

**O-0844-24**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION UK00003604698 BY CONTINENTAL REIFEN  
DEUTSCHLAND GMBH TO REGISTER:**

**CONTI**

**AS A TRADE MARK IN CLASSES 1, 4, 6, 7, 8, 9, 10, 11, 14, 16, 17, 18, 19, 20, 22, 24, 25,  
27, 28, 35, 37, 38, 40, 41 AND 42**

**AND**

**IN THE MATTER OF OPPOSITION THERETO UNDER NO. 426986**

**BY ABRAHAM INDUSTRIES S.R.L.**

## BACKGROUND AND PLEADINGS

1. On 4 March 2021, Continental Reifen Deutschland GmbH (“the applicant”) applied to register “CONTI” as a trade mark in the UK. The application, effectively a re-filing of pending European Union trade mark number 17563081, was filed pursuant to Article 59 of the Withdrawal Agreement between the United Kingdom and the European Union (hereafter referred to as “Article 59”). The EU filing date was 5 December 2017 and so, in accordance with Article 59, the contested application is deemed to have the same filing date as the corresponding mark. The relevant wording of Article 59 is reproduced below:

- 1. Where a person has filed an application for a European Union trade mark or a Community design in accordance with Union law before the end of the transition period and where that application was accorded a date of filing, that person shall have, for the same trade mark in respect of goods or services which are identical with or contained within those for which the application has been filed in the Union or for the same design, the right to file an application in the United Kingdom within 9 months from the end of the transition period. An application made pursuant to this Article shall be deemed to have the same filing date and date of priority as the corresponding application filed in the Union and, where appropriate, the seniority of a trade mark of the United Kingdom claimed under Article 39 or 40 of Regulation (EU) 2017/1001.*

The UK application was published for opposition purposes on 18 July 2021 and registration is sought for the goods and services laid out as an annex to this decision.

2. ABRAHAM INDUSTRIES S.r.l. (“the opponent”) filed a notice of opposition on 20 September 2021, under section 5(2)(b) of the Trade Marks Act 1994 (“the Act”), with the scope of the opposition extending to the following goods and services only:

*Leather and imitations of leather; animal skins, hides; Luggage, bags, wallets and other carriers; trunks and traveling bags; Travel garment covers; umbrellas, parasols and walking sticks; whips, harness and saddlery; suitcases, bags, in particular holdalls, briefcases and handbags, backpacks, document holders, wallets, purses, key pouches (class 18)*

*Clothing, footwear, soles for footwear, headgear; trousers; T-shirts; polo shirts; coats; jackets; overalls; caps; gloves (clothing); shoes and shoe uppers; cloth for clothing purposes; ties; scarves; Belts [clothing] (class 25)*

*Retail and wholesale (including online) services in the following areas: articles of clothing, shoes and textile goods (class 35)*

3. For the purpose of the opposition, the opponent relies upon the following trade mark and the goods set out below, for which it is registered.

United Kingdom Trade Mark ("UKTM") 909598715<sup>1</sup>

## **LIVIANA CONTI**

Filing date: 22 March 2011

Registration date: 29 July 2011

*Leather and imitations of leather, and goods made from these materials and not included in other classes; Bags, holdalls, handbags, backpacks, trunks and travelling bags, key cases, key rings of leather, wallets, purses, briefcases of leather, card holders, make-up bags, umbrellas (class 18)*

*Clothing for men, women and children of all kinds of textile or material, skirts, trousers, shorts, jeans, shirts, blouses, sports jerseys, jumpers, T-shirts, vests, suits, tracksuits,*

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

*coats; Portable coats, Coats, Blousons, Heavy jackets, Jackets, Anoraks, Raincoats, Stockings, Socks, Hats, Hats, Mufflers, Gloves; Neckties, bathing suits, belts, shoes, beach shoes, slippers, boots, gymnastic shoes, tennis shoes, dressing gowns; Panty hose, Underwear, Sportswear (class 25)*

4. In its Notice of Opposition, the opponent submits that, due to the similarity between the parties' marks and the identity and/or similarity between the respective specifications, there exists a likelihood of confusion on the part of the average consumer, such that the application should be refused (in respect of the opposed goods and services).

5. In its counterstatement, the applicant makes some concession as to the similarity of the parties' goods and services but nonetheless submits that the opposition should be refused as the parties' marks are visually, aurally and conceptually dissimilar, stating that "coexistence will not lead to a likelihood of confusion or association". It also puts the opponent to proof of the use made of the relied upon mark.

6. The applicant is represented by Forresters IP LLP whilst the opponent is represented by Wilson Gunn. Only the opponent filed evidence during the course of the proceedings. Neither party requested a hearing, nor did they file written submissions in lieu. This decision is taken following a careful perusal of the papers.

## **DECISION**

### **Relevance of EU law**

7. 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.

## **Section 5(2)(b)**

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

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

(a)...

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

9. Section 5A of the Act reads 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.”

10. The trade mark upon which the opponent relies qualifies as an earlier trade mark pursuant to section 6 of the Act. As the earlier mark had completed its registration process more than 5 years before the retained application date of the mark at issue, it is consequently subject to proof of use pursuant to section 6A of the Act.

