

O/656/21

TRADE MARKS ACT 1994

**IN THE MATTER OF UK REGISTRATION
NO. 3064752 BY
LONDON IP EXCHANGE LIMITED
IN RESPECT OF THE TRADE MARK:**

INNOVATUS

IN CLASS 9

AND

**AN APPLICATION FOR REVOCATION
UNDER NO. 503279
BY
RICHARD ARTHUR CHIVERTON**

BACKGROUND & PLEADINGS

1. The trade mark (“contested mark”) shown on the front page of this decision stands registered in the name of **London IP Exchange Limited** (“the registered proprietor”). The mark was applied for on 17 July 2014 in the United Kingdom and completed its registration procedure on 26 June 2015. At the time revocation was sought, the mark stood registered for the goods and services annexed at the end of this decision.
2. On 12 August 2020, **Richard Arthur Chiverton** (“the applicant”) sought revocation of the contested mark on the grounds of non-use. Under Section 46(1)(a), the applicant claims non-use in the five-year period following the date on which the mark was registered, i.e. 27 June 2015 to 26 June 2020. The applicant requests an effective date of revocation of **27 June 2020**. Under Section 46(1)(b), the applicant claims non-use in respect of the registered mark for two separate periods: i) between 12 July 2015 and 11 July 2020, and ii) 12 August 2015 and 11 August 2020, claiming effective dates of revocation of **12 July 2020 and 12 August 2020, respectively**.
3. The registered proprietor filed a counterstatement defending its registration for all goods and services for which the contested mark is registered, on the basis that it has been genuinely used during the relevant periods. On 7 March 2021, the registered proprietor partially surrendered its registration, so that it then stood registered only for the following goods:

Class 9: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital

recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus.

4. Notwithstanding the partial surrender, this revocation will also need to consider the goods and services which have been surrendered given that the applicant seeks a date of revocation which predates the date of partial surrender. The applicant was invited by the Tribunal to say if it wished to withdraw its revocation to any extent given the partial surrender; it did not do so.
5. Both parties filed evidence. This will be summarised to the extent that it is considered necessary. Only the applicant filed written submissions, which will not be summarised but will be referred to as and where appropriate during this decision. No hearing was requested and, thus, this decision has been taken following a careful consideration of the papers.
6. In these proceedings, the applicant is represented by London IP Ltd and the registered proprietor by Fieldfisher LLP.

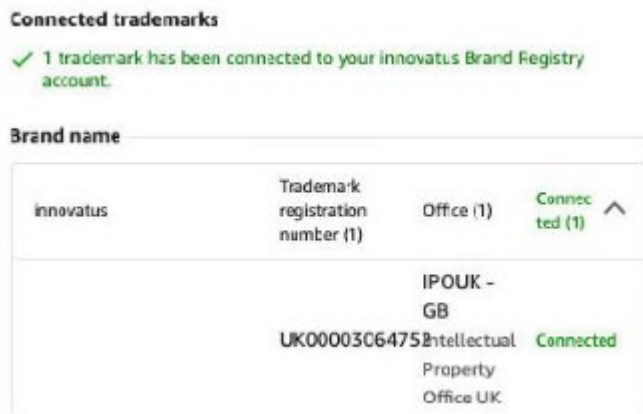
EVIDENCE

Registered Proprietor's Evidence

7. The proprietor's evidence consists of a witness statement, dated 4 March 2021, in the name of Simon Davies, who is the Director of London IP Exchange Limited, the registered proprietor in these proceedings.
8. Mr Davies explains that the registered proprietor "entered into a license agreement on 18 February 2020 with Traffic Safety Products Ltd (the "Licensee") [...] who has used the INNOVATUS (the "Registered Mark") since February 2020." In this regard, Mr Davies provides Exhibit SD1, which I will not detail here, consisting of a redacted version of the license agreement, dated 8 February 2020, and titled "LONDON IP EXCHANGE LIMITED TRADE MARK LICENSE & OPTION TO BUY".

