

O/0886/25

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. 4028469  
IN THE NAME OF NANJING RUIZHI HIGHTECH LTD  
TO REGISTER THE FOLLOWING TRADE MARK:

**SkyCell**

IN CLASS 9

AND

IN THE MATTER OF OPPOSITION THERETO  
UNDER NO. 448470  
BY SKY LIMITED

## Background and pleadings

1. On 20 March 2024, Nanjing Ruizhi Hightech Ltd (“the applicant”) applied to register the trade mark **SkyCell** in the UK, under number 4028469 (“the applicant’s mark”). Registration is sought for the following goods:

Class 9: Solar-powered rechargeable batteries; rechargeable batteries; solar batteries; portable power supplies (rechargeable batteries); batteries; lithium batteries; chargers for batteries; batteries for electric vehicles; electric batteries for vehicles; batteries for phones; galvanic batteries; lithium ion batteries; lithium secondary batteries; power packs [batteries]; ignition batteries; dry batteries; batteries for electronic smokers' articles; chargers; primary cells; galvanic cells.

2. Details of the application were published for opposition purposes on 5 April 2024. On 5 July 2024, Sky Limited (“the opponent”) opposed the applicant’s mark under section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opponent relies upon the following trade marks (collectively, “the opponent’s marks”)

(i)  (series of two)  
UK registration no. 3859806  
Filing date: 15 December 2022  
Registration date: 10 March 2023

(ii)  (series of two)  
UK registration no. 2534537  
Filing date: 2 December 2009  
Registration date: 15 April 2022

(iii) **SKY**

UK registration no. 2525359

Filing date: 2 September 2009

Priority date: 2 March 2009 (EU)

Registration date: 15 April 2022

(iv) **SKY 0**

UK registration no. 3463653

Filing date: 3 February 2020

Registration date: 9 August 2020

3. The opponent's marks are registered for a wide range of goods and services. For the purposes of the opposition, the opponent only relies upon some of its goods and services in classes 9, 35 and 37. These are set out in full in the annex to this decision, but I record here that, in respect of all the opponent's marks, they include *apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity* in class 9.

4. Each of the opponent's marks qualifies as an 'earlier mark' in accordance with section 6 of the Act. As none had been registered for five years or more at the filing date of the applicant's mark, they are not subject to the use requirements in section 6A of the Act. Consequently, the opponent may rely upon all the goods and services identified, without having to establish genuine use.

5. The applicant filed a counterstatement, denying the ground of opposition.

6. The opponent is represented by Dentons UK and Middle East LLP, whereas the applicant is represented by Marcin Ociepka. No evidence has been filed. No hearing was requested and neither party elected to file written submissions in lieu. This decision is taken following a careful consideration of all the papers before me.

## **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.

## **My approach**

8. The opponent's mark registered under number 2525359 is clearly more similar to the applicant's mark than the other three marks relied upon. This is because it consists of the word 'SKY' without any stylisation or additional verbal elements. Moreover, the goods and services of the opponent's other marks are no closer to the applicant's goods. As such, I will proceed on the basis of the opponent's reliance on registration number 2525359 only (hereafter referring to it as "the opponent's mark" for ease of reference), returning to consider the other marks if it becomes necessary to do so.

## **Section 5(2)(b) – legislation and case law**

9. Sections 5(2)(b) and 5A of the Act read as follows:

"5(2) A trade mark shall not be registered if because -

[...]

(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."

“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 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 great 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**

11. As noted above at paragraph 3, the opponent relies upon *apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity* in class 9. The applicant's goods all broadly consist of batteries, power packs and chargers. The law requires that goods be considered identical where one party's description of its goods encompasses the specific goods covered by the other party's description (and vice versa).<sup>1</sup> As the applicant's goods all fall within the scope of the opponent's goods, I find that they are identical.

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<sup>1</sup> *Gérard Meric v OHIM*, Case T-33/05

## Average consumer and the nature of the purchasing act

12. As the case law indicates, I must determine who the average consumer is for the parties' goods and the manner in which they are likely to select those goods. The average consumer has been described in the following terms:<sup>2</sup>

“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 [...] 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.”

