

BL O/0744/26

TRADE MARKS ACT 1994

**IN THE MATTER OF
TRADE MARK APPLICATION NUMBER 4143246**

BY

HUAWEI TECHNOLOGIES CO., LTD.

TO REGISTER THE TRADE MARK:

TaurusDB

IN CLASSES 9 AND 42

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NUMBER 453935
BY HYFIRE WIRELESS FIRE SOLUTIONS LIMITED**

BACKGROUND AND PLEADINGS

1. On 3 January 2025, Huawei Technologies Co., Ltd. (“the Applicant”) applied to register in the UK the trade mark shown on the cover page of this decision, under number 4143246 (“the contested mark”). The contested mark was accepted and published in the Trade Marks Journal for opposition purposes on 31 January 2025. Registration is sought for the following goods and services:

Class 9: Computers; data processing apparatus; computer memories; central processing units (processors); integrated circuit cards (smart cards); laptop computers; computer hardware; humanoid robots with artificial intelligence; thin client computers; hand-held electronic dictionaries; wearable computers; smartglasses; smartwatches; smart rings; scales; scales with body mass analyzers; human face recognition devices; digital signs; video telephones; global positioning system [GPS] apparatus; wearable activity trackers; telecommunication apparatus in the form of jewellery; navigation apparatus for vehicles (on-board computers); cell phones; loudspeakers; camcorders; television apparatus; earphones; virtual reality headsets; wearable video display monitors; teaching machines; headphones; set-top boxes; digital video recorder for vehicles; television cameras; electronic book readers; digital photo frames; cameras (photography); smartphones; Computer programs for editing images, sound and video; graphics accelerators; computer programs for document management; operating system programs; computer operating programs; computer operating software; computer central processing units; computer programs for searching content in the computers and computer networks by remote access; computer software for operating and controlling audio and video apparatus; compiler software; Computer chatbot software for simulating conversations; Computer software for controlling self-service terminals; computer software for maintaining and running computer systems; computer programs applications (programs for executing computer maintenance); computer operating programs, recorded; computer software, recorded; computer software applications, downloadable;

tablet computers; computer software platforms, recorded or downloadable; notebook computers; computer software for wireless content transmission; Computer programs for network management; Computer software for use in computer access control.

Class 42: Design and development of multimedia products; research and development of computer software; mobilephone software design; software design and development; design and development of mobilephone software applications; Design and development of software for instant messaging; Development and creation of computer programmes for data processing; electronic data storage; developing of driver and operating system software; database development services; database design and development; design of computer databases; reconstruction of databases; development of computer platforms; data migration services; electronic data back-up services; providing information on computer technology and programming via a web site; software as a service [SaaS]; computer software design; cloud computing; platform as a service [PaaS]; updating and maintenance of computer software.

2. On 30 April 2025, Hyfire Wireless Fire Solutions Limited (“the Opponent”) opposed the application in full under section 5(2)(b) of the Trade Marks Act (“the Act”).

3. The Opponent relies upon the following UK trade mark (“the earlier mark”):

UK registration number: 3873820

TAURUS

Filing date: 2 February 2023

Registration date: 23 June 2023

4. For the purpose of these proceedings the Opponent relies upon all the goods and services, for which the mark is registered, namely:

Class 9: Apparatus and equipment for detecting, extinguishing and suppressing fires; fire alarms; closed circuit television surveillance cameras to detect fire; fire control apparatus and equipment; fire extinguishing apparatus, equipment and installations; fire sensors; sprayers for fire extinguishing; sprinkler apparatus and systems for fire extinguishing; water jets and water sprinkling apparatus for fire extinguishing purposes; heat detecting apparatus, devices and instruments; combination fire, heat and smoke alarm and detecting apparatus, devices and instruments; fire break-glass call points and units; fire, heat and smoke protection and safety apparatus and devices; fire and heat resistant electric cables; all of the aforesaid goods being wireless; parts, fittings and accessories for all the aforesaid goods including translators, expanders, interfaces, modules, detectors, indicators, sounders, call points and housings.

Class 37: Installation, maintenance and repair of wireless fire, heat and smoke alarm and detection apparatus, equipment, devices and instruments; installation, maintenance and repair of wireless fire extinguishing apparatus; installation, maintenance and repair of wireless fire, heat and smoke protection and safety apparatus and devices; advice, information and consulting services relating to all the aforesaid services.