9. Further, Mr Davies states that the registered proprietor, with the registration of the mark to the Amazon Brand Registry, appointed Traffic Safety Products Ltd as an agent for the INNOVATUS brand. In support of this, Mr Davies provides two screenshots consisting of:

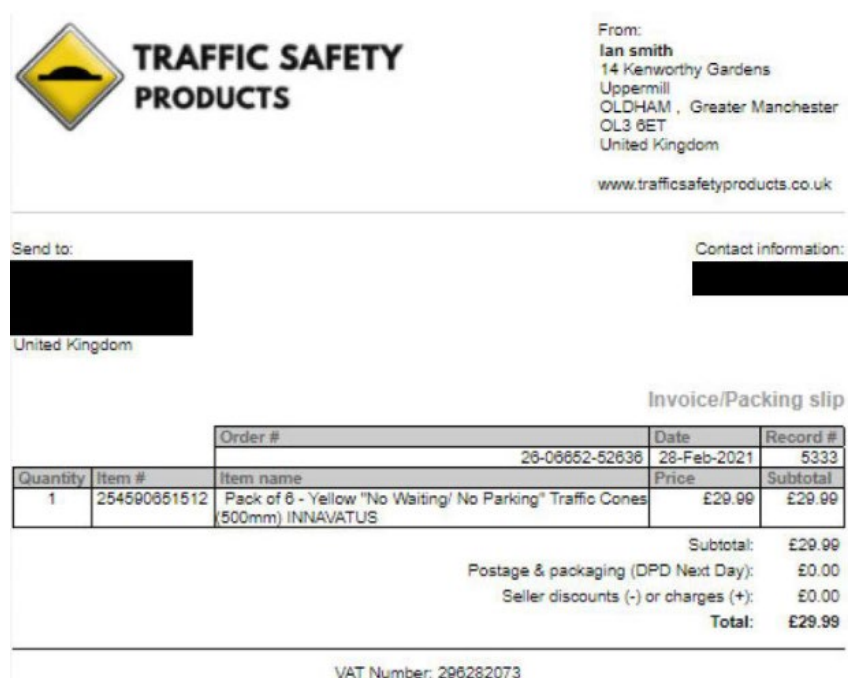
- i. part of an email, dated 2 March 2020, from Amazon Brand Registry Support which confirms that the user “with email ID-contact@trafficsafetyproducts.co.uk for the brand- Innovatus” has been assigned “the role- Registered Agent”; and
- ii. an undated Amazon website page that shows the contested mark being connected to the Brand Registry account (as reproduced below).



10. Mr Davies states that Traffic Safety Products Ltd “is in the business of producing and selling traffic safety and signalling equipment.” He also provides the following:

- i. a screenshot from the *amazon.co.uk* website, taken on 3 March 2021, demonstrating the search results for “Innovatus” that include traffic cones in different colours and kerb ramps; and
- ii. ten redacted invoices, dated between 11 April 2020 and 4 March 2021. The invoices show sales of traffic safety goods, including traffic cones, kerb ramps, and speed ramps. It is evident from the

invoices that the goods were sold by Traffic Safety Products Ltd. Although the delivery address section has been redacted, in every case, the delivery appears destined to the UK. I note that all the invoices but one, shown below, are Amazon invoices, in which the “INNOVATUS” mark is demonstrated under the item description/name. Further, I note that two invoices are dated between February and March 2021, post-dating the most recent relevant period, and eight are within the relevant periods. The sum of the invoices within the relevant periods amounts to £795.78.



11. Mr Davies concludes by asserting genuine use of the contested mark in the UK since February 2020.

Applicant’s Evidence

12. The applicant’s evidence consists of a witness statement, dated 7 June 2021, in the name of Francesca Ifechukwunyem Maria Nwaegbe, who is the Head of Trade Marks at London IP Limited, representing the applicant in these proceedings.