13. The average consumer of the goods at issue in these proceedings may be a member of the general public or, for goods like *galvanic cells*,<sup>3</sup> a business or professional user. Goods like batteries for everyday consumer goods are likely to be relatively frequent, inexpensive purchases. Others, such as larger batteries for vehicles, for instance, are likely to be more occasional purchases which attract a greater cost. The average consumer's thought process will vary accordingly, with the former being more casual purchases and the latter being more considered. However, overall, it is my view that the level of attention exhibited during the purchasing process will be roughly medium. In the main, the goods are likely to be purchased from retailers, where they will be self-selected by the average consumer. The goods may also be purchased from more specialist suppliers or online retailers, where they will be selected after viewing information in brochures, catalogues or on websites. Therefore, I find that the purchasing process will be predominantly visual in nature. Nevertheless, I do not discount aural considerations entirely, since it is possible that the average consumer may wish to discuss the goods with a sales representative or the supplier.

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<sup>2</sup> *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), paragraph 60

<sup>3</sup> As I understand it, these goods are a component of a battery.

## **Distinctive character of the earlier mark**

14. In *Lloyd Schuhfabrik Meyer*, the Court of Justice of the European Union (“CJEU”) stated that:

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

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

15. Registered trade marks possess varying degrees of inherent distinctive character. The degree of distinctiveness is an important factor as it directly relates to whether there is a likelihood of confusion; the more distinctive the earlier mark, the greater the likelihood of confusion.

16. The distinctive character of a mark may be enhanced as a result of it having been used in the market. In its statement of grounds, the opponent argued that its mark enjoys an enhanced distinctive character. However, the opponent has filed no evidence of use. As such, I have only the inherent position to consider.

17. The opponent's mark is in word-only format and consists of the word 'SKY'. As there are no other elements, the distinctiveness of the mark lies in the word itself. The word 'SKY' will be understood as referring to the area above the earth in which clouds, the sun and the like can be seen.<sup>4</sup> Although, as the applicant has pointed out, the word has other definitions, it is my view that the average consumer (or at least a significant proportion thereof) is most likely to perceive the word as aforementioned. This meaning has no descriptive or allusive qualities in respect of the goods at issue. The applicant has not explained why this meaning would be seen as laudatory; to my mind, the sky has no direct connection to quality. However, it is an ordinary, dictionary word. Overall, I find that the opponent's mark possesses a medium level of inherent distinctive character.

### **Comparison of trade marks**

18. It is clear from *Sabel* 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 *Bimbo* 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.”

19. Therefore, it would be wrong to dissect the trade marks artificially, though it is necessary to take into account the distinctive and dominant components of the marks; due weight must be given to any other features which are not negligible and hence contribute to the overall impressions created by the marks.

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<sup>4</sup> <https://dictionary.cambridge.org/dictionary/english/sky>

20. The marks to be compared are as follows:

The opponent's mark	The applicant's mark
SKY	SkyCell

21. The opponent's mark is in word-only format and consists of the word 'SKY'. As there are no other elements, the overall impression of the mark lies in the word itself.

22. The applicant's mark is in word-only format and comprises the word 'SkyCell'. Although they are conjoined, the words 'Sky' and 'Cell' will be readily identified by the average consumer, i.e. the mark will be seen as 'Sky Cell'. This is because they are ordinary, dictionary words familiar to the average consumer. In addition, the capitalisation of the letter 'C' helps to create a break within the mark. The words do not combine to form a unit; each plays an independent role. The word 'Sky' appears at the beginning of the mark, a position which tends to have most impact.<sup>5</sup> The word 'Cell', whilst still contributing, plays a lesser role in the overall impression of the mark.

23. The competing marks are visually similar in that they share the identical word 'SKY'/'Sky'. This comprises the entirety of the opponent's mark and dominates the overall impression of the applicant's mark. The difference in letter case is not significant, since the registration of word-only marks provides protection for the words themselves, irrespective of whether they are presented in upper, lower or title case.<sup>6</sup> The competing marks clearly differ to the extent that the applicant's mark contains the additional word 'Cell'. This renders the applicant's mark longer than the opponent's mark; as the applicant submits, its mark has seven letters and the opponent's has three. Bearing in mind my assessment of the overall impressions, I find that there is a medium degree of visual similarity between the competing marks.