Class 42: Engineering, design and testing of wireless fire protection equipment, sprinkler systems, fire suppression systems, fire alarm systems, fire and heat detection systems and control panels; advice, information and consultation services relating to all the aforesaid services.

5. Given the filing date, the Opponent's mark is an earlier mark, in accordance with section 6 of the Act. However, as it had not been registered for five years or more at the filing date of the application, it is not subject to the proof of use requirements specified within section 6A of the Act. As a consequence, the Opponent may rely upon all of the goods and services for which the earlier mark is registered without having to establish genuine use.

6. In its notice of opposition, the Opponent submits that due to the high similarity of the respective trade marks and the identity and similarity of the respective goods, there exists a likelihood of confusion which includes a likelihood of association.¹

7. The Applicant filed a defence and counterstatement denying all the claims made by the Opponent, requesting the opposition to be refused in its entirety and an award of costs be made in its favour.²

8. The Applicant is represented by Boehmert & Boehmert Anwaltspartnerschaft mbB and the Opponent is represented by Freeths LLP.

EVIDENCE AND SUBMISSIONS

9. During the evidence rounds, the Opponent filed evidence in chief in the form of a witness statement from Michaela Kim Selvester, dated 22 September 2025, accompanied by two exhibits (MKS1 – MKS2). Ms Selvester is a Chartered Trade Mark Attorney at Freeths LLP, the Opponent's representative in these proceedings. Ms Selvester is duly authorised to provide evidence on behalf of the Opponent. The Applicant filed written submissions dated 10 November 2025. Both parties were given the option of an oral hearing but neither requested to be heard, however, the Opponent filed written submissions in lieu of a hearing.

10. I do not intend to summarise the evidence and submissions at this stage. However, I can confirm that I have taken all filed documents into account and will refer to and summarise them to the extent that I deem necessary below.

RELEVANCE OF EU LAW

11. 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

¹ Form TM7 and Statement of Grounds filed 30 April 2025, Question 9.

² Form TM8 and counterstatement filed 17 July 2025.

Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

DECISION

Section 5(2)(b)

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

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

(a)...

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

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

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

“5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

14. 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. The average consumer is deemed to be reasonably well informed and reasonably circumspect and observant, but someone who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them they have kept in their mind, and whose attention varies according to the category of goods or services in question;
- c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;
- e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
- f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- g) a lesser degree of similarity between the goods or services may be offset by a greater degree of similarity between the marks and vice versa;
- h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

- i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
- k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods and services

15. Pursuant to section 60A of the Act, goods and/or services are not to be automatically regarded as being similar to each other on the ground that they appear in the same class, nor automatically regarded as dissimilar from each other on the ground that they appear in different classes.

16. When making the comparison, all relevant factors relating to the goods and services in the specifications should be taken into account. In the judgement of the Court of justice of the European Union (“CJEU”) in *Canon, Case C-39/97*, the court state at paragraph 23 that:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary.”

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

- (a) The respective uses of the respective goods or services;

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

18. In *Gérard Meric v OHIM, Case T- 133/05*, the General Court (“GC”) 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 10 where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.”

19. In *Boston Scientific Ltd v 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 the responsibility for those goods lies with the same undertaking.”

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

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

21. I bear in mind the following applicable principles of interpretation of terms within a specification from the judgement of *Sky v Skykick* [2024] UKSC 36:

“365. I agree with Sir Christopher Floyd and the other members of the Court of Appeal on this issue. The correct approach, as a matter of principle, in considering a specification of services which is defined by terms which are not clear or precise, is to confine the terms used to the substance or core of their possible meanings: see, for example, *Reed Executive plc v Reed Business Information Ltd* [2004] EWCA Civ 159; [2004] RPC 40, at para 43. So too, if a specification of goods is defined by terms which are ambiguous, then it should be confined to those goods which are clearly covered. These principles are consistent with first, the requirement that the specifications of goods and services must be clear and precise so that others know what they can and cannot do; and secondly, general fairness because any ambiguity is the responsibility of the owner of the mark. If despite this, the words used are still unclear so that they cannot be interpreted, then it is permissible to disregard them. But, in my opinion, that will rarely be the case.”