13. Ms Nwaegbe explains that the applicant “obtained an independent (Cerberus IP) investigation and related report concerning the use of the subject trade mark by the Registrant.” In this regard, she provides Exhibit FIMN1 that consists of the ‘verification of use’ report conducted by Cerberus IP, dated 24 June 2020. In her witness statement, Ms Nwaegbe highlights the following by referring to passages from the report:

“2.1 [The report] states that there was “no evidence to suggest that (the Applicant) LIPEX itself has made direct use of the INNOVATUS trade mark” and that, the Registrant was “in the business of the buying, selling and licensing trade marks” i.e. “speculatively” filing trade marks “for future sale to interested parties”; and

2.2 “with the exception of the INNOVATUS Drinks trading name and logo”, found “no further evidence of use of the mark in question”, i.e. no:

2.2(a) use of the INNOVATUS trade mark by the registered owner or its predecessor(s) in title since the date of registration, upon/in relation to the Class 9 goods (or indeed any of the other Class 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 36, 37, 38, 39, 40, 41, 43, 44 and/or 45 goods and services registered at that time in the Registrant’s own name or that of its related company Horseguards London Dry Gin Limited, owner of INNOVATUS (word mark) registration no. UK00003443350); and/or

2.2(b) proper reasons for such non-use.” (sic)

14. Ms Nwaegbe concludes by confirming that there have been “no changes in the Cerberus IP reported situation since the (24 June 2020) report date.”
15. That concludes my summary of the evidence filed insofar as I consider it necessary.

LEGISLATION

16. Section 46 of the Act states:

“(1) The registration of a trade mark may be revoked on any of the following grounds-

(a) that within the period of five years following the date of completion of the registration procedure it has not been put to genuine use in the United Kingdom, by the proprietor or with his consent, in relation to the goods or services for which it is registered, and there are no proper reasons for non-use;

(b) that such use has been suspended for an uninterrupted period of five years, and there are no proper reasons for non-use;

[...]

(2) For the purpose of subsection (1) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(3) The registration of a trade mark shall not be revoked on the ground mentioned in subsection (1)(a) or (b) if such use as in referred to in that paragraph is commenced or resumed after the expiry of the five year period and before the application for revocation is made:

Provided that, any such commencement or resumption of use after the expiry of the five year period but within the period of three months before the making of the application shall be disregarded unless preparations for the commencement or resumption began before the proprietor became aware that the application might be made.

(4) An application for revocation may be made by any person, and may be made either to the registrar or to the court, except that -

(a) if proceedings concerning the trade mark in question are pending in the court, the application must be made to the court; and

(b) if in any other case the application is made to the registrar, he may at any stage of the proceedings refer the application to the court.

(5) Where grounds for revocation exist in respect of only some of the goods or services for which the trade mark is registered, revocation shall relate to those goods or services only.

(6) Where the registration of a trade mark is revoked to any extent, the rights of the proprietor shall be deemed to have ceased to that extent as from-

(a) the date of the application for revocation, or

(b) if the registrar or court is satisfied that the grounds for revocation existing at an earlier date, that date.”

17. Section 100 of the Act states:

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

18. Although the UK has left the EU, Section 6(3)(a) of the European Union (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Trade Marks Act relied on in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case law of EU courts.

PROOF OF USE

19. In *Walton International Ltd & Anor v Verweij Fashion BV* [2018] EWHC 1608 (Ch) Arnold J summarised the law relating to genuine use as follows:

“114. [...] The CJEU [Court of Justice of the European Union] has considered what amounts to “genuine use” of a trade mark in a series of cases: Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, *La Mer* (cited above), Case C 416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I 4237, Case C-442/07 *Verein Radetsky-Order v Bunderversvereinigung Kamaradschaft ‘Feldmarschall Radetsky’* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Marken BV v Hagelkruis Beheer BV* [EU:C:2012:816], [2013] ETMR 16, Case C-609/11 P *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], [2014] ETMR, Case C-141/13 P *Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089] and Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434], [2017] Bus LR 1795.

