O/0847/25

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00004005935
BY NAZHEN TECHNOLOGY (SHENZHEN) CO.,LTD
TO REGISTER:

YUUTY

AS A TRADE MARK IN CLASS 9

AND

IN THE MATTER OF THE OPPOSITION THERETO
UNDER NO. 448400
BY YUTYBAZAR LIMITED

BACKGROUND AND PLEADINGS

1. On 24 January 2024, Nazhen Technology (Shenzhen) Co., Ltd ("the applicant") applied to register the trade mark shown on the cover page of this decision, in the UK. The application was accepted and published in the Trade Marks Journal on 05 April 2024 in respect of the following goods:

> **Class 9:** *Mouse pads; Digital photo frames; Video projectors; Baby monitors; Tape measures; Baby scales; Holders adapted for mobile phones; Binoculars; Smart door locks.*

2. On 2 July 2024, the application was opposed by YUTYBAZAR LIMITED ("the opponent") based upon Section 5(2)(b) of the Trade Marks Act 1994 ("the Act").

3. The opponent relies on the following trade marks and some of the goods covered by the same, as shown below:

UK00003652163 YUTY Filing date: 07 June 2021 Registration date: 15 October 2021 ***Class 9:*** *Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; Recorded and downloadable media, computer software, blank digital or analogue recording and storage media; Mechanisms for coin-operated apparatus; Cash registers, calculating devices; Computers and computer peripheral devices; Diving suits,*

divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; Fire-extinguishing apparatus; Application software; Artificial intelligence and machine learning software; Artificial intelligence software; Computer software; Downloadable publications; Electronic publications; Machine learning software; Media content; Mobile apps; Software.
UK00003652148 YUTIBAZAR Filing date: 07 June 2021 Registration date: 22 October 2021 Priority date:[1] 27 July 2020 **Class 9:** *Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; Recorded and downloadable media, computer software, blank digital or analogue recording and storage media; Mechanisms for coin-operated apparatus; Cash registers, calculating devices; Computers and computer peripheral devices; Diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; Fire-extinguishing apparatus; Application software; Artificial intelligence and machine learning software; Artificial intelligence software; Computer software; Downloadable publications; Electronic publications; Machine learning software; Media content; Mobile apps; Software.*

4. By virtue of their earlier filing dates, the trade marks relied upon by the opponent are "earlier marks" in accordance with Section 6 of the Act. As the opponent's earlier marks had not been registered for five years or more at the filing date of the applied-for mark, they are not subject to the use conditions under Section 6A of the Act.

[1] EUTM from which priority is claimed is 018278712

Consequently, the opponent may rely on all of the goods it has identified without demonstrating that it has used the marks.

5. Under Section 5(2)(b), the opponent claims there is a likelihood of confusion because the marks are similar, and the goods are identical or similar.

6. The applicant filed a counterstatement, denying the claims made. In addition, the applicant argues that there has been no evidence of actual confusion between the two marks in the marketplace.

7. The opponent is represented by Brand Protect Limited. The applicant is represented by Pablo Albert Catala.

8. Only the opponent filed evidence. Neither party requested a hearing, nor did they file written submissions in lieu. I make this decision having taken full account of all the papers, referring to them as necessary.

RELEVANCE OF EU LAW

9. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, Section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

EVIDENCE

10. The opponent's evidence came in the form of the witness statement of Adam Mash dated 8 November 2024. Mr Mash is an associate at Brand Protect Limited, the representatives of the opponent in these proceedings. His evidence is accompanied by two exhibits (Exhibit 1 – Exhibit 2) and is aimed at supporting the claim that the goods at issue are similar by relying on a decision of the EUIPO allegedly finding

similarity between goods which are substantially the same or very similar to those at issue.

DECISION

<u>Section 5(2)(b)</u>

11. 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."

12. 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."

13. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG,* Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc,* Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV,* Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH,* Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM,* Case C-334/05P and *Bimbo SA v OHIM,* Case C-591/12P:

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

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

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

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

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

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

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

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

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

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

(k) if the association between the marks creates a risk that the public 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

14. When making the comparison, all relevant factors relating to the goods and services in the specifications should be taken into account. In the judgment of the Court of Justice of the European Union ("CJEU") in *Canon*, Case C-39/97, the court stated at paragraph 23 that:

> "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."