22. For the purposes of considering the issue of similarity, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons.³

23. The competing goods and services are as follows:

Opponent's goods and services	Applicant's goods and services
Class 9: Apparatus and equipment for detecting, extinguishing and suppressing fires; fire alarms; closed circuit television surveillance cameras to detect fire; fire control apparatus and equipment; fire extinguishing apparatus, equipment and installations; fire sensors; sprayers for fire extinguishing; sprinkler apparatus and systems for fire extinguishing; water jets and water sprinkling apparatus for fire extinguishing purposes; heat detecting apparatus, devices and instruments; combination fire, heat and smoke alarm and detecting apparatus, devices and instruments; fire break-glass call points and units; fire, heat and smoke protection and safety apparatus and devices; fire and heat resistant electric cables; all of the aforesaid goods being wireless; parts, fittings and accessories for all the aforesaid goods including translators, expanders, interfaces, modules, detectors,	Class 9: Computers; data processing apparatus; computer memories; central processing units (processors); integrated circuit cards (smart cards); laptop computers; computer hardware; humanoid robots with artificial intelligence; thin client computers; hand-held electronic dictionaries; wearable computers; smartglasses; smartwatches; smart rings; scales; scales with body mass analyzers; human face recognition devices; digital signs; video telephones; global positioning system [GPS] apparatus; wearable activity trackers; telecommunication apparatus in the form of jewellery; navigation apparatus for vehicles (on-board computers); cell phones; loudspeakers; camcorders; television apparatus; earphones; virtual reality headsets; wearable video display monitors; teaching machines; headphones; set-top boxes; digital video recorder for vehicles; television cameras; electronic book readers; digital

³ See *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38.

indicators, sounders, call points and housings.	photo frames; cameras (photography); smartphones; Computer programs for editing images, sound and video; graphics accelerators; computer programs for document management; operating system programs; computer operating programs; computer operating software; computer central processing units; computer programs for searching content in the computers and computer networks by remote access; computer software for operating and controlling audio and video apparatus; compiler software; Computer chatbot software for simulating conversations; Computer software for controlling self-service terminals; computer software for maintaining and running computer systems; computer programs applications (programs for executing computer maintenance); computer operating programs, recorded; computer software, recorded; computer software applications, downloadable; tablet computers; computer software platforms, recorded or downloadable; notebook computers; computer software for wireless content transmission; Computer programs for network management; Computer software for use in computer access control.
Class 37:	

Installation, maintenance and repair of wireless fire, heat and smoke alarm and detection apparatus, equipment, devices and instruments; installation, maintenance and repair of wireless fire extinguishing apparatus; installation, maintenance and repair of wireless fire, heat and smoke protection and safety apparatus and devices; advice, information and consulting services relating to all the aforesaid services.	
Class 42: Engineering, design and testing of wireless fire protection equipment, sprinkler systems, fire suppression systems, fire alarm systems, fire and heat detection systems and control panels; advice, information and consultation services relating to all the aforesaid services.	Class 42: Design and development of multimedia products; research and development of computer software; mobilephone software design; software design and development; design and development of mobilephone software applications; Design and development of software for instant messaging; Development and creation of computer programmes for data processing; electronic data storage; developing of driver and operating system software; database development services; database design and development; design of computer databases; reconstruction of databases; development of computer platforms; data migration services; electronic data back-up services; providing information on computer technology and programming via a web site; software as a service [SaaS]; computer software

	design; cloud computing; platform as a service [PaaS]; updating and maintenance of computer software.
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24. In its counterstatement, the Applicant submits:⁴

“It is denied that there is any similarity or complementarity between the goods and services covered by the earlier mark and those which the contested mark seeks to protect.”

The Applicant further submits:⁵

“...it is submitted that the goods and services differ completely in terms of their physical nature and methods of use. They are not in competition as they have very different intended purposes. A consumer would not, for example, be faced with choosing between sprinkler apparatus and wearable activity trackers, or fire alarms and smartphones.”

Class 9

25. In its submissions in lieu, the Opponent submits:⁶

“The class 9 goods of the Registration (fire detectors, fire alarms, wireless sprinkler systems, fire suppression controls, and sensor systems) depend on embedded processors, wireless communication hardware, and data-processing software to function. The class 9 goods of the Application (computers, processors, computer hardware, software, operating systems, network management software, wireless communication software, and software for access control) are essential inputs and operational parts, fittings and accessories for such fire protection systems. The Opponent

⁴ Applicant’s counterstatement dated 17 July 2025, paragraph 11.

⁵ Applicant’s counterstatement dated 17 July 2025, paragraph 14.