115. The principles established by these cases may be summarised as follows:

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

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

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or

services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Leno* at [29]; *Centrotherm* at [71]. Accordingly, affixing of a trade mark on goods as a label of quality is not genuine use unless it guarantees, additionally and simultaneously, to consumers that those goods come from a single undertaking under the control of which the goods are manufactured and which is responsible for their quality: *Gözze* at [43]-[51].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14] and [22]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71]; *Reber* at [29].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered

by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Leno* at [29]-[30], [56]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus, there is no de minimis rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72] and [76]-[77]; *Leno* at [55].

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

Form of the Mark

20. As the mark filed is a word mark, it may also be used in a range of standard fonts and colours, as well as in upper or lower case. In accordance with the witness statement and the evidence, the mark has been used in a word-only form and standard font with various case types. Therefore, this shows use of the registered mark upon which the registered proprietor may rely, and I will proceed with the evaluation of genuine use in the following section.

Genuine use

21. An assessment of genuine use is a global assessment, which includes looking at the evidential picture as a whole, not whether each individual piece of evidence shows use by itself.¹ In this regard, as indicated in the

¹ See *New Yorker SHK Jeans GmbH & Co KG v OHIM*, T-415/09.

case law cited above, use does not need to be quantitatively significant to be genuine. The assessment must take into account a number of factors in order to ascertain whether there has been real commercial exploitation of the mark which can be regarded as “warranted in the economic sector concerned to maintain or create a share in the market for the goods or services protected by the mark.”

22. In *Awareness Limited v Plymouth City Council*, Case BL O/236/13, Mr Daniel Alexander Q.C. as the Appointed Person stated that:

“22. The burden lies on the registered proprietor to prove use [...] However, it is not strictly necessary to exhibit any particular kind of documentation, but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the tribunal (which in many cases will be the Hearing Officer in the first instance) comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said, the public.”

23. In *Naazneen Investments Ltd v OHIM*, Case T-250/13,² the General Court upheld a decision by the OHIM Board of Appeal that the sale of EUR 800 worth of non-alcoholic beverages under a mark over a five year period, which had been accepted was not purely to maintain the trade mark registration, was insufficient, in the economic sector concerned, for the purposes of maintaining or creating market share for the goods covered

² The judgment of the General Court was upheld on the appeal to the CJEU. In this regard, see Case C-252/15 P.

by that Community trade mark. The use was therefore not genuine use. The relevant part of the judgment of the General Court is as follows:

“46. In the fifth place, the applicant argues that, in accordance with the case-law cited in paragraph 25 above, use of a trade mark is to be regarded as token if its sole purpose is to preserve the rights conferred by the registration of the mark. It claims that the Board of Appeal contradicted itself by stating, on the one hand, in paragraph 31 of the contested decision, that the total amount of transactions over the relevant period seemed to be token, and by stating, on the other hand, in paragraph 42 of the contested decision, that it did not doubt the intention of the proprietor of the mark at issue to make real use of that mark in relation to the goods in question.

47. In this connection, suffice it to point out that the applicant’s argument is based on an incorrect reading of the contested decision. The Board of Appeal used the term ‘token’ to describe the total amount of transactions, approximately EUR 800, and not to categorise the use of the mark at issue.

48. In the sixth place, the applicant claims that the Board of Appeal, by relying solely on the insufficient use made of the mark at issue, did not comply with the case-law according to which there is no quantitative threshold, determined a priori and in the abstract, that must be chosen in order to determine whether use is genuine. The Board of Appeal also failed to comply with the case-law according to which even minimal use may be sufficient in order to be deemed genuine.

