

O-354-06

**TRADE MARKS ACT 1994**

**IN THE MATTER OF TRADE MARK APPLICATION  
NO. 2312653 IN THE NAME OF OZONE SYSTEMS LIMITED  
TO REGISTER A TRADE MARK IN CLASSES 3, 5, 7, 9 AND 11**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NO. 91963 IN THE NAME OF  
STERILOX TECHNOLOGIES, INC**

## Trade Marks Act 1994

**IN THE MATTER OF Trade Mark application No. 2312653  
in the name of Ozone Systems Limited  
to register a trade mark in Classes 3, 5, 7, 9 and 11**

**And**

**IN THE MATTER OF opposition thereto  
under No. 91963  
in the name of Sterilox Technologies, Inc**

### **BACKGROUND**

1. On 9 October 2002, Ozone Systems Limited made an application to register the trade mark STERITROX in Classes 3, 5, 7, 9 and 11, in relation to the following specifications of goods:

- Class 3:** Cleaning preparations.
- Class 05:** Sterilizing preparations; and sanitizing preparations.
- Class 7:** Cleaning apparatus; cleaning apparatus utilizing ozone; filtering apparatus; air filtering apparatus; filtering apparatus utilizing ozone; filters; sanitizing apparatus; sanitizing apparatus utilizing ozone; and parts and fittings therefor.
- Class 09:** Ozonizers; and parts and fittings therefor.
- Class 11:** Sterilizers; sterilizers utilizing ozone; and parts and fittings therefor.

2. On 8 September 2003, Sterilox Technologies, Inc filed notice of opposition to the application, the grounds of opposition being as follows:

- Under Section 5(2)(b)** because the mark applied for is similar to the opponents' earlier trade marks, and is sought to be registered in respect of goods that are identical and/or similar to those for which the earlier trade marks are protected, such that, there exists a likelihood of confusion on the part of the public, especially bearing in mind the public's imperfect recollection, which includes a likelihood of association with the earlier mark.

3. The opponents cite two earlier marks, details of which are shown as an annex to this decision.

4. The applicants filed a counterstatement in which they deny the ground on which the opposition is based.

5. Both sides ask that an award of costs be made in their favour.

6. Both sides filed evidence in these proceedings, which, insofar as it may be relevant I have summarised below. The matter came to be heard on 22 February 2006, when the Applicants were represented by Mr Thomas Mitcheson of Counsel, instructed by Fry Heath Spence LLP, their trade mark attorneys. The Opponents were represented by Mr Guy Tritton of Counsel, instructed by David Keltie Associates, their trade mark attorneys.

### **Opponents' evidence**

7. This consists of a Witness Statement dated 24 November 2004, from Sean Patrick Cummings, a trade mark attorney with David Keltie Associates. Mr Cummings exhibits case details for the two earlier marks relied upon, extracted from the Trade Marks Registry and Community Trade Mark databases.

### **Applicants' evidence**

8. This consists of a Witness Statement dated 24 March 2005, from Keith McMurray Boden, a Chartered Patent Attorney and Partner of Fry Heath Spence.

9. Mr McMurray Boden introduces the following Exhibits:

- 1 an extract from the 18 September 2003 edition of The Birmingham Post, that contained a feature on the launch of a new product called STERITROX describing this as a "mobile device designed to eliminate all microbial and odour problems from high and low care area, chillers, warehouses, containers or any other defined space."
- transport
- 2 & 8 print case details from the Trade Marks database relating to the trade marks STERETHOX, and STERILUX, respectively.
- 3-7 results of a search of the Trade Marks database, for trade marks that have either been registered or applied for, in classes 3, 5, 7, 9 and 11, having the prefix STERI.
- 9 product information for STERITROX, which describes it as "a powerful process which rapidly sanitises interior spaces and facilities...designed for the food industry and all environments where there is a need to minimise and control the microbiological count and continuously improve hygiene standards."
- 10 product information for STERILOX, which describes the product in the following terms- "Unlike other disinfectants, STERILOX is a single use solution...is a dilute mixture of mild oxidants at nearly neutral pH."