## **Proof of use**

11. I will begin by assessing whether there has been genuine use of the earlier mark. The relevant statutory provisions are as follows:

“6(1) This section applies where:

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

(b) there is an earlier trade mark of a kind falling within section 6(1)(a), (aa) or

(ba) in relation to which the conditions set out in section 5(1), (2) or (3) obtain,

and

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

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

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

(3) The use conditions are met if –

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

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

(4) For these purposes –

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

and

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

(5)-(5A) [Repealed]

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

12. Section 100 of the Act states that:

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

13. As the earlier mark is a comparable mark, paragraph 7 of Part 1, Schedule 2A of the Act is also relevant. It reads:

“7.— (1) Section 6A applies where an earlier trade mark is a comparable trade mark (EU), subject to the modifications set out below.

(2) Where the relevant period referred to in section 6A(3)(a) (the "five-year period") has expired before IP completion day—

(a) the references in section 6A(3) and (6) to the earlier trade mark are to be treated as references to the corresponding EUTM; and

(b) the references in section 6A(3) and (4) to the United Kingdom include the European Union.

(3) Where [IP completion day] falls within the five-year period, in respect of that part of the five-year period which falls before IP completion day —

(a) the references in section 6A(3) and (6) to the earlier trade mark are to be treated as references to the corresponding EUTM ; and

(b) the references in section 6A to the United Kingdom include the European Union”.

14. Pursuant to section 6A of the Act, the relevant period for assessing whether there has been genuine use of the earlier mark is the five-year period ending with the filing date of the application at issue. As explained above, the application at issue retains the filing date of the corresponding EUTM which, in the present proceedings, is 5 December 2017. Consequently, the relevant period for assessing use is 6 December 2012 to 5 December 2017.

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

“105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bunderversammlung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 P *Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

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

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

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

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

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

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

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

[76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

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

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

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

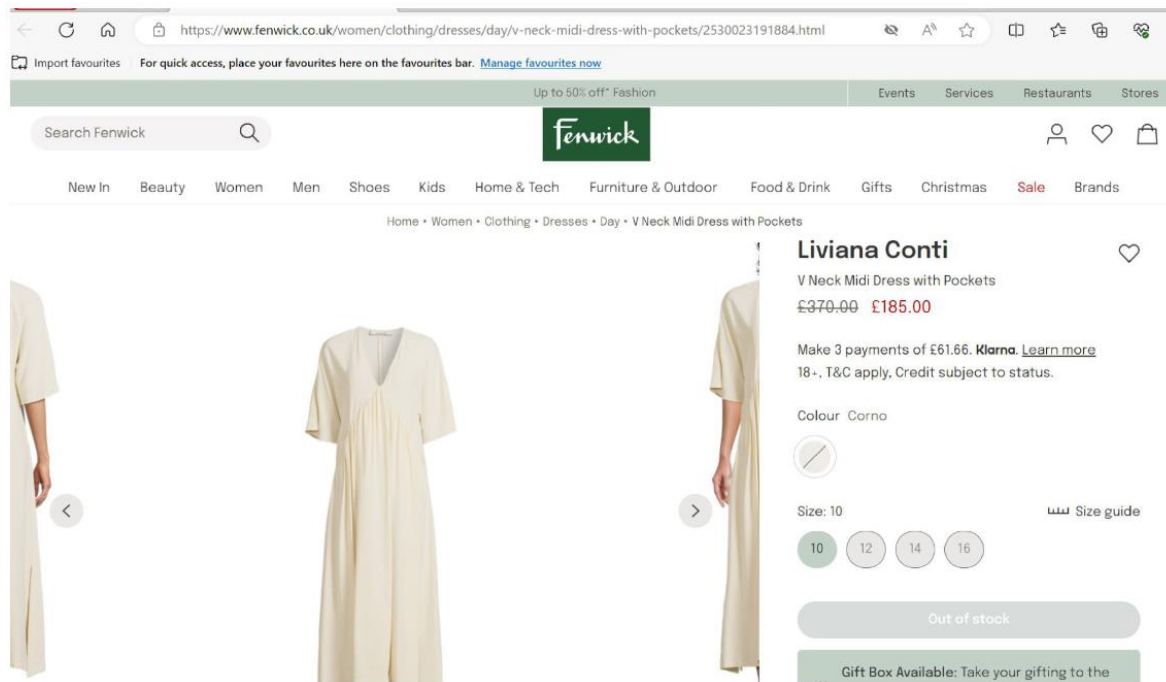
### **The opponent’s evidence**

17. The opponent filed evidence in chief in the form of the witness statement of Mr Andrew Marsden dated 12 December 2023. Mr Marsden makes the statement in his capacity as the opponent’s attorney and his statement is supported by Exhibit AM1.

18. Exhibit AM1 comprises a number of invoices spanning the period 2019 to 2022. Within Mr Marsden’s statement he also includes a snapshot from “the Fenwick website” in the UK<sup>2</sup>, which I reproduce below:

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<sup>2</sup> There is no indication of when the screenshot was captured or what relationship the website has to the opponent, though it appears to be a third party distributor of the opponent’s goods.