49. According to the case-law, the turnover achieved and the volume of sales of the goods under the mark at issue cannot be assessed in absolute terms but must be assessed in relation to other relevant factors, such as the volume of commercial activity, the production or marketing capacities or the degree of diversification of the undertaking using the trade mark and the characteristics of the goods

or services on the relevant market. As a result, use of the mark at issue need not always be quantitatively significant in order to be deemed genuine (see, to that effect, judgments in *VITAFRUIT*, cited in paragraph 25 above, EU:T:2004:225, paragraph 42, and *HIPOVITON*, cited in paragraph 27 above, EU:T:2004:223, paragraph 36). Even minimal use can therefore be sufficient in order to be deemed genuine, provided that it is warranted, in the economic sector concerned, to maintain or create market shares for the goods or services protected by the mark. Consequently, it is not possible to determine a priori, and in the abstract, what quantitative threshold should be chosen in order to determine whether use is genuine. A *de minimis* rule, which would not allow OHIM or, on appeal, the General Court, to appraise all the circumstances of the dispute before it, cannot therefore be laid down (see, to that effect, order of 27 January 2004 in *La Mer Technology*, C-259/02, ECR, EU:C:2004:50, paragraphs 25 and 27, and judgment of 11 May 2006 in *Sunrider v OHIM*, C-416/04 P, ECR, EU:C:2006:310, paragraph 72).

50. In the present case, contrary to what the applicant claims, the Board of Appeal did not determine a minimum threshold 'a priori and in the abstract' so as to determine whether the use was genuine. In accordance with the case-law, it examined the volume of sales of the goods in question in relation to other factors, namely the economic sector concerned and the nature of the goods in question.

51. The Board of Appeal accordingly took the view that the market for the goods in question was of a significant size (paragraph 28 of the contested decision). It found also that the goods in question, namely non-alcoholic beverages, were for everyday use, were sold at a very reasonable price and that they were not expensive, luxury goods sold in limited numbers on a narrow market (paragraph 29 of the contested decision). Furthermore, it took the view that the total amount of transactions over the relevant period, an amount of EUR 800, seemed to be so token as to suggest, in the absence of supporting documents or convincing explanations to demonstrate otherwise, that use of the

mark at issue could not be regarded as sufficient, in the economic sector concerned, for the purposes of maintaining or creating market shares for the goods covered by that mark (paragraph 31 of the contested decision).

52. It is therefore apparent, contrary to what the applicant claims, that it was in accordance with the case-law cited in paragraph 49 above that the Board of Appeal took the view that, in the present case, minimal use was not sufficient to be deemed genuine.”

24. In *JUMPMAN Trade Mark*, BL O/222/16, the Appointed Person upheld a Hearing Officer’s finding that sales of around 55,000 pairs of trainers over a 16-month period were insufficient to qualify as genuine use for an EUTM registration.
25. The onus is on the proprietor to provide sufficiently solid evidence to counter the application.³ In the instant case, there are a number of deficiencies and omissions in the evidence provided, such as there are no turnover figures given, and there is no evidence of either advertising material or advertising spend over the relevant periods. The only evidence provided with the witness statement of Mr Davies, which illustrates how the goods are actually marketed, consists of a screenshot from the *amazon.co.uk* website, but I note that this has been taken outside the relevant periods, namely on 3 March 2021. However, it can be inferred from the evidence, the witness statement, and particularly from the Amazon invoices that those sales, which took place within the relevant periods, originate from Amazon accordingly.
26. Based on the witness statement of Mr Davies and Exhibit SD1, the registered proprietor licensed the use of the contested mark to Traffic Safety Products Ltd on 18 February 2020. Therefore, it can be inferred that the use was with the registered proprietor’s consent. On that basis, I am satisfied that any such use that has been made by Traffic Safety Products

³ See *Guccio Gucci SpA v Gerry Weber International AG* (O/424/14).