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<sup>5</sup> *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

<sup>6</sup> *Migros-Genossenschafts-Bund v EUIPO*, Case T-189/16

24. The words 'SKY'/'Sky' and 'Cell' in the competing marks will be given their ordinary English pronunciations. The opponent's mark is a single syllable, whereas the applicant's mark consists of two. Aurally, the competing marks are similar because the opponent's mark is the first (and dominant) syllable of the applicant's mark. The competing marks are aurally different in that the applicant's mark contains an additional syllable, which also results in it being twice as long. Overall, I find that there is a medium degree of aural similarity between the competing marks.

25. The word 'SKY'/'Sky' in the competing marks will be understood in the same way, i.e. a reference to the space above the earth. In the context of the goods at issue, it is my view that the word 'Cell' in the applicant's mark will be understood by the average consumer as a device which produces electrical energy (such as in a battery).<sup>7</sup> Again, although the word has other definitions, such as the one referred to by the applicant, it is my view that the average consumer (or at least a significant proportion thereof) is most likely to perceive the word as aforementioned. Particularly considering concepts must be capable of immediate grasp by the average consumer for them to be relevant,<sup>8</sup> it is my view that the words do not combine to form a unit with a different meaning than the two words taken separately. Rather, the two words retain their independence. In the circumstances, the word 'Cell' is likely to be perceived as a descriptive or allusive reference to the nature of the goods. The competing marks are conceptually similar in that they both refer to the space above the earth but differ insofar as the applicant's mark conveys an additional concept. Bearing in mind my assessment of the overall impressions, I find that the competing marks are conceptually similar to between a medium and high degree.

### **Likelihood of confusion**

26. 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. One such factor is the interdependency principle, i.e. a lesser degree of similarity between the competing marks may be offset by a greater degree of

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<sup>7</sup> <https://dictionary.cambridge.org/dictionary/english/cell>

<sup>8</sup> *The Picasso Estate v OHIM*, Case C-361/04 P

similarity between the respective goods, and vice versa. As mentioned above, it is necessary for me to keep in mind the distinctive character of the opponent's mark, the average consumer for the goods and the nature of the purchasing process. In doing so, I must be mindful that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that they have retained in their mind.

27. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods down to the responsible undertakings being the same or related. As explained by Mr Iain Purvis QC, sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite

distinctive in their own right (“26 RED TESCO” would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).”

28. These three categories are not exhaustive. Rather, they were intended to be illustrative of the general approach.<sup>9</sup> I recognise that there must be a proper basis for finding indirect confusion.<sup>10</sup> I also acknowledge that such a finding should not be made merely because the competing marks share a common element. It is not sufficient that a mark merely calls to mind another mark.<sup>11</sup>

29. Earlier in this decision, I concluded as follows:

- The parties’ goods are identical;
- The average consumer may be a member of the general public or a business/professional user, who will demonstrate a medium level of attention, overall;
- The purchasing process is likely to be predominantly visual in nature, though aural considerations have not been discounted;
- The opponent’s mark has a medium level of inherent distinctive character;

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<sup>9</sup> As was confirmed by the Court of Appeal in *Liverpool Gin Distillery and others v Sazerac Brands, LLC and others* [2021] EWCA Civ 1207, paragraph 12.

<sup>10</sup> See the Court of Appeal’s comments in *Liverpool Gin Distillery*, paragraph 13.

<sup>11</sup> *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17

- The overall impression of the opponent’s mark lies in the word ‘SKY’;
- The word ‘Sky’ dominates the overall impression of the applicant’s mark, whilst the word ‘Cell’ plays a lesser role;
- The competing marks are visually and aurally similar to a medium degree, and conceptually similar to between a medium and high degree.

30. I acknowledge that there is a difference between the competing marks, namely the additional word ‘Cell’ in the applicant’s mark. I also accept that the opponent’s mark has only three letters, whereas the applicant’s mark has seven. However, in *Robert Bosch GmbH v Bosco Brands UK Limited*, BL O/301/20, Mr James Mellor QC (as he then was), sitting as the Appointed Person, explained that:

“38. In my view, it is clear that none of these cases establish any sort of special test for short marks. The point is a common sense one – that if marks differ e.g. by one letter, the difference may have a greater impact in marks which consists of two letters than four etc. But every comparison must be conducted according to the approach laid down in the CJEU case law and every comparison will depend on its own facts.

[...]