19. The 24 invoices relied upon are shared amongst two UK addresses ('Killingworth Fenwick Warehouse' in Newcastle upon Tyne and 'TJX Europe Buying Limited' in Watford) and the goods listed include dresses, shirts, blouses, trousers, skirts and shoes.

20. The opponent seeks to rely on the goods laid out at paragraph 2 to this decision. I must consider whether, or the extent to which, the evidence shows use of the earlier mark in relation to the goods relied upon.

21. It seems clear that the opponent has approached the filing of its evidence on the basis of a relevant period which is incorrect, using the UK filing date of the application rather than the filing date it retains by virtue of Article 59. Indeed, in his witness statement, Mr Marsden writes that "I understand that the evidence must show genuine use of the mark in the United Kingdom for the registered goods during the period 04 March 2016 – 04 March 2021." The earliest of its exhibited invoices pertains to transactions made in 2019, some years after the expiry of the applicable relevant period. As a consequence, whilst I accept that evidence outside of the relevant period can sometimes be useful in the light it casts backward, I find the opponent has failed to demonstrate genuine use of its earlier mark and it therefore cannot rely upon it for the purpose of the opposition.

## **Conclusion**

**22. The opposition has failed. Subject to any successful appeal, the application will proceed to registration in respect of all goods and services applied for.**

## **Costs**

23. The applicant has succeeded and is entitled to a contribution towards its costs. Awards of costs are governed by Tribunal Practice Notice (“TPN”) 2/2016. In accordance with that TPN, I award costs as follows:

Considering the statement of grounds and preparing a counterstatement:	£250
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<b>Total:</b>	<b>£250</b>
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**24. I order ABRAHAM INDUSTRIES S.r.l. to pay Continental Reifen Deutschland GmbH the sum of £250. This sum is to be paid within twenty-one days of the expiry of the appeal period or within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.**

**Dated this 30<sup>th</sup> day of August 2024**

**Laura Stephens  
For the Registrar**

## **Annex**

### **All goods and services applied for**

Class 1: Chemical products used in industry, science, photography, agriculture, horticulture and forestry; unprocessed synthetic resins, unprocessed plastics; manures; fire-extinguishing compositions; tempering and soldering preparations; tanning substances; adhesives used in industry; rubber solvents; plastics for oil absorption; vulcanizing accelerators; vulcanizing agents; light-sensitive printing plates; sensitized printing plates; brake fluid; chemical additives or substitutes for fuel for use in petrol or diesel engines; Catalysts and Supports for catalysts.

Class 4: Industrial oil and grease; lubricants; dust absorbing, wetting and binding compositions; fuels (including engine fuel) and illuminants; grease for motor vehicles; brake paste.

Class 6: Common metals and their alloys; metal building materials; transportable constructions of metal; metal building materials for railway tracks; metal cables and wires (not for electrical purposes); ironmongery and small items of metal hardware; Containers, and transportation and packaging articles, of metal; metal pipes and flexible tubings; metal hose and pipe connectors; metal manifolds, couplings and adapters; metal hose and pipe couplings, mountings as far as included in class 6; Spring-retracted metal hose reels; metal pipes and tubes for ventilation and air-conditioning systems; metal molds; tool chests of metal, empty.

Class 7: Agricultural, earthmoving, construction, oil and gas extraction and mining equipment; Pumps, compressors and fans; Industrial robots; Generators of electricity; Moving and handling equipment; Machines and machine tools for treatment of materials and for manufacturing; Engines, powertrains, and machine parts, and controls for the operation of machines and engines; Dispensing machines; Sweeping, cleaning, washing and laundering machines; Machines used in metal, timber, rubber and plastics processing, for the manufacture, repair and disassembly of land and sea vehicles, for the manufacture, assembly, repair and disassembly of hoses, for the chemical, agricultural, mining, textile, food and beverage, construction and packaging industry; machine tools; Printing machines; printing plates; machines used in the

