles, water bottles, hydration bottles, sports bottles, drinking straws, bottle openers, corkscrews, decanters, flasks, vacuum flasks, bottle covers, food and drink containers, insulated food and drink containers, coolers for food and drinks, bottle buckets, cocktail shakers, juice squeezers, strainers, siphons for carbonated water, stands for bottles, menu card holders, name card holders, napkin holders, cutlery holders, condiment holders, salt cellars, toothpick holders and toothpicks, butter dishes, serving trays, coasters, not of paper or textiles, lunch boxes, lunch bags, picnic ware, decorative objects made of glass, ceramic, china, earthenware or porcelain, ornaments of glass, ceramic, china, earthenware or porcelain, busts of glass, ceramic, china, earthenware or porcelain, figurines of glass, ceramic, china, earthenware or porcelain, statues and statuettes of glass, ceramic, china, earthenware or porcelain, works of art of glass, ceramic, china, earthenware or porcelain, models of glass, ceramic, china, earthenware or porcelain, trophies of glass, ceramic, china, earthenware or porcelain, plates of glass, ceramic, china, earthenware or porcelain, plaques of glass, ceramic, china, earthenware or porcelain, shields of glass, ceramic, china, earthenware or porcelain, signs of glass, ceramic, china, earthenware or porcelain, model stadia of glass, ceramic, china, earthenware or porcelain, enamelled glass, vases, perfume bottles, candlesticks, money boxes and piggy banks, tea cosies, toothbrushes, holders for toothbrushes, soap boxes and holders, shaving brushes and shaving brush holders, fitted vanity cases, cosmetic powder compacts, household gloves, articles for cleaning, shoe horns, refuse bins, litter bins, flower pots, baskets for domestic use, cages for household pets, feeding dishes and bowls for pets, storage

boxes for household use, textiles, textile piece goods, textiles for making articles of clothing, curtains, textile wall hangings, covers for cushions, bed linen, bed covers, sheets and pillow cases, duvet covers, blankets, lap rugs, bath linen, towels, flannels, table linen, table cloths, table mats and coasters, napkins, tea towels, bar towels, flags and pennants, banners, clothing, footwear, headgear, articles of outer clothing, sportswear, leisurewear, sports kits, sports shirts, sports shorts, sports socks, replica football kits, replica football shirts, replica football shorts, replica football socks, training clothing, tracksuits, training pants, sweatshirts, sweatpants, jackets, coats, waterproof clothing, anoraks, shirts, tops, t shirts, polo shirts, vests, singlets, knitwear, jerseys, pullovers, sweaters, hooded tops, cardigans, waistcoats, suits, trousers, pants, shorts, ties, underwear, briefs, nightwear, swimwear, socks, gloves, mittens, scarves, wristbands, headbands, ready-made clothes linings, shoes, boots, sandals, slippers, sports shoes, training shoes, football boots and shoes, studs for football boots, hats, caps, sun visors, belts, aprons (clothing), uniforms, articles of clothing, footwear and headgear for babies and children, bodysuits, romper suits, sleep suits, bibs, baby boots, face coverings, face masks, badges for wear, ornamental novelty badges, badges of textile materials, embroidered badges, rosettes, patches, buttons, ribbons, clothing and shoe fasteners, shoe laces, shoe ornaments, hat ornaments, hairbands and slides, hair ornaments, sewing thimbles, brooches for clothing, belt clasps, buckles, numerals or letters for marking linen, competitor numbers, expanding bands for holding sleeves, reins for guiding children, lanyards for wear, wall and floor coverings, rugs, wallpaper, games and playthings and parts and fittings therefor, gymnastic and sporting articles and parts and fittings therefor, toys, sports games, sporting equipment, balls for games, playing balls, footballs, miniature footballs, miniature replica football kits, goal posts, goal nets, gloves for games, gloves for sports, football gloves, protective padding and supports for sports, shin guards, knee guards, elbow guards, exercise apparatus and equipment, sports training apparatus, bags adapted for sporting articles, bags specially adapted for sports equipment, sports whistles, rattles, tables for indoor football, articles for playing golf, golf balls, golf tees, golf ball markers, divot repair tools for golf, golf bags, golf club covers, golf gloves, articles for playing darts, dart boards, darts and dart flights, dice, dominoes, marbles,

