

O/734/19

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00003353898

BY PIRELLI TYRE S.P.A.

TO REGISTER THE TRADE MARK:

SCORPION

IN CLASS 9

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 415563 BY

SCORPIONS MUSIKPRODUKTIONS UND VERLAGSGESELLSCHAFT MBH

BACKGROUND AND PLEADINGS

1. On 15 November 2019, Pirelli Tyre S.p.A. (“the applicant”) applied to register the trade mark **SCORPION** in the UK. The application was published for opposition purposes on 23 November 2018. Registration is sought for the goods set out in the Annex to this decision.

2. On 25 February 2019, the application was partially opposed by Scorpions Musikproduktions- und Verlagsgesellschaft mbH (“the opponent”) based upon sections 5(1), 5(2)(a) and 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is directed against the following goods only:

Class 9 Downloadable applications for use with mobile devices; software and applications for mobile devices including software and applications for social networking, receipt and transmission of data related to tyres and parts and accessories of vehicles, shopping, fitness, rental of vehicles, vehicle and transportation reservation and vehicle sharing; transmitters; electronic, encoded, magnetic and electronic key cards for use with vehicles and in respect of vehicles; telephone apparatus; headphones; digital display [...] for detecting, storing, reporting, monitoring, uploading and downloading data to the internet, mobile devices and communication with mobile devices [...]; electronic display boards.

3. The opponent relies upon EUTM no. 17617648 for the trade mark **SCORPIONS**. The opponent’s mark was filed on 9 February 2015 and registered on 15 February 2018. The opponent relies upon some of the goods and services for which the mark is registered, namely:

Class 9 Recorded data carriers, technical stage equipment, namely lighting apparatus, scenery, light, audio, movement and effect apparatus, electroacoustic apparatus and instruments, loudspeakers, headphones, microphones, amplifiers and mixing desks, monitors, computer software, electronic databases.

Class 12 Vehicles for use on land, cars, bicycles, motorbikes, parts and fittings for vehicles, baby carriages, campervans.

Class 38 Telecommunications, providing access to databases and information services on the internet, in particular in the field of music, sport, television, games and entertainment, delivery of music and video files via telecommunications installations or the internet, streaming of audio material via the internet.

4. The opponent submits that the marks are identical or similar and that the goods and services are identical or similar.

5. The applicant filed a counterstatement denying the grounds of opposition.

6. The opponent is represented by Urquhart-Dykes & Lord LLP and the applicant is represented by Bristows LLP. Neither party filed evidence. The opponent filed written submissions during the evidence rounds. No hearing was requested and neither party filed written submissions in lieu. This decision is taken following a careful perusal of the papers.

DECISION

7. Section 5(1) of the Act reads as follows:

“5(1) A trade mark shall not be registered if it is identical with an earlier trademark and the goods or services for which the trade mark is applied for are identical with the goods or services for which the earlier trade mark is protected.”

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

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

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

(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. The opponent’s mark qualifies as an earlier trade mark pursuant to section 6 of the Act. As the trade mark upon which the opponent relies had not completed its registration process more than 5 years before the application in issue, it is not subject to proof of use. The opponent can, therefore, rely upon all of the goods and services it has identified.

Identity of the marks

10. It is a prerequisite of sections 5(1) and 5(2)(a) that the trade marks are identical. In *S.A. Société LTJ Diffusion v. Sadas Vertbaudet SA*, Case C-291/00, the Court of Justice of the European Union (“CJEU”) held that:

“54... a sign is identical with the trade mark where it reproduces, without any modification or addition, all the elements constituting the trade mark or where, viewed as a whole, it contains differences so insignificant that they may go unnoticed by the average consumer.”

11. In my view, the addition of the letter ‘S’ may go unnoticed by a significant proportion of average consumers. For those consumers, the marks will be identical.