manufacture of printing plates; printing plates [not light-sensitive]; pressure casting molds [machine components]; lithographic printing plates for printing machines; Motors and engines (except for land vehicles vehicles); components for motors and engines of all types; electric motors and their components (except for land vehicles vehicles); Control units for motors and engines; electric starters for motors and engines; motor driven electric generators; main cylinders; electric motors (except for land vehicles vehicles); pumps (machines); fuel pumps; dosing pumps; Regulating and control apparatus for use in connection with pumps and pump installations, In particular valves, Cocks, Control valves; Engine actuators (throttle valves, idle governors, linear actuators, air control valves, air flap actuators, exhaust gas recirculation valves); fuel injection devices, fuel injection systems for engines; Injection nozzles for engines; spark plugs for combustion engines; glow plugs for diesel engines; Air filters for engines; Oil filters for motors and machines; fuel filters; Catalytic converters; Exhaust gas purification installations; Individual components for exhaust gas purification installations, including catalytic converters and filters, and fittings for the aforesaid goods, including the necessary mounts and fasteners; Devices for regulating the mixture composition of fuel-air mixtures for internal combustion engines; Converters and conversion apparatus and equipment for hot gases being parts of exhaust gas purifiers; Electrically heated converters for hot gases being parts of exhaust gas purifiers; Chargers [turbochargers]; turbocompressors; Control units for machines; Controlled adjusting devices for vehicle parts such as seats, windows, mirrors, sliding roofs, throttle valves, camshafts; Machine coupling and transmission components, including shift clutches (except for land vehicles); Drive belts, transmission belts, V-belts, V-ribbed belts, variator belts, timing belts, synchronous belts, nubbed belts, double-sided timing belts, flat belts, lift belts (machine components), conveyor belts; Machine components, such as springs, shock absorber pistons, vibration dampers; Conn-rods, Crank shafts, camshafts, Joints (Universal -) [Cardan joints], Propeller shafts; Engine mounts, hydromounts, torsional vibration dampers, actuators; Valves (machine components); Conveyor belts, parts and accessories for conveyor belts; Passenger conveyors not included in other classes; spray guns for water, oil, gas, paint and other gaseous or liquid substances; metal fittings (accessories for spray guns or sprayers); Mechanical vehicle jacks; Mechanically operated hand-held crimpers; lawn mowers (machines); non-hand-operated agricultural equipment; Cutting, drilling, abrading, sharpening and surface

treatment machines and apparatus; Reels, mechanical, for flexible hoses; lifting platforms; lifts for use with vehicles; Tyre inflating machines [garage installations]; tyre trimming machines; tyre pressing machines; tyre mounting machines; tyre vulcanizing machines; Automatic tire removing and installing devices; Tyre removers [machines]; metal printing frames; Ignition coils; injection valves; vending machines; mechanical and hydraulic controllers and regulators.

Class 8: Hand-operated tools and devices; cutlery, forks and spoons; side arms; razors; Hand-operated tools and implements for treatment of materials, and for construction, repair and maintenance; Repair hand tools for motor vehicles; hand tools for installing, testing and checking vehicle brake, fuel feed and injection systems; Hand-operated syringes for water, oil, paint, gas and other gaseous or liquid substances; hand-operated spray guns; sprayers; metal fittings (accessories for spray guns or sprayers).

Class 9: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments as far as included in class 9; Recorded content; Information technology and audio-visual, multimedia and photographic devices; Magnets, magnetizers and demagnetizers; Apparatus, instruments and cables for electricity; Optical devices, enhancers and correctors; Safety, security, protection and signalling devices; Diving equipment; Navigation, guidance, tracking, targeting and map making devices; Measuring, detecting and monitoring instruments, indicators and controllers; Scientific research and laboratory apparatus, educational apparatus and simulators; Measuring devices and instruments; Electric control and regulating systems including their processors and sensors for the steering and controlling of vehicles, for improved driving safety, driving stability, and cushioning and noise comfort; Electric control and regulating systems including their processors and sensors for regulation and control of brakes, accelerator pedals, transmissions, chassis and suspensions and emissions; voltage regulators for vehicles; Automatic control systems for vehicles; Electric and electronic monitoring, regulating and control apparatus and equipment for use with exhaust gas catalyts; Electric and electronic monitoring, regulating and control apparatus and equipment for use with dosing systems; Electric and electronic monitoring, regulating and control apparatus and equipment for conveyor belts and

conveyor belt systems; Dosimeters; Parts for all the aforesaid goods (included in class 9); Electrical and electrohydraulic power steering; Electrical, electronic and mechanical actuators, drive shafts and electric motors; Ammeters, voltmeters, ohmmeters, manometers, thermometers, tachometers; Compasses, acidimeters, water level indicators, scales; thermostats; Engine management, idle speed control devices; data management devices, data processing devices; Measuring, warning and display devices and instruments for distance, axle load monitoring, acceleration, speed, engine speed, torque, turn rate, pressure, fill level, fluid supply (particularly fuel and washer fluid supply), altitude, coolant temperature, charge pressure, power, air quality, air mass, oil level, oil pressure, position, rudder position, temperature, travel, travel distance, wind and water depth; Temperature controllers apparatus for use in vehicle heating systems; Distance warning and controlling devices and display instruments; Radar devices; Reversing monitoring equipment; automatic parking assist; Optical, acoustic and haptic drowsiness and speed warning devices and display instruments; Tire pressure measurers, tire inflating equipment, tyre monitoring apparatus, tyre matching apparatus, Tire balancing units for land vehicles; Service indicator, wear indicator, consumption measurement device, maintenance indicator; workshop diagnostic and test equipment; air conditioning service units for the inspection, servicing and repair of air conditioners; Diesel testers; emission analysers; chassis analysers, wheel alignment units; brake testers and test lanes; tire testers; battery testers; battery chargers; devices for ECU diagnostics; Apparatus for testing vehicle brakes; Apparatus for testing vehicle transmissions; test benches; Time recording unit; accident data recorder; Apparatus and instruments for conducting, switching, converting, storing, regulating and monitoring electricity; Electrical fuses, electrical relays, transponders, sensors, actuators (as far as included in class 9); detectors; Pressure switches; controllers (regulators); brake fluid tester; Diagnostic apparatus [not for medical purposes]; Monitoring and diagnostic systems for vehicle engines and drive systems; Warning lamps for vehicles; solenoid [electromagnetic], electric [thermionic] and thermostatically controlled valves; Lasers, not for medical purposes; Electric batteries and their components, rechargeable batteries and their components, solar batteries; Batteries, electric, for vehicles; fuel cells and their components, chargers for electric batteries; Alarm equipment; burglar alarms, burglary detection equipment; electrical opening and closing devices for motor vehicles, including control units, controls and electric motors; central locking systems; electronic