⁶ Opponent’s written submissions in lieu dated 23 January 2026, paragraph 40.

submits that goods which are indispensable or important for the use of one another are complementary and must therefore be considered similar ...”

26. For ease of reference, I shall refer to the Opponent’s class 9 goods collectively as ‘the Opponent’s fire safety goods’. This term includes the wireless fire detection, fire suppression, fire alarm, fire protection and associated parts, fittings and accessories covered by the earlier mark.

Computers; laptop computers; thin client computers; wearable computers; tablet computers; notebook computers; navigation apparatus for vehicles (on-board computers).

27. The Applicant’s goods are physical electronic devices used to access and process digital information. By contrast, the Opponent’s fire safety goods are specialised apparatus used to detect, warn of and suppress fire hazards, as part of an integrated fire protection system. As such, the goods differ in nature, purpose and method of use. Their trade channels also differ: the Applicant’s goods are likely to be sold through electronic and IT retailers, whereas the Opponent’s goods will be sold through specialist fire protection suppliers and building services contractors. The goods are aimed at different consumers: users of the Opponent’s goods are primarily professionals such as fire-safety engineers, installers, contractors and organisations responsible for protecting buildings, whereas users of the Applicant’s goods are the general public and businesses. As such, there is no overlap in users. I acknowledge the Opponent’s submissions reproduced above in paragraph [26] that the Applicant’s goods may constitute essential inputs and operational parts, fittings and accessories for such systems and are therefore complementary. However, the fact that computer hardware may be incorporated or used with fire protection systems does not, in itself, establish complementarity. I do not consider that the average consumer would expect responsibility for general computer hardware and parts, fittings and accessories for specialist fire protection systems, to lie with the same undertaking. The goods are therefore not complementary, nor are they competitive. Consequently, I find the goods to be dissimilar.

Data processing apparatus; computer memories; central processing units (processors); integrated circuit cards (smart cards); computer hardware; graphics accelerators; computer central processing units.

28. The Applicant's above goods are computer hardware, data processing apparatus and electronic components used for processing, storing, accelerating or enabling the handling of digital data within, or in connection with, computer systems. I acknowledge the Opponent's evidence⁷ which indicates that wireless fire safety apparatus and systems can analyse data and may therefore include data processing units to function. Nonetheless, that does not mean that the Applicant's general computer and data processing goods are similar to the Opponent's fire safety goods. The Applicant's goods are general computing components or apparatus used for data processing purposes, whereas the Opponent's fire safety goods are specialised apparatus used to detect, warn of and suppress fire hazards and, where necessary, to collect and transfer data relating to a fire event. As such, the goods differ in nature, method of use and purpose. The Applicant's goods are likely to be supplied through general computer hardware and IT channels, whereas the Opponent's goods will be supplied through specialist fire protection suppliers and building services contractors. Therefore, trade channels will differ. The goods are aimed at different consumers: users of the Opponent's goods are primarily professionals such as fire-safety engineers, installers, contractors and organisations responsible for protecting buildings, whereas users of the Applicant's goods are the general public and businesses. As such, there is no overlap in users. I do not consider that the average consumer would expect responsibility for the Applicant's above goods and parts, fittings and accessories for specialist fire protection systems, to lie with the same undertaking. The goods are therefore not complementary, nor are they competitive. Consequently, I find the goods to be dissimilar.

29. In its submissions in lieu, the Opponent submits:⁸

⁷ Opponent's exhibit MKS2, page 3

⁸ Opponent's written submissions in lieu dated 23 January 2026, paragraph 38.

“... the Registration expressly includes “parts, fittings and accessories for apparatus and equipment for detecting, extinguishing and suppressing fires; fire alarms; fire control apparatus; fire sensors; sprinkler systems; and wireless fire-safety installations, etc.”, these parts, fittings and accessories are, by their nature, designed to interface directly with hardware, processors, data-processing units, wireless communication systems and embedded or external software. The Opponent submits that modern fire-detection and fire-suppression systems are no longer standalone analogue devices; they depend on computer processors, operating systems, data-processing hardware, wireless communication modules, control software, and network-management software of precisely the type listed in the class 9 goods of the Application [.....] For example, the parts, fittings and accessories used in these systems include (but are not limited to) interfaces, translators, expanders, modules, detectors and control housings which must incorporate, or be compatible with, such computing functions”

Computer programs for editing images, sound and video; computer programs for document management; computer operating programs; computer programs for searching content in the computers and computer networks by remote access; computer operating programs, recorded; Computer programs for network management; computer programs applications (programs for executing computer maintenance); computer operating software; computer software for operating and controlling audio and video apparatus; compiler software; Computer chatbot software for simulating conversations; Computer software for controlling self-service terminals; computer software for maintaining and running computer systems; computer software, recorded; computer software applications, downloadable; computer software platforms, recorded or downloadable; computer software for wireless content transmission; Computer software for use in computer access control.