Ltd is with the consent of the registered proprietor as per Section 46(1)(a) of the Act. The Amazon Brand Registry evidence also supports this.

27. Mr Davies' claims 18 February 2020 (the date of the license agreement) as the earliest date of use of the mark. However, I accept the applicant's submissions that the license agreement does not represent use but instead denotes the mere fact of finding a licensee. Therefore, the earliest date of use is April 2020, extrapolated by the invoices included in the registered proprietor's witness statement. The Amazon invoices show that eight of these were issued between two months, namely April and May 2020, falling within relevant periods, while the rest of the invoices, dated between February and May 2021, fall outside the relevant periods. In addition, the applicant in his submissions underscores that there are no *eBay* sales as claimed by Mr Davies in his witness statement. I agree that no evidence corroborates such a claim, and the registered proprietor has filed no reply evidence to demonstrate any eBay sales. Taking all of the above into account, the absolute highpoint for the registered proprietor is that the total sales within the relevant periods are of an amount below £800, sales made via *amazon.co.uk*, with no accompanying marketing activities, in relation simply to traffic (waiting) cones, heavy duty kerb ramps, and speed ramp kits.
28. In my view, the above fails to show real commercial exploitation to create and maintain a share of the UK market for the provision of "traffic safety and signalling equipment" (or even a more narrowly described subset of goods). Despite the lack of submissions or evidence in relation to the market size of the traffic safety and signalling equipment sector, I consider it to be of a reasonable size. Taking into account the minimal sales of a small number of goods in the case at hand, in my view, the registered proprietor's activities, whilst accepting that minimal use can sometimes equal genuine use, does not equate to genuine use in the sense that it is not justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services.

OUTCOME

29. The application for revocation on the grounds of non-use therefore succeeds under Section 46(1)(a) and (b). Consequently, the trade mark is revoked for all the goods in Class 9. It is also revoked for all of the goods and services of the specification as it stood when the application for revocation was made. The effective date of revocation is **27 June 2020, the earliest date claimed.**

COSTS

30. As the applicant for revocation has been successful, he is entitled to a contribution towards his costs. Awards of costs are governed by Annex A of Tribunal Practice Notice (TPN) 2/2016. The sum is calculated as follows:

Official application fees	£200
Preparing a statement and considering the counterstatement	£200
Filing written submissions and evidence	£700
Total	£1,100

31. I, therefore, order London IP Exchange Limited to pay Richard Arthur Chiverton the sum of £1,100. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 10th day of September 2021

Dr Stylianos Alexandridis
For the Registrar,
The Comptroller General

Annex

Class 1: Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry; unprocessed plastics in the form of liquids, chips or granules.

Class 2: Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

Class 3: Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

Class 4: Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting; combustible fuels, electricity and scented candles.

Class 5: Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Class 6: Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; metal building materials; ores; unwrought and partly wrought common metals; metallic windows and doors; metallic framed conservatories.

Class 7: Machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs; automatic vending machines.

Class 8: Hand tools and hand operated implements; cutlery; side arms; razors; electric razors and hair cutters.

Class 10: Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials; sex aids; massage apparatus; supportive bandages; furniture adapted for medical use.

Class 11: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; air conditioning apparatus; electric kettles; gas and electric cookers; vehicle lights and vehicle air conditioning units.

Class 12: Vehicles; apparatus for locomotion by land, air or water; wheelchairs; motors and engines for land vehicles; vehicle body parts and transmissions.

Class 13: Firearms; ammunition and projectiles, explosives; fireworks.

Class 14: Precious metals and their alloys; jewellery, costume jewellery, precious stones; horological and chronometric instruments, clocks and watches.

Class 15: Musical instruments; stands and cases adapted for musical instruments.

Class 16: Paper, cardboard; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes;

artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

Class 17: Rubber; plastics in extruded form for use in manufacture; semi-finished plastics materials for use in further manufacture; stopping and insulating materials; flexible non-metallic pipes.