immobilizers for motor vehicles; Remote control devices; Remote operation systems for central locking systems; Position finding, course tracking and traffic routing devices; Navigation instruments; navigation devices for vehicles; GPS; Windshield and headlight cleaning systems; Window lift and window positioning systems for vehicles; controllers and drives for convertible soft tops, sliding roofs and sun protection devices; data processing devices, computers; electronic calendars; fax machines; monitors; computer I/O devices; calculators; recorded data, saved computer programs and software; Computer networking and data communications equipment; Computers for autonomous-driving vehicles; Computer programs to operate vehicles; Computer programs for use in autonomous driving of vehicles; Driver assistance systems software; Accident prevention, comfort driving systems and navigation software; Computer software for mobile applications that enable interaction and interface between vehicles and mobile devices; Software for diagnostics and troubleshooting; communications software for electronically exchanging data, audio, video and images files; application software for computers and wireless devices; application software for cloud computing services; cloud computing software; cloud servers; Electrical, electronic, opto-electronic and mechanical analog and digital display devices and instruments; Image transmission and reproduction devices; electrical or electronic display devices; display equipment, display modules, display elements, display panels, displays, monitors, screens, LCDs, devices with LCDs, flat screens, video screens and monitors; touch screens; Devices for recording, receiving, transmitting and reproducing analog and/or digital signals, as well as images and sound; antenna; radios; televisions, telephones including video telephones; hands-free equipment for telephones; Rescue equipment, such as life rafts, rescue ladders, rescue nets, rescue tarpaulins, life belts, life buoys, life jackets, fire extinguishing equipment; Contact lenses, glasses, glasses cases, binoculars, magnifying glasses, sunglasses, hazard warning triangles for vehicles; mobile phone connectors for vehicles; multimedia connectors for vehicles; Projectors, film cameras, cameras, photocopiers; electronic translators, electronic pocket translators; exposed film; magnetic, electronic and optical recording media, with the exception of non-exposed film; recording disks; magnetic cards, cards with integrated circuitry (smart cards), telephone cards; mechanisms for coin-operated apparatus including automatic dispensers, cash machines; cash registers, computing machines; Photovoltaic elements; photo cells; Presence monitoring devices, seat-occupancy detection

systems, seat-occupancy detection mats; Testing and quality control devices; Instruments for monitoring traffic; Instruments for detecting traffic; Traffic sign recognition systems; Head-up-displays (HUD) for motor vehicles; Electric and electronic traffic management apparatus; Traffic control apparatus [luminous]; Human machine interface (HMI) solutions (software); Electronic control units (ECUs) for automotive engine controlling; Speed measuring instruments; Alarms and warning equipment; Sleep detectors; combination display instruments; Instrument panels [electric]; Safety, security, protection and signaling devices; protective suits, protective masks; downloadable electronic newsletters; downloadable electronic brochures; headlight beam adjustment devices.

Class 10: Surgical, medical, dental and veterinary apparatus and instruments; Artificial limbs, eyes and teeth; Orthopaedic articles; Suture materials; Therapeutic and assistive devices adapted for the disabled; Massage apparatus; Apparatus, devices and articles for nursing infants; Sexual activity apparatus, devices and articles; Pulse measuring devices.

Class 11: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, blowing, ventilation, air-conditioning and water supply and sanitary purposes; Flues and installations for conveying exhaust gases; Sanitary installations, water supply and sanitation equipment; Burners, boilers and heaters; Lighting and lighting reflectors; Filters for industrial and household use; Industrial treatment installations; Refrigerating and freezing equipment; Regulating and safety accessories for water and gas installations; Heating, ventilating, and air conditioning and purification equipment (ambient); Attachments for water supply equipment for adjusting and changing the water flow volume; end pieces for water supply equipment; Heating, cooling, air-conditioning and ventilation systems in vehicles; Heating and air-conditioning systems for vehicles; fans and ventilation modules for vehicles; Ventilation nozzles, air deflector elements and air lines; Air inlets [vents] for vehicles; electric lamps and luminaires; lightning apparatus for vehicles; Vehicle lighting and lighting reflectors; LED lamps and LED luminaires and parts therefor; incandescent lamps; tail lamp bulbs; vehicle headlights; bicycle lights; vehicle tail lights; illuminated interior panels for vehicles; interior filters for vehicles; cooling and heating hoses for vehicles.