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

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

(b) The respective users of the respective goods or services;

(c) The physical nature of the goods or acts of service;

(d) The respective trade channels through which the goods or services reach the market;

(e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and, in particular, whether they are or are likely to be found on the same or different shelves;

(f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance, whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

16. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v OHIM,* Case T-325/06, the GC stated that "complementary" means:

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

17. In *Sanco SA v OHIM,* Case T-249/11, the General Court ("GC") indicated that goods and services may be regarded as 'complementary' and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different. The purpose of examining whether there is a complementary relationship between goods and services is to assess whether the relevant public are liable to believe that responsibility for the goods and services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander QC noted as the Appointed Person in *Sandra Amelia Mary Elliot v LRC Holdings Limited* BL O/255/13*:*

"It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense – but it does not follow that wine and glassware are similar goods for trade mark purposes."

18. Whilst on the other hand:

"[…] it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together."

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

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

20. The competing goods are as follows:

The applicant's goods	The opponent's goods
Class 9: *Mouse pads; Digital photo frames; Video projectors; Baby monitors; Tape measures; Baby scales; Holders adapted for mobile phones; Binoculars; Smart door locks.*	***Class 9:*** *Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; Apparatus and instruments for recording,*

	transmitting, reproducing or processing sound, images or data; Recorded and downloadable media, computer software, blank digital or analogue recording and storage media; Mechanisms for coin-operated apparatus; Cash registers, calculating devices; Computers and computer peripheral devices; Diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; Fire-extinguishing apparatus; *Application software; Artificial intelligence and machine learning software; Artificial intelligence software; Computer software; Downloadable publications; Electronic publications; Machine learning software; Media content; Mobile apps; Software.*

21. As the specifications of the earlier marks are identical, I only need to reproduce it once.

22. In its statement of grounds, the opponent states that the reasons for the goods being similar or identical include that the goods have the same or similar nature, purpose, use, providers, trade channels and relevant consumer, and that the goods are complementary or in competition. It states:

> *"The applied for goods in class 9 of the Application are, in essence, electronic goods. The Earlier Registrations in classes 9 are for various goods including computers and computer peripheral devices; computer software; video apparatus, supervision apparatus; recording apparatus. Those goods are*

identical or similar on the basis that e.g. the applied for goods in class 9 are often viewable on or used in conjunction with software applications. Furthermore, electronic publications and computer software frequently have the same relevant public/consumer and are often made by the same producer. The goods in class 9 are therefore similar for the purposes of the EUTMR as quoted above."

23. On the other hand, the applicant argues that although both marks cover goods in class 9, the nature of the goods differs significantly. It states:

> *"The goods covered by the applicant's mark (mouse pads, digital photo frames, baby monitors, etc.) are consumer electronics that cater to day-to-day household needs. In contrast, the opponent's goods are primarily scientific, technical, and industrial equipment (e.g., scientific instruments, electricity distribution apparatus, and software).*
>
> *These differences in the goods' functionality, target market, and end-use create a clear distinction between the two marks. Consumers are unlikely to confuse household goods such as mouse pads and baby monitors with technical and industrial products like scientific instruments and AI software."*

24. As I have anticipated, the opponent has filed a copy of a EUIPO decision which, it states, found similarity between goods which are similar to those at issue here. I have read that decision and the only findings relating to goods which are the same or similar to those at issue here are as follows:

- The EUIPO found that the applicant's *digital picture frames; transparency projection apparatus* were included in the broad category of the opponent's *apparatus for the reproduction of images* and were identical. The applicant here has *Digital photo frames; Video projectors.*

- The EUIPO found that the applicant's *distance measuring apparatus* were included in the broad category of the opponent's *measuring apparatus and*

instruments and were identical. Here the applicant has *Tape measures* which can also be used to measure distances.

- The EUIPO found that the applicant's *smart watches* were encompassed by the opponent's *data processing apparatus* and were identical. Here there is nothing comparable to smart watches.