10. That concludes my summary of the evidence insofar as it is relevant to these proceedings.

## DECISION

11. The opposition is founded on Section 5(2)(b), which reads 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.”

12. An earlier trade mark is defined in Section 6 of the Act as follows:

“6.- (1) In this Act an “earlier trade mark” means–

(a) a registered trade mark, international trade mark (UK) or Community trade mark which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks,”

13. The opponents originally cited two earlier marks, both for STERILOX, but at the hearing Mr Mitcheson stated that only one, UK registration number 2217154 need be looked at for the purposes of the hearing. In his submissions, Mr Mitcheson referred me to the decision of Mr Geoffrey Hobbs, sitting as the Appointed Person in the *Raleigh International* trade mark case [2001]RPC 202 at page 209. In this Mr Hobbs set out the principles which, in effect, are a distillation of the guidance provided by the European Court of Justice (ECJ) in inter alia, *Sabel BV v Puma AG* [1998] E.T.M.R. 1, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc* [1999] E.T.M.R. 1, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* [2000] F.S.R. 77 and *Marca Mode CV v Adidas AG & Adidas Benelux BV* [2000] E.T.M.R. 723. It is clear from these cases that:

(a) the likelihood of confusion must be appreciated globally, taking account of all relevant factors; *Sabel BV v Puma AG*, paragraph 22;

(b) the matter must be judged through the eyes of the average consumer of the goods/services in question; *Sabel BV v Puma AG*, 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; *Lloyd Schuhfabrik Meyer & Co GmbH v. Klijsen Handel B.V.* paragraph 27;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details; *Sabel BV v. Puma AG*, paragraph 23;

(d) the visual, aural and conceptual similarities of the marks must therefore be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components; *Sabel BV v. Puma AG*, paragraph 23;

(e) a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the goods, and vice versa; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 17;

(f) there is a greater likelihood of confusion where the earlier trade mark has a highly distinctive character, either per se or because of the use that has been made of it; *Sabel BV v. Puma AG*, paragraph 24;

(g) mere association, in the sense that the later mark brings the earlier mark to mind, is not sufficient for the purposes of Section 5(2); *Sabel BV v. Puma AG*, paragraph 26;

(h) further, 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; *Marca Mode CV v. Adidas AG & Adidas Benelux BV*, paragraph 41;

(i) but if the association between the marks causes the public to wrongly believe that the respective goods come from the same or economically linked undertakings, there is a likelihood of confusion within the meaning of the section; *Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 29.”

14. Accordingly, I must consider the matter through the eyes of the average consumer of the goods in question, assuming them to be reasonably well informed, circumspect and observant, and on the basis that they will make comparisons of marks based upon an imperfect recollection kept in their mind, not by an analysis of its component parts, but as whole against whole. This must be balanced against the fact that in a comparison of trade marks it is inevitable that reference will be made to the elements of which the marks are composed. This approach is consistent with the case law which requires that consideration is to be given to the distinctiveness and dominance of the component parts.

15. The opponents make no claim to their having acquired a reputation, or an enhanced distinctiveness through use, instead relying on the argument that their earlier mark is an invented word, inherently distinctive, with a strong visual and aural impact caused in particular by the “OX” ending. The applicants in turn state that the “STERI” prefix is descriptive of sterilizing apparatus, and that the opponents’ mark is “...virtually descriptive (insofar as it relates to sterilizing apparatus and services)” and warrants a small penumbra of protection confined essentially to the mark itself.

16. There is no evidence that “STERI” is a recognised abbreviation, prefix or shortening form, a position confirmed by reference to Collins English Dictionary, of which I have taken judicial notice. Nor is there evidence that the term is used in a trade related to the goods covered by the respective marks, or in the common parlance of the industry concerned. The “state of the register evidence” provided by the applicants shows STERI to be a prefix to a number of trade marks that have been applied for or registered. In *British Sugar Plc v. James*

*Robertson & Sons Ltd* [1996] RPC 281 Jacob J (as he then was) said:

“In particular the state of the register does not tell you what is actually happening out in the market and in any event one has no idea what the circumstances were which led the registrar to put the marks concerned on the register. It has long been held under the old Act that comparison with other marks on the register is in principle irrelevant when considering a particular mark tendered for registration, see *e.g.* [MADAME Trade Mark](#) and the same must be true under the 1994 Act. I disregard the state of the register evidence.”