Class 12: Vehicles; apparatus for transportation on land and/or on water and/or by air; parts and accessories for vehicles and/or apparatus for transportation on land and/or on water and/or by air as far as included in class 12; Powertrains, including engines and motors, for land vehicles; Motors and engines for land vehicles; vehicle engines; electric motors for land vehicles; combination display instruments [vehicle parts], land vehicle cockpits, instrument panels [vehicle parts], center consoles [vehicle interior parts]; Tires, inner tubes for tires, wheels, wheel rims, treads for the retreading of tires, hub caps, rim strips, materials and kits for repairing tires and inner tubes not included in other classes; valves for vehicle tires; Chassis and parts thereof included in class 12; controlled and non-controlled chassis and suspensions; Electronic, hydraulic, electromechanical, electrohydraulic and mechanical brakes for vehicles; parts and accessories for electronic, hydraulic, electromechanical, electrohydraulic and mechanical brakes for vehicles; brake cylinders, brake pads, brake calipers, brake disks, brake linings, brake hoses; Regulated and unregulated electromechanical and electrohydraulic steering systems and their components; hydraulic power steering, steering columns, steering gear; Safety equipment for motor vehicles as far as included in class 12; airbags, belt tensioners and their parts and accessories as far as included in class 12; shaft couplings and transmission mechanism, including shift clutches for land vehicles; Active and passive, regulated and unregulated dampers and springs for vehicles, wheels and their parts, particularly air pressure springs and gas springs; air supply units for air spring systems; shock absorbers and suspension struts for vehicles; shock absorber springs for vehicles, suspension springs for vehicles; vibration dampers and torsional vibration dampers (except as components of land vehicle engines) for vehicles; steering apparatus; vehicle cabins and driver seats; hydromounts as vehicle components as far as included in class 12; Axles and axle modules, axle boots, diaphragms; Drive belts, transmission belts not included in other classes; Cooling, heating, brake, fuel, charge air, oil, hydraulic hoses as vehicle components and accessories as far as included in class 12; fuel lines for vehicles, fuel tanks for vehicles; safety tanks for vehicles; fuel bladders for vehicles; Fuel tank systems for motor vehicles; vehicle interiors lining; airbag covers; panelling for dashboards; steering wheel covers; Tonneau covers; Gear shift covers; interior upholstery for vehicles; motor vehicle seats; Seat cushions for the seats of vehicles; Car seat coverings, Seat covers [shaped] for use in automobiles; Saddle covers for

bicycles; cockpit cross beams; driver cockpits, driver cabins; Window and headlight cleaning systems for motor vehicles as well as the associated containers, nozzles, hoses, hose couplings, pumps, heaters and valves; windshield wipers, windshield wiper blades for vehicles, windshield wiper arms; Rubber or plastic concertina walls for trains and articulated buses; Armrests for automobile seats; Sun shields and visors for motor cars, Sun visors [vehicle parts]; Automotive interior trim; Protective strips for vehicle bodies; head restraints for vehicles, vehicle head rest covers; tool trolleys, made of metal, empty; cigarette lighters for automobiles.

Class 14: Jeweler's goods, jewelry including tie pins, cuff links, brooches, keyrings; horological and chronometric instruments including wristwatches, stopwatches and pocket watches; watch cases; precious stones.

Class 16: Printed matter, printing materials, printers' type, printing blocks, non-textile printing blankets, components and accessories for same, not included in other classes; atlases, calendars, geographic maps, publications (written); Pictures; ball pens and pencils, bookbinding articles; book covers; Document holders [stationery]; photographs; Stickers [stationery]; stationery except stationary made out of paper; adhesives for stationery or household purposes; artists' materials; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus), including textbooks, specialist books; magazines, newsletters, repair and/or user instructions on automotive parts; plastic materials for packaging as far as included in class 16; Forms, printed forms, print material rolls and diagram plates for use in tachographs; Decorative stickers for vehicles and helmets; wall tattoos.

Class 17: Rubber, gutta-percha, gum, asbestos, mica; plastic goods (semifinished products); sealing, packing and insulating materials; flexible hoses (not made from metal); Flexible pipes, tubes, hoses and fittings therefor (including valves), and fittings for rigid pipes, all non-metallic; Seals, sealants and fillers; Insulation and barrier articles and materials; Acoustic insulation articles and materials; Flexible pipes, tubes, hoses, and fittings therefor, including valves, non-metallic; flexible hose connections (not made from metal); casings of rubber for tubes; armoring for cables (not made from metal); rubber compensators; line seals; sealing gaiters, sealing rings, diaphragms (not included in other classes); natural rubber (liquid); sub-ballast mats made from

rubber and rubber substitutes for vibration and shock damping in track construction; oil-absorbent mats made of rubber and rubber substitutes; rubber valves; soft top, door, window, engine compartment seals; rubber or plastic upholstery materials; plastic sheeting (except for packaging purposes), including sheeting for sealing and insulating purposes, roof and pond liners; bellows, concertina walls made from rubber or plastic for airport passenger bridges; parts and accessories for all aforementioned goods not included in other classes; rubber for retreading tires; Adhesive tapes, strips, bands and films; Decorative plastics films being semi-finished products; rubber solutions; molded parts made from rubber and rubber-metal bondings for vibration control.