Comparison of goods and services

12. The competing goods and services are as follows:

Opponent's goods and services	Applicant's goods
<p data-bbox="204 250 783 286"><u>Class 9</u></p> <p data-bbox="204 304 783 779">Recorded data carriers, technical stage equipment, namely lighting apparatus, scenery, light, audio, movement and effect apparatus, electroacoustic apparatus and instruments, loudspeakers, headphones, microphones, amplifiers and mixing desks, monitors, computer software, electronic databases.</p> <p data-bbox="204 857 783 893"><u>Class 12</u></p> <p data-bbox="204 911 783 1055">Vehicles for use on land, cars, bicycles, motorbikes, parts and fittings for vehicles, baby carriages, campervans.</p> <p data-bbox="204 1133 783 1169"><u>Class 38</u></p> <p data-bbox="204 1187 783 1603">Telecommunications, providing access to databases and information services on the internet, in particular in the field of music, sport, television, games and entertainment, delivery of music and video files via telecommunications installations or the internet, streaming of audio material via the internet.</p>	<p data-bbox="812 250 1382 286"><u>Class 9</u></p> <p data-bbox="812 304 1391 1330">Downloadable applications for use with mobile devices; software and applications for mobile devices including software and applications for social networking, receipt and transmission of data related to tyres and parts and accessories of vehicles, shopping, fitness, rental of vehicles, vehicle and transportation reservation and vehicle sharing; transmitters; electronic, encoded, magnetic and electronic key cards for use with vehicles and in respect of vehicles; telephone apparatus; headphones; digital display [...] for detecting, storing, reporting, monitoring, uploading and downloading data to the internet, mobile devices and communication with mobile devices [...]; electronic display boards.</p>

13. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account. In the judgment of the 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.”

14. 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.

15. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court (“GC”) stated that:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 Institut for 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.”

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

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

17. In *Beautimatic International Ltd v Mitchell International Pharmaceuticals Ltd and Another*, [2000] F.S.R. 267 (HC), Neuberger J. (as he then was) stated that:

“I should add that I see no reason to give the word “cosmetics” and “toilet preparations”... anything other than their natural meaning, subject, of course, to the normal and necessary principle that the words must be construed by reference to their context.”

18. The opponent’s specification in class 9 begins “recorded data carriers, technical stage equipment, namely...”. Where the word “namely” is used in a specification it is intended to specify exactly which terms within a broader term are covered by that specification. For example, a specification that reads “vehicles, namely motorbikes” will only cover motorbikes and not other types of vehicles. However, in this case, the terms that follow the word “namely” in the opponent’s specification appear broader

than the terms preceding it. For example, “computer software” in the opponent’s specification could cover any number of goods; it might cover anything from computer software relating to advertising to computer software for gaming. Clearly, such goods would not fall within the terms “recorded data carriers” or “technical stage equipment”. Consequently, I will read the terms that follow ‘namely’ in the opponent’s class 9 specification as if they were limited to those areas covered by “recorded data carriers” and “technical stage equipment”.

19. “Downloadable applications for use with mobile devices” and “software and applications for mobile devices including software and applications for social networking, receipt and transmission of data related to tyres and parts and accessories of vehicles, shopping, fitness, rental of vehicles, vehicle and transportation reservation and vehicle sharing” in the applicant’s specification are both types of computer software. They will, therefore, overlap in nature with the opponent’s “computer software” in relation to recorded data carriers and technical stage equipment. However, their specific purposes will differ. There may be overlap in user and method of use. They are unlikely to be sold through the same trade channels. I consider the goods to be similar to a medium degree.

20. “Technical stage equipment, namely [...] headphones” in the opponent’s specification is self-evidently identical to “headphones” in the applicant’s specification.

21. “Technical stage equipment, namely [...] monitors” in the opponent’s specification will fall within the broader category of “electronic display boards” in the applicant’s specification. These goods can, therefore, be considered identical on the principle outlined in *Meric*.

22. “Electronic, encoded, magnetic and electronic key cards for use with vehicles and in respect of vehicles” and “transmitters” in the applicant’s specification are both goods that would, or could, be used as fittings or accessories for vehicles. Consequently, there will be overlap in user, trade channels and nature with “parts and fittings for vehicles” in the opponent’s specification. The specific use and method of use of the goods may differ. I consider the goods to be similar to at least a medium degree.

23. There will be overlap in user, use and trade channels between “telephone apparatus” in the applicant’s specification and “telecommunications” in the opponent’s specification. The goods and services will clearly differ in nature. I consider the goods and services to be similar to at least a medium degree.