dolls, action figure toys, soft toys, teddy bears, toy vehicles, electronic games, video games, controllers for video games and covers therefor, board games, card games, playing cards, playing card cases, puzzles, jigsaw puzzles, models in kit form, toy mobiles, infant toys, decorations for Christmas trees, Christmas crackers, party novelty hats, confetti, toy masks, costumes being children's playthings, balloons, pet toys, lottery scratch cards, meat, fish, poultry and game, jellies, jams, fruit sauces, milk and milk products, meat products, cooked meats, sausages, burgers, kebabs, fish products, seafoods, edible shellfish and shellfish products, poultry products, game products, fruit products, vegetable products, potato products, potato chips, potato crisps, edible nuts, processed peanuts, dairy products, cheese, milk drinks, flavoured milk drinks, milkshakes, snack foods, prepared meals, instant meals, soups and preparations for making soups, bakery products, bread, buns, pies, pasties, sausage rolls, sandwiches, bread rolls, hot dogs, toasted sandwiches, cakes, edible cake decorations, biscuits, cookies, pastry and pastry products, puddings, desserts, pancakes, waffles, gingerbread, popcorn, ices, ice cream and ice cream products, frozen confections, ice lollies, confectionery, sweets, candy, mints, non-medicated chewing gum, edible candy rock, toffee, fudge, chocolate, chocolate products, chocolate beverages, cocoa, liquorice, lozenges, cereal bars, energy bars, mustard, vinegar, salt, pepper, sugar, sauces, pizzas, pasta and pasta products, rice, coffee, tea, non-alcoholic drinks, drinking water, mineral and aerated water, fruit and drinks and fruit juices, isotonic drinks, carbonated beverages, soft drinks, lemonades, cola drinks, energy drinks, soda water, ginger beer, beers, lagers, ales, porter and stout, syrups and other preparations for making beverages, alcoholic beverages, wines, spirits, distilled beverages, liqueurs, whisky, cider, perry, sparkling wines, champagne; information, advisory and consultancy services in relation to all of the aforesaid.

Class 36

Charitable fund raising services; managing and monitoring of charitable funds; organisation of collections.

Class 38

Telecommunications; broadcasting; broadcasting and transmission of television and radio programmes; audio and/or video broadcasting; data transmission and data broadcasting; cable, satellite and terrestrial broadcasting services; broadcasting via the Internet and other computer and communications networks; broadcasting, transmission, reception and other dissemination of text, messages, information, data, sound and images; wireless communication services; transmission of digital files; communications services by satellite, television and/or radio; electronic communications via the Internet and other computer and communications networks; webcasting services; multimedia telecommunications; telephone and mobile telephone services; electronic mail services; news agency services; message sending; online communication services; electronic bulletin board services; provision of discussion forums and chat room services; provision of online forums for communication on topics of general interest; information, advisory and consultancy services in relation to all of the aforesaid.

Class 41

Entertainment; sporting and cultural activities; education; providing of training; sporting services; organisation of sporting events; provision of entertainment, training, recreational, sporting and cultural activities and facilities; instruction and educational services; education and training in relation to sports; football academy services; football coaching, football schools and schooling; arranging and conducting of education and training in relation to football; arranging, conducting and provision of football instructional courses; football entertainment services; entertainment in the nature of football games; physical education; fitness training services; physiotherapy training; sport and holiday camp services (in the nature of entertainment); rental of sporting equipment; practical training and demonstrations; arranging, organising and conducting of conferences, conventions, seminars, events and exhibitions; arranging, organising and conducting of games, contests and competitions; organising community sporting and cultural events; hospitality services (entertainment); lotteries; gaming services; arranging, organising and conducting of award ceremonies;