Class 18: Leather and imitations of leather; animal skins, hides; Luggage, bags, wallets and other carriers; trunks and traveling bags; Travel garment covers; umbrellas, parasols and walking sticks; whips, harness and saddlery; suitcases, bags, in particular holdalls, briefcases and handbags, backpacks, document holders, wallets, purses, key pouches.

Class 19: Construction materials (not made from metal); pipes (not made from metal) for construction purposes; asphalt, tar pitch and bitumen; transportable constructions (not made from metal); non-metal pipes for construction purposes; pipes and tubes for ventilation and air-conditioning systems, not made from metal; water pipes, not made from metal [components]; flap valves, not made from metal or plastic, for water pipes; wood and wood imitations.

Class 20: Furniture and furnishings, mirrors, picture frames, beds (furniture), shelves, cupboards, tables, desks, chairs, armchairs, sofas; cushions, headrests; upholstered furniture, easy chairs (furniture), mattresses; Statues, figurines, works of art and ornaments and decorations, made of materials such as wood, wax, plaster or plastic, included in the class; barrels, casks not of metal, packaging containers made from plastic; flexible containers of rubber or plastic for the storage and transport of solids, liquids, gases and fuels; containers, not of metal, for liquid fuel; Inflatable publicity articles as far as included in class 20; Door, gate and window fittings, non-metallic; Displays, stands and signage, non-metallic; Tool chests, not of metal, empty; Non-mechanical reels, not of metal, for flexible hoses; metal tool cabinets, empty.

Class 22: Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); Padding and stuffing materials; Raw fibrous textile; Raw textile fibers and substitutes; hammocks, packaging bags (packaging sleeves, packaging pockets) of textile materials; vehicle towing ropes; vehicle covers.

Class 24: Textiles, textile goods and substitutes for textile goods; Household linens, kitchen linens and table linens; elastomer-coated fabrics as far as included in class 24; printing blankets of textile materials; balloon material [gas-tight]; bed and table covers; bed linen; towels of textile; (textile) border edging; quilts; bedspreads; textile serviettes; mosquito nets; pennants and flags (not of paper); textiles for furnishings; upholstery fabrics; wall hangings; sleeping bags for camping purposes.

Class 25: Clothing, footwear, soles for footwear, headgear; trousers; T-shirts; polo shirts; coats; jackets; overalls; caps; gloves (clothing); shoes and shoe uppers; cloth for clothing purposes; ties; scarves; Belts [clothing].

Class 27: Carpets, rugs and mats; Floor coverings and artificial ground coverings; non-textile wallpaper; non-slip underlays; Protective floor coverings; Wall and ceiling coverings; wallpapers.

Class 28: Games and playthings, gymnastic and sporting articles, parts and accessories for the aforementioned goods as far as included in class 28, including rollers and wheels for roller skates, inline skates and skateboards; vehicle models, in particular model cars; playing cards; balls; soft toy animals and other soft toy articles; electronic games (including video games), except auxiliary equipment for televisions and video monitors.

Class 35: Advertising, business management, business administration; office functions; business project management and consumer information services; Advertising, marketing and promotional services; Business assistance, management and administrative services; Business analysis, research and information services; Collection and systematization of business data; Administrative data processing; Inventory management services; Computerized stock management; Computerized

inventory preparation; recruitment, personnel management consultancy, commercial consultancy, public relations work, radio and television advertising, organization of exhibitions and fairs for commercial and advertising purposes, marketing, sales research, market research; Retail and wholesale (including online) services in the following areas: Vehicles and vehicle accessories, tires, brakes, rubber goods, namely power transmission belts, drive belts, transmission belts, V-belts, V-ribbed belts, variator belts, timing belts, synchronous belts, nubbed belts, double-sided timing belts, flat belts, lift belts (machine components), conveyor belts, molded parts made from rubber and rubber-metal bondings for vibration control, vibrations dampers made of rubber, end pieces for water supply equipment, air springs, shock absorbers, sealing, packing and insulating materials, Flexible pipes, tubes, hoses and fittings therefor, Seals, sealants and fillers, Insulation and barrier articles and materials, Acoustic insulation articles and materials, armoring for cables, rubber compensators, line seals, sealing gaiters, sealing rings, diaphragms, subballast mats made from rubber and rubber substitutes for vibration and shock damping in track construction, oilabsorbent mats made of rubber and rubber substitutes, rubber valves, bellows, concertina walls made from rubber or plastic for airport passenger bridges, rubber for retreading tires, rubber upholstery materials, windshield wiper blades for vehicles, rubber tracks for vehicles and plastic goods, namely moldings made out of plastic, engine and transmission mounts made out of plastic, transmission cross beams, chemical products, fuels and propellants, tools and metal goods being parts and accessories for vehicles, hoses, air springs, vibration dampers and conveyor belts, building articles, electrical and electronic goods being parts and accessories for vehicles, sound and data media, print shop products, stationery, office equipment, articles of clothing, shoes and textile goods, toys, sports equipment, machines, namely machines and machine tools for treatment of materials and for manufacturing, dispensing machines, Sweeping, cleaning, washing and laundering machines, Machines used in metal, timber, rubber and plastics processing, for the manufacture, repair and disassembly of land and sea vehicles, for the manufacture, assembly, repair and disassembly of hoses, for the chemical, agricultural, mining, textile, food and beverage, construction and packaging industry, machine tools, printing machines, machines used in the manufacture of printing plates, pumps (machines), belts conveyors (machines), lawn mowers (machines), Cutting, drilling, abrading, sharpening and surface treatment machines, lifting platforms, Tyre inflating machines [garage installations], tyre trimming

machines, tyre pressing machines, tyre mounting machines, tyre vulcanizing machines, Automatic tire removing and installing devices, Tyre removers [machines]; ordering services for third parties, organizational advice on the granting of usage rights for mobility systems.