Class 18: Leather and imitations of leather; animal skins, hides; trunks and travelling bags; handbags, rucksacks, purses; umbrellas, parasols and walking sticks; whips, harness and saddlery; clothing for animals.

Class 19: Non-metallic building materials; non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; non-metallic monuments; non-metallic framed conservatories, doors and windows.

Class 20: Furniture, mirrors, picture frames; wood; garden furniture; pillows and cushions.

Class 21: Household or kitchen utensils and containers; combs and sponges; brushes; brush-making materials; articles for cleaning purposes; steel wool; articles made of ceramics, glass, porcelain or earthenware which are not included in other classes; electric and non-electric toothbrushes.

Class 22: Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks for transporting bulk materials; padding and stuffing materials which are not made of rubber or plastics; raw fibrous textile materials.

Class 23: Yarns and threads, for textile use.

Class 24: Textiles and textile goods; bed and table covers; travellers' rugs, textiles for making articles of clothing; duvets; covers for pillows, cushions or duvets.

Class 25: Clothing, footwear, headgear.

Class 26: Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Class 27: Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors.

Class 28: Games and playthings; playing cards; gymnastic and sporting articles; decorations for Christmas trees; children's' toy bicycles.

Class 29: Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats; prepared meals; soups and potato crisps.

Class 30: Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice; sandwiches; prepared meals; pizzas, pies and pasta dishes.

Class 31: Agricultural, horticultural and forestry products; live animals; fresh fruits and vegetables, seeds, natural plants and flowers; foodstuffs for animals; malt; food and beverages for animals.

Class 32: Beers; mineral and aerated waters; non-alcoholic drinks; fruit drinks and fruit juices; syrups for making beverages; shandy, de-alcoholised drinks, non-alcoholic beers and wines.

Class 33: Alcoholic wines; spirits and liqueurs; alcopops; alcoholic cocktails.

Class 34: Tobacco; smokers' articles; matches; lighters for smokers.

Class 35: Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty and incentive schemes; advertising services provided via the Internet; production of television and radio advertisements; accountancy; auctioneering; trade fairs; opinion polling; data processing; provision of business information; retail services and online retail services connected with the sale of household heating appliances, household audio visual equipment, computing equipment, telephony equipment, kitchen appliances and utensils, cabling, boiler equipment, washing machines, dish washers.

Class 36: Insurance; financial services; real estate agency services; building society services; banking; stockbroking; financial services provided via the Internet; issuing of tokens of value in relation to bonus and loyalty schemes; provision of financial information.

Class 37: Building construction; building repair and maintenance; plant installation services; installation, maintenance and repair of computer hardware; painting and decorating; cleaning services.

Class 38: Telecommunications services; chat room services; portal services; e-mail services; providing user access to the Internet; radio and television broadcasting.

Class 39: Transport; packaging and storage of goods; travel arrangement; distribution of electricity; travel information; provision of car parking facilities.

Class 40: Treatment of materials for industry; development, duplicating and printing of photographs; generation of electricity.

Class 41: Education; providing of training; entertainment; sporting and cultural activities.

Class 42: Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; computer programming; installation, maintenance and repair of computer software; computer consultancy services; design, drawing and commissioned writing for the compilation of web sites; creating, maintaining and hosting the web sites of others; design services.

Class 43: Services for providing food and drink; temporary accommodation; restaurant, bar and catering services; provision of holiday accommodation; booking and reservation services for restaurants and holiday accommodation; retirement home services; crèche services.

Class 44: Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services; dentistry services; medical analysis for the diagnosis and treatment of persons; pharmacy advice; garden design services.

Class 45: Legal services; conveyancing services; security services for the protection of property and individuals; social work services; consultancy services relating to health and safety; consultancy services relating to personal appearance; provision of personal tarot readings; dating services; funeral services and undertaking services; fire-fighting services; detective agency services.