provision of museum facilities; provision and management of stadium facilities and services; rental of stadium facilities; presentation of live performances; provision of club sporting services; sports club services; health club services; provision of health club, fitness club and gymnasium facilities; provision of sports information services; provision of information relating to football; sporting information services, namely scouting of players; fan club services; fan club membership scheme services; box office services; booking and ticketing services for sports, entertainment, cultural and educational events; entertainment, training, recreational, and sporting information services provided via the Internet and other computer and communications networks; education and entertainment services provided by means of radio, television, telephony, the Internet and online databases; provision of cinematographic and video entertainment; entertainment and educational services featuring electronic media, multimedia content, audio and video content, movies, pictures, photographs, graphics, images, text and related information provided via the Internet and other computer and communications networks; streamable audio and video recordings; streamable music, sounds, images, graphics, videos, games, text or data; film production; production of video recordings, sound recordings, DVDs, CDs, CD-ROMs, video and audio tapes; production and distribution of television and radio programmes; production of sporting events for television and radio; publication of magazines, books, texts and printed matter; publishing by electronic means; providing online non-downloadable electronic publications; provision of television programmes, radio programmes, films, audio and/or visual material and games online (not downloadable); publication of news online; information relating to sport and entertainment provided online from a computer database or the Internet; information, advisory and consultancy services in relation to all of the aforesaid.

Class 43

Services for providing food and drink; temporary accommodation; accommodation services; provision of facilities for the consumption of food and drink; preparation of meals, foodstuffs and beverages; catering services; restaurants; cafés; cafeterias; canteens; snack-bars; takeaway food services; bars; wine bars; sports bars; tea shop

and coffee shop services; hospitality services; hotel services; hire, lease, and rental of rooms; provision of accommodation and facilities for conferences, conventions, seminars, events and exhibitions; booking and reservation services for conferences, conventions, seminars, events and exhibitions; provision of trade show facilities; provision of accommodation and facilities for parties, banquets and weddings; provision of day care services for infants and/or children; information, advisory and consultancy services in relation to all of the aforesaid.

ANNEX 4

Class 3

Perfumery products, essential oils, non-medicated cosmetics, non-medicated hair lotions; non medicated dentifrices; deodorants for personal use (perfumery products); bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; non medicated soaps.

Class 9

Downloadable software, namely perfumery and cosmetic products for use in virtual reality and augmented reality; photographic, cinematographic, optical, measuring, signalling and life-saving apparatus and instruments; apparatus for recording, transmitting or reproducing sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording carriers; cash registers, calculating machines, data processing equipment, computers; smart phones; mobile phones; software; downloadable computer applications, downloadable mobile applications for the management and transmission of data and information; downloadable virtual goods, namely, computer programs with perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, vehicles for locomotion by land, air and water, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, clocks, stickers, decals, photographs, posters, magazines, parasols, wines and alcoholic beverages for use online and in virtual worlds, online and augmented reality; downloadable computer programs for interactive games for use via a global computer network and via various wireless networks and electronic devices; downloadable software for participating in social networks and interacting with online communities; downloadable software for accessing and streaming multimedia entertainment content; downloadable software for providing access to a virtual online environment; downloadable computer software for creating, producing, and modifying animated and non-animated digital characters and designs, avatars, digital overlays, and skins for access and use in online environments, online virtual

environments, and extended reality virtual environments; downloadable computer game software for use on mobile devices; downloadable game software; non fungible tokens (NFTs); downloadable art image files authenticated by non-fungible tokens; downloadable software as non-expendable tokens; downloadable digital art; artificial intelligence software; simulation software for use on digital computers; interactive computer software; downloadable software namely vehicles, apparatus for locomotion by land, air or water for use in virtual reality and augmented reality; downloadable software namely precious metals and their alloys, jewellery, precious and semiprecious stones, watches and chronometric instruments, for use in virtual reality and augmented reality; downloadable software namely collars, leashes and clothing for animals, including these products for use in virtual reality and augmented reality; downloadable software namely clothing, footwear, headgear for use in virtual reality and augmented reality; downloadable software namely games, toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees for use in virtual reality and augmented reality; downloadable software namely wines, spirits, alcoholic beverages, except beers, for use in virtual reality and augmented reality.