Class 37: Building construction; installation services with regards to vehicle tires, automobile parts and accessories, conveyor belts and conveyor belt systems, power transmission belts, hoses and hose system comprised thereof, air springs and vibration dampers, elastomer-coated surfaces; automotive workshop services, conversion, repair, servicing, assembly, dismantling, maintenance, care, cleaning and paint work for vehicles, engines, brakes, tires and their parts; repair of vehicles as part of breakdown assistance; retreading of tires; Maintenance, assembly, repair of evaluation instruments for diagram plates, tachographs, accident data recorder, electronic vehicle logs, test and diagnostic apparatus and instruments; Installation, maintenance and repair of machines and machine components; installation, maintenance and repair of conveyor belts and systems; installation, maintenance and repair of data systems; Maintenance, repair and installation of computer network systems, computer hardware systems, wireless network systems, navigation and speech recognition systems; Provision of information relating to the repair of vehicles; roadside repair of automobiles.

Class 38: Telecommunication services, namely transmission and provision of digital data by means of computer, internet, cable, radio, mobile phone communication, GSM, WAP and satellite transmissions; Provision of access to content, websites and portals; Electronic data interchange; Transferring information and data via computer networks and the Internet; Wireless transfer of data via wireless application protocols; Electronic transmission and retransmission of sounds, images, documents, messages and data; Data streaming; Communication services between data banks; Providing internet chatrooms and internet forums; Providing internet chatrooms for social networks; Providing access to electronic communications networks and electronic databases; Wireless communication services; Data transmission and reception services via telecommunications means; telecommunications gateway services; Provision of communications information; all of the aforementioned services except radio and TV broadcasting services.

Class 40: Treatment of materials namely vulcanization, heat treatment, resurfacing, treatment (conversion) of waste, material treatment by laser, material treatment with chemicals; recycling of tires; Recycling of rubbish and waste resulting from the use of internal combustion engines and exhaust gas purifiers; metal processing.

Class 41: Education; entertainment; provision of training for third parties in the fields of electronics, electrical engineering and in tire development and manufacturing; sporting and cultural activities including the organization and management of colloquiums, conferences, congresses, symposiums, seminars and workshops; organization of fairs for cultural and educational purposes, compilation of television and radio programs, radio and television entertainment, operation of movie theaters, organization of live events; operation of museums, musical performances, in particular orchestra performances, organization of lotteries and commercial gaming; publishing of newsletters.

Class 42: Scientific and technological services and the associated research and drafts; design services; Research and development for others; Tyre inspection services; Component development for internal combustion engines; Tyre analysis services; industrial experiments and research and development services; technical project development; Technical data analysis services; engineering services; software development, programming and implementation; drafting and development of computer hardware and software; computer software design, computer software engineering, computer software installation; updating of software; maintenance of computer software; Hosting services; software as a service and rental of software; Platform as a Service [PaaS], Software as a service [SaaS]; Infrastructure as a Service [IaaS]; hosting of databases, web portals, weblogs, digital content on the internet, platforms on the internet as well as computerized data, files, applications and information; Creating and maintaining web sites for others; cloud computing, Providing virtual computer systems through cloud computing; online data storage; hosting of digital data and information in the field of road traffic, road traffic management, motor vehicles and autonomous driving of motor vehicles; provision of technical know-how; technical advice on the granting of usage rights for mobility systems; expert role for the automotive and rubber industry; Testing, authentication and quality control,

Technical supervision and inspection; Technical measuring and testing; Testing of vehicles; Vehicle roadworthiness testing; Inspection services for new and used vehicles for persons buying or selling their vehicles; Provision of weather information; Provision of an accurate street map and topographical data; Provision of information relating to computer programs; Provision of information relating to scientific research; Provision of information relating to information technology; Provision of technical information in relation to computers; Product testing for others; Over the air updates of software components; Consultancy in the field of energy-saving; Provision of scientific information, advice and consultancy in relation to carbon offsetting; Scientific testing services, Drafting technical and/or scientific opinions; Research in the field of technology, industrial analysis and research services; Technical advice and consultancy and/or Project planning; Research in the field of environmental protection; Research and development in the field of treatment, use and regeneration of catalysts for selective catalyst reduction; Development of chemical processes relating to selective catalytic reduction and catalyst technology; technical consultation of evaluation instruments for diagram plates, tachographs, accident data recorder, electronic vehicle logs, test and diagnostic apparatus and instruments.