17. The applicants accepted this but argue that the Registrar can “...take into account the fact that persons in the sterilising business do not consider that **STERI** – belongs to any one person and that there is a genuine desire to use the prefix to indicate a product that has a sterilising function.”. I believe that the most I can take from this evidence is that the prefix appears to have some attraction to these trade mark owners, and that in all probability this is because, as the applicants claim, it brings to mind the concept of something “sterile” or for “sterilising”. However, the fact that a mark may bring to mind an idea because of the use of a stem from a descriptive word does not make the mark as a whole descriptive. Trade marks are often constructed to bring to mind something about the goods, services or a characteristic of them that the trader wishes to convey to potential consumers. There are degrees of allusion, from the clever to those where the origins of the trade mark are none too hidden, but are nonetheless not directly descriptive, and it is in the latter that I would place the opponents’ mark **STERILOX**. However, registration is not a reward for the inventive; it is a right for the distinctive, and in the absence of evidence to the contrary I must proceed on the basis that the opponents’ earlier mark is just that.

18. Accepting that “**STERI**” is likely to be seen by the consumer as being indicative of some function or purpose of the goods does not mean that it should be ignored. Distinctive or not, it plays a part in the visual, oral and conceptual impression created. If it is a common element the position must be that marks may be differentiated by the suffix, but must always be compared as a whole.

19. In a visual comparison of long words such as **STERILOX** and **STERITROX** the number of letters in each is of less significance than the overall impact on the eye brought about by any similarities and/or differences in the sequencing and the relative strength of the letters and syllables, and whether there are elements that are discernable or more memorable to the consumer. It is also relevant to consider that it is generally the beginnings of words that are considered to have most significance in any comparison, as is the fact that in longer words, differences may have proportionately less significance than in shorter words.

20. The mark of the application and the opponents’ earlier mark both begin with the element “**STERI**” and also share the same ending “**OX**”. These are strong elements that have the most significant impact upon the visual and aural impression of the respective marks. That the difference is in the body of the words surrounded by the similarities reduces their significance and makes them less obvious. The words run together creating a flow composed of three syllables. In the applicants’ mark the syllable in the middle portion gives it a slightly harder sound and requires more deliberate articulation to pronounce it correctly. However, words are not usually enunciated with regard to every letter and syllable, so when

spoken the differences in sound as a whole will diminish. My view on the respective marks is that they are similar in appearance and sound.

21. Whether or not STERI is an “officially recognised” abbreviation, shortening form (or whatever), given the nature of the goods covered by the respective marks it is not unreasonable to infer that the relevant consumer may recognise the element as an indication that the goods have a function related to sterilising. There is no evidence, and neither side has addressed me as to whether the remaining parts of the marks, LOX and TROX have any meaning. It may well be that they are a reference to oxygen; I do not know, but whatever is the case, these are, as a whole, invented words, portmanteau or otherwise, and whichever way you look at them, the respective marks will convey a similar concept to the relevant consumer.

22. To my mind, whether STERI is distinctive or not, there is no other distinctive element in the respective marks that dominates it; their distinctiveness rests in the words as a whole. Even if the consumer understands STERI to be a reference to some capacity of the goods, they will not go on to pick the mark apart to discern whether any of the rest is also meaningful. As the case law states the relevant consumer normally sees a mark as a whole and does not embark on an analysis of its component parts.

23. Turning to the question of the similarity (or otherwise) of the goods and services covered by the opponents’ earlier marks, and those for which the the applicants seek registration. The applicants provided evidence showing that they use STERITROX on a product described as a “mobile device designed to eliminate all microbial and odour problems from high and low care area, chillers, warehouses, transport containers or any other defined space.” They also provided evidence that shows the opponents to use STERILOX on a product described as a “...single use solution...a dilute mixture of mild oxidants at nearly neutral pH.”. Whilst this seems to indicate that there is a distinction in the reality of the market, I am required to determine the matter on the basis of the “notional” range of goods and services covered by the respective specifications.