24. A database is a large amount of information stored in a computer system to enable it to be looked at or changed easily.¹ Consequently, it will be used for storing, reporting and monitoring information. I consider “digital display [...] for detecting, storing, reporting, monitoring” in the applicant’s specification to overlap in user, use and method of use with “technical stage equipment, namely [...] monitors, [...] electronic databases” in the opponent’s specification. There may also be overlap in trade channels. I consider the goods to be similar to a medium degree.

25. To the extent that “digital display [...] for [...] uploading and downloading data to the internet, mobile devices and communication with mobile devices [...]” in the applicant’s specification covers physical digital display screens, it will overlap in nature, use, method of use and user with “technical stage equipment, namely [...] monitors” in the opponent’s specification. To the extent that it is a product that enables the uploading and downloading of content, it will overlap in use, user and method of use with “delivery of music and video files via telecommunications installations or the internet” in the opponent’s specification. There may be overlap in trade channels. I consider the goods and services to be similar to at least a medium degree.

26. It is a prerequisite of section 5(1) that the goods and services be identical. The opposition will, therefore, fail in respect of those goods and services that I have found to be only similar (and not identical).

27. The opposition under section 5(1) succeeds in respect of the following goods only:

Class 9 Headphones; electronic display boards.

¹ <https://dictionary.cambridge.org/dictionary/english/database>

28. As the section 5(1) ground of opposition is only partially successful, I now turn to consider the section 5(2)(a) and 5(2)(b) grounds of opposition.

Average consumer and the nature of the purchasing act

29. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods and services. I must then determine the manner in which the goods and services 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 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.”

30. The average consumer for the goods and services will be either a member of the general public or a business user. The cost and frequency of the purchases are likely to vary. For example, parts and fittings for vehicles may be purchased infrequently and may be of high cost, depending on the particular parts. However, downloadable applications for use with mobile devices may be purchased more frequently and be of lower cost. In any event, even where the goods are of lower cost, various factors will be taken into account such as suitability for the customer's particular requirements and ease of use. Consequently, I consider that a medium degree of attention will be paid during the purchasing process for the goods and services.

31. The goods are most likely to be purchased from retail outlets or online equivalents. Applications for mobile telephones may also be purchased following perusal of adverts on websites and social media platforms. The services may also be purchased through attending the physical premises of the services provider or their website. They may

also be selected following perusal of adverts. Consequently, I consider that visual considerations will dominate the selection process. However, given that word-of-mouth recommendations may also play a part and advice may be sought from a sales adviser, I do not discount that there may also be an aural component to the purchase of the goods and services.

Comparison of trade marks

32. As noted above, I consider the marks to be identical. However, as section 5(2)(b) only requires there to be similarity between the marks, I will undertake a full comparison of the marks in the event that I am wrong in my finding that they are identical. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
SCORPIONS	SCORPION

33. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade 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 trade marks must be assessed by reference to the overall impressions created by the trade 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.”

34. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account the distinctive and dominant component 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.

35. The opponent's mark consists of the word SCORPIONS and the applicant's mark consists of the word SCORPION. There are no other elements to contribute to the overall impression of the marks, which lies in the words themselves.

36. Visually, the applicant's mark is reproduced entirely in the opponent's mark. The only point of visual difference between the marks is the addition of the letter 'S' on the end of the opponent's mark. I consider the marks to be visually highly similar.

37. Aurally, the opponent's mark will be pronounced SCOR-PEE-ONS and the applicant's mark will be pronounced SCOR-PEE-ON. The only point of aural difference between them is the slightly different pronunciation of the last syllable. I consider the marks to be aurally highly similar.

38. Conceptually, both marks will be seen as a reference to a small spider-like creature with a poisonous sting. The only difference will be that the opponent's mark is plural and will, therefore, be seen as referring to more than one scorpion. I consider the marks to be conceptually highly similar.

Distinctive character of the earlier trade marks

39. 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 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR 1-2779, 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).”