Class 14

Precious metals and their alloys; jewellery, precious and semi-precious stones; costume jewellery; watches and chronometric instruments.

Class 18

Leather and imitation leather; handbags, purses and pocket wallets; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harnesses and saddlery; collars, leashes and clothing for animals.

Class 25

Clothing, footwear, headgear.

Class 28

Games, toys, video game apparatus, gymnastic and sporting articles, decorations for Christmas trees.

Class 33

Wines, spirits, alcoholic beverages, except beers and alcoholic preparations for making beverages.

Class 35

Provision of an online marketplace for buyers and sellers of NFT-authenticated downloadable digital goods; sales promotion services for third parties; advertising; commercial business management; commercial administration; administrative work; support services for the operation or management of commercial or industrial companies; import and export agencies; commercial representation services; market study and analysis services, services for conducting studies on business organisation, planning, control, management and expertise of companies and verification of accounts; retail and wholesale services through global computer networks of perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols; online retail and wholesale services offering virtual goods including perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols, digital illustrations represented by non-fungible tokens for use online and in online virtual worlds; provision of an online and virtual marketplace for goods and services; information, advisory and consultancy services relating to the

entire chain of services mentioned above; services for promoting financial and insurance services for third parties; administrative services related to referral to insurance agencies; business meeting planning services; business office management for third parties; online auction services featuring digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs), cryptocurrencies and digital art; online retail store and marketplace services featuring digital media, namely, digital collectibles, digital tokens, non-fungible tokens (NFTs), cryptocurrencies and digital art; provision of an online marketplace for buyers and sellers of goods and services; provision of an online marketplace for buyers and sellers of non-fungible tokens (NFTs).

Class 36

Financial affairs; monetary affairs; capital management and investment; trust services; constitution and investment of funds.

Class 38

Website access services in connection with an online marketplace for the exchange of digital collectibles; provision of virtual facilities for business meetings, business conferences and conventions; provision of virtual facilities for general use for meetings, conferences and exhibitions and social events.

Class 41

Education services; training; entertainment services; sporting and cultural activities; entertainment services, namely, providing real and virtual online concerts and other virtual events; entertainment services, namely, providing non-downloadable virtual goods, namely, computer programs with perfumery products, deodorants and antiperspirants, toiletries, skin care preparations, bath and shower preparations, hair care and styling preparations, jewellery, costume jewellery, watches, art, clothing, footwear, headgear, eyewear, handbags, sports bags, backpacks, sports equipment, art, games, toys, accessories, furs, signs and panels, event logos, vehicles, clocks, stickers, decals, photographs, posters, magazines, parasols for use online and in

online virtual worlds; entertainment services, namely, providing virtual environments in which users can interact for educational, recreational, leisure or entertainment purposes; entertainment services, namely, providing virtual environments in which users can consume virtual food and drink; virtual reality game services provided online; virtual training services; virtual training services in insurance, financial and real estate matters; services for the preparation, organisation and management of cultural and sporting events; services for the preparation, organisation and management of cultural and sporting events in virtual reality; online publication offering services in a virtual environment; online publications; organisation and management of contests and virtual entertainment events to promote the use and development of interactive entertainment, virtual reality, augmented reality; organisation of exhibitions in the field of interactive entertainment and virtual reality; multimedia entertainment publishing and production services.

Class 43

Catering services [food]; temporary accommodation services; accommodation reservation services; provision of physical facilities for general use for meetings, conferences and exhibitions and social events; in-person and online reservation services for hotel accommodation for third parties; virtual reservation services for third parties by providing an interactive online website offering temporary accommodation; provision of virtual hotel rooms; operation of a virtual restaurant with real and virtual products; provision of physical facilities for business meetings; provision of physical facilities for business conferences and conventions.