30. I acknowledge the Opponent’s evidence,⁹ which demonstrates that software may be used by companies offering fire detection, suppression and extinguishing

⁹ Exhibit MKS2

apparatus and equipment. The Opponent further asserts in its written submissions,¹⁰ *“that it is a fundamental accessory which allows all parts of the fire detection, suppression and extinguishing apparatus and equipment to work and communicate with each other”*. I agree with the Opponent that modern fire safety systems may incorporate or require software to operate, but that does not mean that the Applicant’s general computer software or programs are similar to software that may be used in the Opponent’s fire safety goods.

31. As I understand it, the Applicant’s goods are software and computer programs for operating, managing, maintaining and controlling computer systems, networks, devices, digital content and access functions. By contrast, the Opponent’s fire safety goods are specialist apparatus used as part of an integrated fire protection system to detect, warn of and suppress fire hazards. To the extent that the Opponent’s fire safety goods incorporate software, that software is simply an embedded or external component of specialist fire safety apparatus. It does not mean that such apparatus is similar to general computer software or computer programs. As such, the respective goods differ in nature, purpose and method of use. The goods will be aimed at different consumers: users of the Applicant’s goods will include the general public, businesses and IT professionals, whereas the Opponent’s goods will primarily be used by professionals such as fire safety engineers, installers, contractors and organisations responsible for protecting buildings. Therefore, there will be no overlap in users. The Applicant’s software goods are likely to be supplied through general software and IT channels, including software developers, IT service providers, app stores and computer retailers. By contrast, any software incorporated in the Opponent’s goods would be supplied as part of, or for use with, specialist fire safety apparatus, through specialist fire safety suppliers or installation and maintenance providers. Such a limited use of software is not sufficient to show that the respective goods would reach the market through the same trade channels. The goods are neither competitive nor complementary. Although software may be important to the operation of modern fire-safety apparatus, that is not sufficient in itself. The connection must be such that the average consumer would expect responsibility for the respective goods to lie with the same undertaking. I do not consider that to be the case here. Any overlap arising from

¹⁰ Opponent’s written submissions in lieu dated 23 January 2026, paragraph 15.

the fact that specialist fire-safety systems may incorporate software is too general to justify a finding that the respective goods are similar. Accordingly, I find these goods to be dissimilar.

Operating system programs

32. An operating system program manages a computer's hardware and software resources and provides services that allow other programs to run. It acts as an intermediary between the user, application software and the computer's hardware. By contrast, the Opponent's fire safety goods are specialist apparatus used as part of an integrated fire protection system to detect, warn of and suppress fire hazards. I acknowledge that the Opponent's goods may contain a processor and that more advanced fire safety devices may run a full operating system. However, absent further evidence from the Opponent, and for the reasons provided above in paragraph [31], I find the respective services to be dissimilar.

Smartglasses; smartwatches; smartrings; smartphones; telecommunication apparatus in the form of jewellery; wearable video display monitors.

33. The Applicant's above goods are personal wearable or portable electronic devices that incorporate sensors, processors, displays and/or wireless connectivity in order to perform a broad range of functions such as communication, notifications or augmented reality functions. By contrast, the Opponent's fire safety goods are specialist apparatus used to detect, warn of and suppress fire hazards, as part of an integrated fire protection system. The goods therefore differ in nature, purpose and method of use. The goods are aimed at different consumers: users of the Opponent's goods are primarily professionals such as fire safety engineers, installers, contractors and organisations responsible for protecting buildings, whereas users of the Applicant's goods will be the general public. As such, there will be no overlap in users. The Applicant's goods will be sold through consumer electronics and technology retailers and mobile phone stores, whereas the Opponent's goods will be sold through specialist fire protection suppliers and building services contractors. Therefore, trade channels will differ. The goods are neither competitive nor complementary. The goods are not indispensable or important for the use of one another in such a way that

consumers would expect consumer electronic devices and specialist fire protection systems and parts, fittings and accessories for such systems, to originate from the same undertaking. For the sake of clarity, I note that the Opponent's specification in class 9 includes "parts, fittings and accessories for all the aforesaid goods including [...] interfaces". Even in relation to wireless fire detecting systems, an interface for fire detecting apparatus would still be generally viewed as specialised fire safety equipment or a component of a fire detection system. In relation to the Applicant's "smartphones", a smartphone, even when used to receive notifications from such a system, remains a general-purpose telecommunications/computing device rather than an interface for fire detection apparatus. I therefore find the goods to be dissimilar.