40. Registered trade marks possess varying 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.

41. The opponent has not pleaded that its mark has acquired enhanced distinctive character through use and has not filed evidence to support such a claim. I have, therefore, only the inherent position to consider. The earlier mark consists of the word SCORPIONS. This is an ordinary dictionary word. However, it has no connection to the goods and services sold under the mark. Consequently, I consider the opponent’s mark to be inherently distinctive to at least a medium degree.

Likelihood of confusion

42. 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 and services down to the responsible undertakings being the same or related. 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. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services or vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the opponent's trade mark, the average consumer for the goods and services and the nature of the purchasing process. In doing so, I must be alive to the fact 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 he has retained in his mind.

43. I have found the marks to be either identical or visually, aurally and conceptually highly similar. I have identified the average consumer to be a member of the general public or a business user who will select the goods and services primarily by visual means (although I do not discount an aural component). I have concluded that a medium degree of attention will be paid during the purchasing process for the goods and services. I have found the earlier mark to have at least a medium degree of inherent distinctive character. I have found the goods and services to vary from similar to a medium degree to identical.

44. Taking all of the above factors into account, in particular the fact that the marks are either identical or visually, aurally and conceptually highly similar and the principle of imperfect recollection, I consider that the marks will be misremembered or mistakenly recalled as each other. Bearing in mind the interdependency principle, I consider that this will be the case even for goods and services that are similar to only a low degree. I consider there to be a likelihood of direct confusion.

CONCLUSION

45. The opposition is successful in its entirety and the application is refused for the following goods:

Class 9 Downloadable applications for use with mobile devices; software and applications for mobile devices including software and applications for social networking, receipt and transmission of data related to tyres and

parts and accessories of vehicles, shopping, fitness, rental of vehicles, vehicle and transportation reservation and vehicle sharing; transmitters; electronic, encoded, magnetic and electronic key cards for use with vehicles and in respect of vehicles; telephone apparatus; headphones; digital display [...] for detecting, storing, reporting, monitoring, uploading and downloading data to the internet, mobile devices and communication with mobile devices [...]; electronic display boards.

46. The application will proceed to registration in respect of the following goods, which were not the subject of opposition:

Class 9 Antennas and aerials as communications apparatus; point-to-point communications equipment; computer networking and data communications equipment; network communication apparatus; wireless communication apparatus; software and applications to organize, coordinate, facilitate, transact in, manage and schedule vehicle rental, vehicle leasing, vehicle and transportation reservation and vehicle sharing; navigation, guidance, tracking, targeting and map making devices; apparatus for checking the presence of persons; distance warning and control apparatus; anti-theft alarms, not for vehicles; anti-theft detection apparatus; speed warning apparatus; drowsiness warning apparatus; speed control apparatus; optical and acoustic speed warning apparatus; course setting apparatus; idle speed controllers; engine management apparatus; position finding apparatus; tyre pressure testing apparatus; tyre inflation apparatus; reverse monitoring apparatus; door locking and door closing apparatus; wear indicators; consumption meters; traffic guiding apparatus; maintenance indicators; workshop testing apparatus; odometers; time recording apparatus; measuring, detecting and monitoring instruments; indicators and controllers, in particular apparatus and instruments for measuring and displaying exhaust gas temperature, distance, acceleration, revolutions, torque, yaw rate, pressure, liquid levels, in particular fuel levels and windscreen washer liquid levels, filling level, speed, height, cooling water temperature, boost pressure, power, air quality, mass

airflow, oil level, oil pressure, position, rudder angle, temperature, path, distance (odometers), wind and water depth; cell phone cases; cell phone straps; cell phone straps with charms; parts and accessories for cell phones; specialty carrying cases for cell phones; cases for hand-held computing devices; protective covers for hand-held computing devices; sensors and electronic monitoring devices for tyres and related parts and accessories; accelerometers for detecting, storing, reporting, monitoring, uploading and downloading data to the internet, mobile devices and communication with mobile devices, USB hardware; USB chargers, adapters; USB adapters; remote control systems for central locking systems; driver and vehicle information systems, consisting predominantly display instruments, accident data recorders, combination instruments, tachographs, service interval indicators, sensors and wiring harnesses; on-board computers, human-machine interfaces and accident data recorders; bus systems, consisting predominantly of controls; control systems, consisting predominantly of switches and control panels, sensor systems for windscreen washer controls; none of the foregoing being currency protection equipment and/or for use with currency protection equipment, none of the aforementioned products being related to lenses for photographic and cinematographic cameras, cranes in the nature of a camera stability accessory, stabilized tilting heads for photographic and cinematographic cameras, remote tilting heads for photographic and cinematographic cameras, remote control apparatus for photographic and cinematographic cameras, electronic dollies in the nature of mounting devices for photographic and cinematographic cameras.