43. All the cases to which I have made reference on this topic establish that there are no special tests which apply to ‘short’ marks – whatever falls within the supposed category of ‘short’ marks. In reality, the tribunal simply has to apply the well-established propositions for assessing the visual, aural and conceptual similarities.”

31. Considering the levels of overall similarity between the competing marks, the distinctive character of the opponent’s mark, and the identity of the goods, it is my view that the difference created by the additional word ‘Cell’ may not be sufficient to distinguish the competing marks from one another. The competing marks share the

identical word 'SKY'/'Sky'; this is the only element of the opponent's mark and plays a greater role in the overall impression of the applicant's mark. The additional word 'Cell' plays a lesser role in the overall impression; it appears at the end and is likely to be perceived as a descriptive or allusive reference to the goods at issue. Taking into account the principles of imperfect recollection and interdependency, I am of the view that the average consumer, even when paying above a medium level of attention, may not recall the respective marks with sufficient accuracy to differentiate between them. To my mind, the average consumer may misremember whether the word 'SKY'/'Sky' is accompanied by a descriptive or allusive reference to the goods. Consequently, I find that there is a likelihood of direct confusion.

32. If that is not correct, and the additional word 'Cell' is noticed and recalled by the average consumer, they will still recognise the identical and moderately distinctive word 'SKY'/'Sky'. This is the only element of the opponent's mark and plays the greater role in the overall impression of the applicant's mark. The additional word 'Cell' is likely to be perceived as descriptive or allusive in the context of the goods at issue. Therefore, the addition or removal of this word readily lends itself to a sub-brand or brand extension used by the same (or an economically connected) undertaking, i.e. the applicant's mark is likely to be seen as an alternate brand of the opponent's mark which indicates (albeit not always in a directly descriptive manner) that the goods on offer are in the field of power supply. In light of all this, I am satisfied that the average consumer, even when paying above a medium level of attention, is likely to assume a commercial association between the parties due to the presence of the shared word 'SKY'/'Sky'. Accordingly, I find that there is a likelihood of indirect confusion.

33. These findings have been reached on the basis of only one of the opponent's marks. Although the other marks relied upon by the opponent do not improve its position, I record here that I would still have found a likelihood of direct and/or indirect confusion had I considered them in full. For the sake of completeness, my brief reasons follow.

34. The opponent's marks registered under numbers 3859806 and 2534537 consist of the word 'sky' in stylised, rather than word-only, format. Although the colours/shades of grey are not of the kind which would be covered by notional and fair use, this feature

of the marks play a minimal role in the overall impressions, being merely decorative. Likewise, the typeface is, ultimately, unremarkable and plays a minimal (if any) role in the overall impressions. My findings on the goods and the average consumer thereof are equally applicable here. The opponent's marks registered under numbers 3859806 and 2534537 are no less distinctive than the word-only mark considered above. In my view, the added difference between the parties' marks created by the stylisation of the opponent's marks does not negate the likelihood of direct or indirect confusion. In addition to the reasons given at paragraphs 30 to 32 above, this is because the average consumer may misremember the particular typeface and colours/shades of grey used or, if they are accurately recalled, view these features as indicative of a variant mark with additional decorative elements.

35. The opponent's mark registered under number 3463653 is in word-only format, consisting of 'SKY 0'. The word 'SKY' appears first in the mark and is more distinctive than the mere number '0'. It, therefore, dominates the overall impression. Again, my findings on the goods and the average consumer thereof are equally applicable, and the opponent's mark registered under number 3463653 is no less distinctive than the mark considered above. Whilst it is certainly more arguable whether the average consumer would misremember or fail to recall the number '0', potentially excluding direct confusion, I do not consider the inclusion of this element precludes the likelihood of indirect confusion. The elements 'SKY' and '0' do not combine to form a unit. The same is true of the applicant's mark, where the elements 'Sky' and 'Cell' retain their independence. Whilst I am conscious that the average consumer tends to perceive trade marks as wholes, in both marks the shared word 'SKY'/'Sky' has a distinctive significance independent of the significance of the wholes. Although it does not automatically follow that there is a likelihood of confusion where an independent distinctive element of a mark is identical to another mark, it is my view that the shared presence of the identical and moderately distinctive word 'SKY'/'Sky' would cause the average consumer to believe that the user of the applicant's mark is the same as, or economically connected to, the owner of the opponent's mark.

