

O/0923/25

TRADE MARKS ACT 1994

**IN THE MATTER OF A REQUEST FOR PROTECTION IN THE UK
OF INTERNATIONAL TRADE MARK NO. 1703642**

Grayn

IN THE NAME OF GRAYN AS

IN CLASSES 9, 35 & 42

AND

**THE OPPOSITION THERETO UNDER NUMBER 441923
BY GRAIN CONNECT LIMITED**

FINAL DECISION

Background and pleadings

1. On 11 August 2025, I issued a preliminary decision in which I found that the opposition brought against the request for protection in the UK of international trade mark registration number 1703642 (“the IR”) by Grain Connect Limited succeeded under section 3(6) of the Trade Marks Act 1994 (“the Act”).¹ I found that the request for protection of the IR in the UK was made in bad faith in relation to all goods and services except for software for sustainability accounting and sustainability consulting services. I said:

“40. Despite the myriad specific types of software listed in the holder’s class 9 specification, sustainability accounting software is not one of them. However, the holder does have the term *accounting software* in its class 9 specification which can be qualified as ‘accounting software relating to environmental sustainability’. In respect of sustainability consulting services, again this term is not listed in the holder’s specification. However, *environmental consultancy services* is listed, which can be qualified as ‘environmental consultancy services relating to sustainability’. Tribunal Practice Notice (“TPN”) 1/2012, at paragraph 3.2.2, sets out that I can only delete terms or add a ‘save for’ exclusion to specification terms. In line with 3.2.2(c) of the TPN, I will, therefore, allow a period of time after this decision is issued for the parties to provide submissions/proposals as to the appropriate wording of these two terms to reflect my finding that the bad faith claim fails in relation to:

- (i) accounting software relating to environmental sustainability;
- (ii) environmental consultancy services relating to sustainability.

41. The parties may, of course, agree that (i) and (ii) are how the class 9 and 42 specifications should be worded.

¹ BL O/0746/25.

Section 3(6) outcome

42. The bad faith claim succeeds in relation to all of the class 35 services and to all of the class 9 goods and class 42 services, except for ‘accounting software relating to environmental sustainability’ and ‘environmental consultancy services relating to sustainability’.”

[...]

Overall outcome and next steps

93. The opposition succeeds under section 3(6) of the Act in relation to all the goods and services except for:

Class 9: ‘accounting software relating to environmental sustainability’;

Class 42: ‘environmental consultancy services relating to sustainability’.

94. The holder will have 14 days from the date of this decision to indicate whether it agrees with the above suggested wording; or, alternatively, to put forward other wording which accurately reflects my findings under section 3(6) and does not widen the goods and services for which I have said the IR may be protected in the UK.

95. If the holder agrees with the above wording, I will then issue a short supplementary decision confirming the specification and setting the appeal period for both this decision and the supplementary decision. However, if the holder puts forward alternative wording, the opponent will have 14 days to make submissions about the amended wording, following which I will issue a short supplementary decision and set the appeal period for both this decision and the supplementary decision.

96. The holder should note that if it does not reply by the deadline, I will refuse the request for protection of the IR in the UK in full because I am

unable, unilaterally, to reword its specification. It is for the holder to comply with the directions given if it wishes to retain the goods and services set out in paragraph 93.”

2. The holder did not respond by the deadline and has at no point since put forward alternative wording or addressed the wording in paragraphs 40 and 93 of the preliminary decision. Therefore, as set out in paragraph 96, the request for protection of the IR in the UK is refused in full.

3. The appeal period for both this decision and the preliminary decision (which included the cost award) starts from the date shown below.

Dated this 30th day of September 2025

Judi Pike

For the Registrar