COSTS

47. As the opponent has been successful, it is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. In the circumstances, I award the opponent the sum of **£600** as a contribution towards its costs. This sum is calculated as follows:

Preparing a statement and considering the applicant's statement	£200
Preparing written submissions	£300
Official fee	£100
Total	£600

48. I therefore order Pirelli Tyre S.p.A. to pay Scorpions Musikproduktions- u. Verlagsgesellschaft mbH the sum of £600. This sum should 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 2nd day of December 2019

S WILSON

For the Registrar

ANNEX

The applicant seeks registration for the following goods:

Class 9

Antennas and aerials as communications apparatus; point-to-point communications equipment; computer networking and data communications equipment; network communication apparatus; wireless communication apparatus; downloadable applications for use with mobile devices; software and applications for mobile devices including software and applications for social networking, receipt and transmission of data related to tyres and parts and accessories of vehicles, shopping, fitness, rental of vehicles, vehicle and transportation reservation and vehicle sharing; software and applications to organize, coordinate, facilitate, transact in, manage and schedule vehicle rental, vehicle leasing, vehicle and transportation reservation and vehicle sharing; navigation, guidance, tracking, targeting and map making devices; apparatus for checking the presence of persons; distance warning and control apparatus; anti-theft alarms, not for vehicles; anti-theft detection apparatus; speed warning apparatus; drowsiness warning apparatus; speed control apparatus; optical and acoustic speed warning apparatus; course setting apparatus; idle speed controllers; engine management apparatus; position finding apparatus; tyre pressure testing apparatus; tyre inflation apparatus; reverse monitoring apparatus; transmitters; door locking and door closing apparatus; wear indicators; consumption meters; traffic guiding apparatus; maintenance indicators; workshop testing apparatus; odometers; time recording apparatus; measuring, detecting and monitoring instruments; indicators and controllers, in particular apparatus and instruments for measuring and displaying exhaust gas temperature, distance, acceleration, revolutions, torque, yaw rate, pressure, liquid levels, in particular fuel levels and windscreen washer liquid levels, filling level, speed, height, cooling water temperature, boost pressure, power, air quality, mass airflow, oil level, oil pressure, position, rudder angle, temperature, path, distance (odometers), wind and water depth; electronic, encoded, magnetic and electronic key cards for use with vehicles and in respect of vehicles; telephone apparatus; cell phone cases; cell phone straps; cell phone straps with charms; parts and accessories for cell phones; specialty carrying cases for cell phones; cases for

hand-held computing devices; protective covers for hand-held computing devices; headphones; sensors and electronic monitoring devices for tyres and related parts and accessories; digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading data to the internet, mobile devices and communication with mobile devices, USB hardware; USB chargers, adapters; USB adapters; remote control systems for central locking systems; electronic display boards; driver and vehicle information systems, consisting predominantly display instruments, accident data recorders, combination instruments, tachographs, service interval indicators, sensors and wiring harnesses; on-board computers, human-machine interfaces and accident data recorders; bus systems, consisting predominantly of controls; control systems, consisting predominantly of switches and control panels, sensor systems for windscreen washer controls; none of the foregoing being currency protection equipment and/or for use with currency protection equipment, none of the aforementioned products being related to lenses for photographic and cinematographic cameras, cranes in the nature of a camera stability accessory, stabilized tilting heads for photographic and cinematographic cameras, remote tilting heads for photographic and cinematographic cameras, remote control apparatus for photographic and cinematographic cameras, electronic dollies in the nature of mounting devices for photographic and cinematographic cameras.