## **Conclusion**

36. The opposition under section 5(2)(b) of the Act has been successful. Subject to any appeal against this decision, the applicant's mark will be refused.

## **Costs**

37. The opponent has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023. The opponent did not engage with the proceedings following the filing of its notice of opposition and statement of grounds. In the circumstances, I award the opponent the sum of £350, which is calculated as follows:

Preparing a statement and considering the applicant's counterstatement:	£250
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Official fees:	£100
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38. I order Nanjing Ruizhi Hightech Ltd to pay Sky Limited the sum of £350. This sum is to be paid within 21 days of the expiry of the appeal period, or within 21 days of the final determination of the proceedings if any appeal against this decision is unsuccessful.

**Dated this 24<sup>th</sup> day of September 2025**

**James Hopkins**  
**For the Registrar**

## **Annex**

### **Goods and services of UK registration no. 3859806 relied upon**

Class 9: Power supply units; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; electrical, electronic and computer equipment for use in conservation and efficient use of energy; electronic publications, magazines and newsletters regarding environmental protection, energy conservation and renewable energy.

Class 35: Business management and conducting of renewable energy projects, including wind power, geothermal, power, solar power and other renewable energy sources.

### **Goods and services of UK registration no. 2534537 relied upon**

Class 9: Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; electrical, electronic and computer equipment for machinery for use in conservation, generation and efficient use of heat, light and water, including thermostatic controls, solar panels for electricity generation, photovoltaic devices, solar cells, turbines and motion detectors; electrical, electronic and computer equipment for use in the generation of alternative energy including wind power, hydroelectric power, tidal power, geothermal power, solar power, biomass, and biofuels; control and monitoring equipment for use in the generation of alternative energy including wind power, hydroelectric power, tidal power, geothermal power, solar power, biomass, and biofuels; electronic publications [downloadable], including electronic publications, magazines and newsletters regarding environmental protection, energy conservation and ecology, animal welfare and renewable energy projects, including wind power, hydroelectric power, tidal power, geothermal power, solar power, biomass, and biofuels.

Class 35: Business management and conducting of renewable energy projects, including wind power, hydroelectric power, tidal power, geothermal power, solar power, biomass, and biofuels and projects in connection with other renewable energy sources.

Class 37: Construction, installation, maintenance and repair of power plants, turbines, thermostatic controls, solar panels for electricity generation, photovoltaic devices, solar cells and motion detectors and other machinery for use in connection with generating and processing renewable energy sources including wind power, hydroelectric power, tidal power, geothermal power, solar power, biomass, and biofuels.

**Goods and services of UK registration no. 2525359 relied upon**

Class 9: Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; electrical, electronic and computer equipment for machinery for use in conservation, generation and efficient use of heat, light and water, including thermostatic controls, solar panels for electricity generation, photovoltaic devices, solar cells, turbines and motion detectors; electrical, electronic and computer equipment for use in the generation of alternative energy including wind power, hydroelectric power, tidal power, geothermal power, solar power, biomass, and biofuels; control and monitoring equipment for use in the generation of alternative energy including wind power, hydroelectric power, tidal power, geothermal power, solar power, biomass, and biofuels; electronic publications (downloadable), including electronic publications, magazines and newsletters regarding environmental protection, energy conservation and ecology, animal welfare and renewable energy projects, including wind power, hydroelectric power, tidal power, geothermal power, solar power, biomass, and biofuels.

Class 35: Business management and conducting of renewable energy projects, including wind power, hydroelectric power, tidal power, geothermal

power, solar power, biomass, and biofuels and projects in connection with other renewable energy sources.

Class 37: Construction, installation, maintenance and repair of power plants, turbines, thermostatic controls, solar panels for electricity generation, photovoltaic devices, solar cells and motion detectors and other machinery for use in connection with generating and processing renewable energy sources including wind power, hydroelectric power, tidal power, geothermal power, solar power, biomass, and biofuels.

**Goods and services of UK registration no. 3463653 relied upon**

Class 9: Power supply units; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; electrical, electronic and computer equipment for use in conservation and efficient use of energy; electronic publications (downloadable), including electronic publications, magazines and newsletters regarding environmental protection, energy conservation and renewable energy.

Class 35: Business management and conducting of renewable energy projects, including wind power, geothermal, power, solar power and other renewable energy sources.