Scales; scales with body mass analyzers; wearable activity trackers.

34. The Applicant's above goods are consumer electronic measuring and monitoring devices used for weighing, tracking body metrics or monitoring activity and fitness data. By contrast, the Opponent's wireless fire safety goods are specialist apparatus used to detect, warn of and suppress fire hazards, as part of an integrated fire protection system. I therefore find the goods differ in nature, purpose and method of use. The goods are aimed at different consumers: users of the Opponent's goods are primarily professionals such as fire safety engineers, installers, contractors and organisations responsible for protecting buildings, whereas users of the Applicant's goods will be the general public. As such, there will be no overlap in users. The Applicant's goods will be sold through general consumer retail channels such as electronics and homeware stores and health and fitness retailers, whereas the Opponent's goods will be sold through specialist fire protection suppliers and building services contractors. Therefore trade channels will differ. The goods are neither competitive nor complementary. The goods are not important for the use of one another and consumers would not expect the Applicant's general consumer goods to come from the same undertaking as specialist fire protection systems and parts, fittings and accessories for such systems. Taking all the above factors into account, I find the goods to be dissimilar.

Humanoid robots with artificial intelligence; hand-held electronic dictionaries; human face recognition devices; digital signs; video telephones; global positioning system

[GPS] apparatus; cell phones; loudspeakers; earphones; virtual reality headsets; teaching machines; headphones; set-top boxes; electronic book readers; digital photo frames

35. The Applicant's above goods consist of general electronic devices used for communication, audio visual output, information processing, learning and artificial intelligence and virtual reality functions, whereas the Opponent's wireless fire safety goods are specialist apparatus used as part of an integrated fire-protection system to detect, warn of and suppress fire hazards. I therefore find no overlap in nature, purpose or method of use. The goods are aimed at different consumers: users of the Applicant's goods are primarily the general public and business users, whereas users of the Opponent's goods are primarily professionals such as fire safety engineers, installers, contractors and organisations responsible for protecting buildings. As such, there will be no overlap in users. The Applicant's goods are likely to be sold through consumer electronics and technology retailers, whereas the Opponent's goods will be sold through specialist fire protection suppliers and building services contractors. As such, trade channels will differ. The goods are neither complementary nor competitive. I therefore find them to be dissimilar.

Television apparatus; digital video recorder for vehicles; television cameras; cameras (photography).

36. The Applicant's above goods are general imaging and broadcast related devices, used for capturing, displaying or recording visual content. I compare this to the Opponent's '*closed circuit television surveillance cameras to detect fire*', which by contrast, is specialised surveillance equipment used to monitor a specific area and identify signs of fire. To the extent that the respective goods are devices that capture images, there is a minor overlap in nature. The purpose of the Applicant's goods is general image capture, which generally involves manual operation by a user, for television or vehicle environment recording whereas the purpose of the Opponent's goods is fire surveillance using a continuous and automated monitoring system. Therefore the goods differ in purpose and method of use. The goods are aimed at different consumers. The Applicant's goods may be used by members of the general public and professionals, whereas the Opponent's goods are aimed primarily at

professionals such as fire safety engineers, installers, contractors and organisations responsible for protecting buildings. Any overlap in users is therefore limited. The Applicant's goods will be sold through general electronics retailers and specialist photography, imaging and broadcast suppliers, whereas the Opponent's surveillance cameras will be supplied by specialist fire safety, security and building systems suppliers. As such, trade channels will differ. The goods are neither complementary nor competitive. Even if there is a minor overlap in nature and users, any such overlap is too general to justify a finding that the respective goods are similar. Taking all the above factors into account, I find the goods to be dissimilar.

Camcorders.