- The EUIPO found that the applicant's video *baby monitors* were included in the broad category of the opponent's *apparatus for the transmission of images* and were identical. Here the applicant has *Baby monitors*.

- The EUIPO found that the applicant's *video cameras* were included in the broad category of the opponent's *apparatus for recording images* and were identical. Here there is nothing comparable to *video cameras*.

- The EUIPO found that the applicant's *door bells (electric -)* were included in the broad category of the opponent's *signalling apparatus and instruments* and were identical. Here the closest goods to *door bells (electric -)* is *Smart door locks.*

- The EUIPO found that the applicant's *access security apparatus (electric -); smart door locks* were similar to the opponent's *software* because the goods coincide in the relevant public, distribution channels and producers and are complementary. Here the applicant has *Smart door locks.*

25. I appreciate the caselaw from the EUIPO provided by the opponent and outlined above. However, whilst I note that I am not bound by previous decisions of the EUIPO, in any case, it does not seem to me that the above decision is particularly relevant or helpful because the reasons of the examiner are very brief. In fact, the findings of identity are self-explanatory, whilst the findings of similarity only mention some of the *Canon* criteria, without expanding on why and how those criteria apply in the specific situation.

26. I will therefore carry out my assessment without any reference to the EUIPO decision.

27. The opponent's *Apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data,* is sufficiently broad to encompass the applicant's *Digital photo frames; Video projectors; Baby monitors.* These goods are identical on the principle outlined in *Meric.*

28. The applicant's *Tape measures* and *Baby scales* fall within the opponent's *measuring apparatus and instruments.* These goods are identical on the principle outlined in *Meric.*

29. The applicant's *Binoculars* falls within the opponent's *optical apparatus and instruments.* These goods are identical on the principle outlined in *Meric.*

30. A *Smart door locks* are electronic locking systems that allow keyless entry and remote access control through smartphones or other connected devices. I agree with the opponent that the goods will function with a software which would allow the user to lock and unlock the door with a smartphone for example. Such software would be covered by the opponent's term *Mobile apps; Software*. The applicant's goods are physical devices to secure doors whereas the opponent's goods include software which is essential for the smart door lock to function. The goods do not overlap in nature and method of use, but there is a similarity in purpose insofar as the goods work together to obtain the same result, i.e. for the smart door lock to function. As for trade channels, the applicant's goods are relatively specialist, and although there is no evidence on the point, I think it is reasonable to conclude that manufacturers of *Smart door locks* might also provide the software operating them. In any event, even if I am wrong and an undertaking providing *Smart door locks* will not provide the software for the *smart door locks* to function and the goods will be sought from different distribution channels, there is inevitably an overlap in terms of users and purpose and the goods are highly complementary because there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with

the same undertaking. Overall, I consider these goods to be similar to a low to medium degree.

31. This leaves *mouse pads* and *holders adapted for mobile phones*. The opponent's specification covers *computers and computer peripheral devices* which would encompass mouses as well as *apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data* which would cover mobile phones. In both scenarios, the applicant's goods are accessories that would be used with the opponent's goods. Consequently, I accept that they are likely to be sold through the same trade channels, to the same users. There may also be complementarity. In my view, the goods are similar to a low to medium degree.

Average consumer

32. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective goods. I must then determine the manner in which the goods are likely to be selected by the average consumer. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited,* [2014] EWHC 439 (Ch), Birss J. (as he then was) described the average consumer in these terms:

> "60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words "average" denotes that the person is typical. The term "average" does not denote some form of numerical mean, mode or median."

33. The average consumer for the goods at issue is a member of the general public or a business user. The goods will vary in cost and frequency of purchase, but they are all technical in nature and are likely to be relatively considered. Consequently, I consider that at least a medium degree of attention will be paid during the purchasing process.

34. The goods are likely to be selected following perusal of the mark on product packaging and websites. Consequently, I consider that visual considerations will dominate the purchasing process. However, I do not discount an aural component to the purchase given that advice may be sought from retail assistants and word-of-mouth recommendations may be made.

Comparison of marks

35. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

36. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks. The respective marks are shown below:

The applied-for mark	**The opponent's mark**
YUUTY	**YUTY**

37. As it will be recalled, the opponent relies on an additional mark for the word 'YUTIBAZAR' which covers the same goods as those covered by the mark 'YUTY'. It is self-evident that the mark 'YUTY' is closer to the contested mark than the mark 'YUTIBAZAR'. Hence, I will focus on the former.

38. Both marks are word-only marks consisting of the word 'YUUTY' (in the application) and 'YUTY' (in the earlier mark) presented in capital letters. This is where the overall impression of the marks resides.

39. Visually, the marks overlap in that the first letter 'Y' and the last three letters 'UTY' are the same. They differ in that the application contains an additional 'U' creating a double vowel in the middle of the mark, however, this does not create a striking impression. In my view, the marks are visually similar to between a medium and high degree. Aurally, I do not think that the double vowel 'U' will create a different sound, but if it does, the difference between the shorter sound of a single 'U' and the longer sound of a double 'U' is minimal; hence, if not identical the marks are aurally highly similar. Conceptually, neither mark has a meaning, so the conceptual position is neutral.

Distinctive character of the earlier mark

40. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV,* Case C-342/97, the CJEU stated that:

> "22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *WindsurfingChiemsee* v *Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51)."

41. Registered trade marks possess various degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use made of it.

42. The earlier mark consists of the words 'YUTY'. The word 'YUTY' is an invented word which does not evoke any concept. I consider the mark to be distinctive to a high degree.

Likelihood of confusion

43. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind, including that a lesser degree of similarity between the respective marks may be offset by a greater degree of similarity between the respective goods and vice versa. I must keep in mind the distinctive character of the earlier mark, the average consumer for the goods and the nature of the purchasing process. I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between marks and must instead rely upon the imperfect picture of them that they have retained in their mind.

44. Earlier in this decision I found that:

- The marks are visually similar to a medium to high degree, aurally identical (or similar to a high degree) and conceptually neutral.

- The goods are identical.

- The goods will be selected visually with an average degree of attention, although aural considerations cannot be discounted completely.

- The earlier mark is distinctive to a high degree.

45. I consider that given the identity of the goods and the high distinctive character of the earlier mark, and in the absence of any conceptual hook in relation to the earlier mark upon which the memory could hang, the medium to high degree of visual similarity between the marks is sufficient to cause the average consumer to directly confuse them. In reaching this conclusion, I bear in mind that the marks 'YUUTY' and 'YUTI' are of nearly equal length, consisting of five and four letters respectively, and as it is obvious the first and last three letters of each of the marks are the same and the marks create very similar overall impression to the point that one can easily foresee the marks being confused in the imperfect recollection of the average consumer when applied to identical or similar goods.

46. In reaching this conclusion I have not overlooked the applicant's argument about the absence of confusion. Although I acknowledge the applicant's comments, I must clarify that the absence of actual confusion will not have any bearing on whether there exists a likelihood of confusion between the applicant's mark and the opponent's mark. Whilst evidence of actual confusion may be persuasive where it exists, the absence of confusion in the marketplace is rarely significant (*The European Limited v The Economist Newspaper Ltd* [1998] FSR 283.). This is because the absence of confusion may be attributable to the earlier mark having only been used to a limited extent, in relation to only some of the goods for which it is registered, or in such a way that there has been no possibility of the one being mistaken for the other (*Roger Maier and Another v ASOS*, [2015] EWCA Civ 220). In any event, in this case the absence of confusion argument has no legs because neither party has filed evidence of use.

47. There is a likelihood of direct confusion. The opposition succeeds under Section 5(2)(b) in its entirety.

OUTCOME

48. The opposition is successful, and the application is refused registration.

COSTS

49. The opponent has been successful and is, therefore, entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances, I award the opponent the sum of £750 as a contribution towards the costs of proceedings. The sum is calculated as follows:

Filing a notice of opposition and considering the
Applicant’s counterstatement: £250
Filing evidence: £400
Official fee: £100
Total: £750

50. I therefore order Nazhen Technology (Shenzhen) Co.,Ltd to pay YUTYBAZAR LIMITED the sum of £750. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 17th day of September 2025

TERESA PINTO
For the Registrar