37. A camcorder is a portable video recording device used by a person to record moving images and sound. Its primary purpose is the creation of video content. It is typically operated directly by a user and sold through photography, videography and consumer electronics channels. By contrast, the Opponent's '*closed circuit television surveillance cameras to detect fire*' are specialised monitoring devices forming part of a surveillance or fire detection system. Their purpose is not the general recording of video for later viewing but the continuous monitoring of an area to identify signs of fire and trigger or support a safety response. They are commonly integrated into wider safety, security or building-management systems and are supplied through specialist fire safety, security and building systems suppliers. Accordingly, the goods differ in purpose, method of use and trade channels. To the extent that the respective goods are devices that capture images, there is a minor overlap in nature. The Applicant's goods may be used by members of the general public and professional videographers, whereas the Opponent's goods are aimed primarily at fire safety professionals, installers, contractors and organisations responsible for protecting buildings. As such, any overlap in users is limited. The goods are neither competitive nor complementary. Even if there is a minor overlap in nature and users, any such overlap is too general to justify a finding that the respective goods are similar. Taking all of the above factors into account, I find the goods to be dissimilar.

Class 42

38. For ease of reference, I shall refer to the Opponent's class 42 services collectively as 'the Opponent's fire protection services'. This term includes the engineering, design and testing of wireless fire-protection equipment, sprinkler systems, fire-suppression systems, fire-alarm systems, fire and heat-detection systems and control panels, together with the associated advice, information and consultation services covered by the earlier mark.

Research and development of computer software; mobilephone software design; software design and development; design and development of mobilephone software applications; Design and development of software for instant messaging; Development and creation of computer programmes for data processing; developing of driver and operating system software; computer software design; updating and maintenance of computer software.

39. I compare the Applicant's above services with the Opponent's fire protection services. The Applicant's services concern the creation, development and maintenance of software and computer programmes, whereas the Opponent's fire protection services concern the engineering, design and testing of wireless fire protection systems to ensure buildings are adequately protected and compliant with fire-safety requirements. In its written submissions in lieu,¹¹ the Opponent claims that the development of the systems covered by the class 42 services of the Registration *"is inseparable from the development and integration of software, digital platforms, network interfaces and cloud-based technologies"*. The Opponent¹² further submits that its services encompass activities relating to *"software design, software development, driver and operating-system development, cloud-computing platforms, database-related software, and remote-monitoring applications, which are directly mirrored in the class 42 specification of the Application"*. I acknowledge that modern smart fire protection systems may involve the Applicant's above services, however, the Opponent's services are not expressed as general software design or development services. Any software related activity would therefore be secondary to, and directed at, the delivery of those specialist fire safety services. The respective

¹¹ Opponent's submissions in lieu dated 23 January 2026, paragraph 43.

¹² Opponent's submissions in lieu dated 23 January 2026, paragraph 44.

services therefore differ in nature, purpose and method of use. The Applicant's services will be provided by software developers and IT consultants, whereas the Opponent's services will be provided by specialist fire safety providers such as fire engineering firms and fire system designers and testers. The Opponent submits¹³ that *"in modern safety-technology sectors, suppliers of wireless fire-protection and detection systems frequently collaborate with, or themselves operate as, software-development and cloud-platform providers. And [...] that the design of such systems and the software underpinning them are commonly purchased together."* While modern fire protection systems may incorporate software and related technologies, any overlap in trade channels with the Applicant's general software services is incidental. The trade channels therefore differ. The Applicant's services are used by businesses and organisations requiring general IT solutions, whereas the Opponent's services are used by those responsible for fire safety in buildings. Although modern fire systems may involve software development, this is too broad and insufficient in itself to establish any real overlap in users, as the services are aimed at different consumers. Although software may be important to the use of the Opponent's services, I do not consider that the average consumer will expect these services to originate from the same undertaking. Therefore, the services are neither complementary nor competitive. I therefore find the services to be dissimilar.

Database development services; database design and development; design of computer databases; reconstruction of databases.

40. The above services are concerned with how digital information is organised, stored and recovered. These services involve planning the structure of a database, building the systems that store and manage that data and repair or rebuild damaged, corrupted or outdated systems to create and manage reliable information management systems. For the reasons provided above in paragraph [39], I find the respective services to be dissimilar.

Electronic data storage; data migration services; electronic data back-up services.

¹³ Opponent's submissions in lieu dated 23 January 2026, paragraph 49.

41. The Applicant's above services are concerned with the storage, transmission and protection of data. For the reasons provided above in paragraph [39], I find the respective services to be dissimilar.

Software as a service [SaaS].

42. I understand, in broad terms, that Software as a service [SaaS] refers to the delivery and management of software over the internet that does not need to be downloaded to be accessible, with the provider being the host of the software. For the reasons provided above in paragraph [39], I find the respective services to be dissimilar.

Development of computer platforms; cloud computing; platform as a service [PaaS].

43. I understand the Applicant's above services to refer to the development and provision of computer platforms and cloud-based computing environments and that Platform as a service [PAAS] is a type of cloud computing service that provides users with an online platform to build, develop, and maintain a software application. The service provider hosts the servers, network, software, databases and development tools via cloud access, typically paid for on a subscription basis. For the reasons provided above in paragraph [39], I find the respective services to be dissimilar.

Providing information on computer technology and programming via a web site.

44. The Applicant's service provides users with information, guidance and technical knowledge relating to computer technology and programming through an online platform, enabling users to understand or work with digital systems and software, whereas the Opponent's '*advice, information and consultation services relating to all the aforesaid services*' supplies technical guidance and specialised knowledge relating to the engineering, design and testing of wireless fire protection systems, enabling users to understand how such systems are developed, assessed and operate. Although both parties provide information-related services, the subject matter is different: the Applicant's service concerns computing and programming, whereas the Opponent's service concerns fire safety systems. I acknowledge that there may

be a minor overlap in nature as both services involve the provision of information. I find no overlap in purpose and method of use. The Applicant's service is likely to be provided by IT professionals and used by individuals and businesses looking for information on computing and software, whereas the Opponent's services will be provided by fire safety specialists and used by those responsible for fire safety in buildings. Therefore, the trade channels differ and the services are aimed at different users. The respective services are neither complementary nor competitive. Even if there is a minor overlap in nature, I consider this to be too limited to find any similarity between the services. Taking all the above factors into account, I find the services to be dissimilar.

Design and development of multimedia products.

45. The Applicant's above services are concerned with the creation and production of digital content to communicate, inform or entertain using visual, audio or interactive media. In contrast, the Opponent's fire protection services concern the engineering, design and testing of wireless fire protection systems to ensure buildings are adequately protected and compliant with fire safety requirements. As such, the services do not overlap in nature, purpose or method of use. The Applicant's services will be provided by digital content developers and creative service providers and used by the general public and businesses seeking digital experiences, whereas the Opponent's services will be provided by fire safety specialists and building contractors and used by specialist responsible for fire safety in buildings. Therefore, the trade channels differ and the services are aimed at different users. The respective services are neither competitive nor complementary. I therefore find the services to be dissimilar.

46. Other than an overlap at a very general level, there are no similarities between the respective goods and services. I bear in mind the comments of Mr Iain Purvis KC, sitting as a deputy High Court judge in *Unicorn Studio Inc v Veronese (Société par Actions Simplifiée)*¹⁴. He reiterated that the overall purpose of considering similarity between goods is to identify similarities which might be relevant to the likelihood of

¹⁴ [2024] EWHC 1098 (Ch).

confusion, and that the greater the level of generality at which some similarity can be found the less relevant it could be. That is the case here. Any similarity is at such a general level that I do not consider it relevant to the likelihood of confusion. I therefore find no similarity between the goods and services. In accordance with *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, where there is no similarity between the goods and services, there is no likelihood of confusion to be considered. The opposition must therefore fail. No degree of similarity between the competing marks can alter that outcome, since the competing goods and services are not similar.

Conclusion

47. The opposition under section 5(2)(b) of the Act has failed in its entirety. Subject to any successful appeal, the application by Huawei Technologies Co., Ltd. may proceed to registration for all the applied for goods and services.

COSTS

48. The Applicant has been successful and is therefore entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023.¹⁵ I award the Applicant the sum of £850 as a contribution towards its costs. The sum is calculated as follows:

Considering the Notice of Opposition & preparing a counterstatement:	£250
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Preparing submissions and considering the Opponent's evidence:	£600
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Total:	£850
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49. I therefore order Hyfire Wireless Fire Solutions Limited to pay Huawei Technologies Co., Ltd. the sum of £850. This sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

¹⁵ As the proceedings were commenced after 01 February 2023

Dated this 17th day of August 2026

Mrs Joanne Roberts

For the Registrar