24. In deciding whether the goods and/or services covered by the opponents’ earlier mark are the same as, or similar to the applicants’ goods, I have considered the guidelines formulated by Jacob J in *British Sugar Plc v James Robertson & Sons Ltd* [1996] R.P.C. 281 (pages 296, 297) as set out below:

“...the following factors must be relevant in considering whether there is or is not similarity:

- (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 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 the trade classify goods, for instance whether market research companies, who of course act for the industry, put the goods or services in the same or different sectors.”

25. Whilst I acknowledge that in the view of the *Canon* judgement the *Treat* case may no longer be wholly relied upon, as can be seen from the following paragraph from the *Canon* judgement, the ECJ said the factors identified by the UK government in its submissions (which are listed in *Treat*) are still relevant in respect of a comparison of goods:

“23. 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, intended purpose and their method of use and whether they are in competition with each other or are complementary.”

26. Mr Tritton submitted that the onus of showing similarity in respect of the goods and/or services rested with the opponents. He accepted that in respect of “common or household” goods the registrar can take judicial notice and reach the decision on the question of similarity without evidence, but went on to argue that where, as in this case, the goods were large, highly specialised products, the registrar cannot assume that the goods are similar. He noted that the opponents had adduced no evidence that the goods covered by the application were similar to their own.

27. The criteria in *Treat* clearly indicates that consideration should be given to the nature of the goods, and the circumstances of the trade, and it is certainly true that evidence from or relating to the manner in which the market in the respective goods is conducted can be of considerable help in determining whether goods, and or services should be considered similar. This does not, however, mean that absent such evidence the registrar cannot make a judgement based upon his knowledge of the types of goods or services that fall within the class(es) in which the respective goods have been applied for or registered (as required by *Altecnic’s* application [2002] RPC 34), and the notional extent of the specification based upon the usual and ordinary meaning of the descriptions.

28. Neither the opponents’ nor the applicants’ specifications contain any qualifications or restrictions that would serve to move them into separate markets. Some of the goods and services listed in the specifications of the opponents’ earlier mark are clearly specialised in what they are, do, or where they are used. The applicants’ specification is expressed in more general terms, but notionally contains the same range from the simple to the sophisticated, and goes into the same area of trade. I must therefore proceed on the basis that the respective goods and services are capable of being of the type purchased by the public at large with minimal care and attention, to the technical used by the trained and knowledgeable professional who will make a deliberate and informed purchase. Notionally, the channels of



trade, the means by which they reach the point of sale, and the consumers of the respective goods are also the same.

29. Class 3 of the application covers “cleaning preparations”. The opponents’ earlier mark does not cover goods in Class 3 so the question is whether the goods or services that are listed are similar. Class 5 of the opponents’ earlier mark mentions, amongst other things, “detergents for use in cleaning medical devices”. In respect of the goods there is clearly similarity in the “nature” and “use”. I do not see why the users should not also be the same, or any reason why there should be a difference in the circumstances in which these goods and services are sold and obtained. They are, at the very least complementary, if not competitive, and I consider the goods covered by Class 3 of the application to be similar to the goods and/or services for which the opponents’ earlier mark is registered.

30. Class 5 of the opponents’ earlier mark specifically mentions “sterilizing” and “sanitizing” preparations, the self-same goods mentioned in the application, so clearly, in respect of this class, identical goods are involved.

31. The opponents’ earlier mark does not include goods in Class 7 so the question is again one of similarity. The goods in this class of the application cover “cleaning” apparatus at large, “filtering” and “sanitizing” apparatus, which are, in essence, also cleaning apparatus, and parts and fittings for such goods. Class 9 of the opponents’ earlier mark covers apparatus and devices for electro-chemical treatment of water-based solutions, a description that is capable of encompassing cleaning, and as such, the same purpose as the goods of the application. It also mentions computer software, hardware and firmware, amongst other things for monitoring and maintaining sterilisation systems, which could be a part for the applicants’ machines. However, whilst machines and apparatus for cleaning/filtration are to be found in Class 7, where the purpose is for sterilisation, such goods are, with the exception of scientific apparatus, or for use in medical procedures, proper to Class 11. So whilst Class 10 of the earlier mark covers sterilisation and disinfection apparatus, etc, and Class 40, the service of sterilisation or disinfection, for the reasons I have given, this cannot be the purpose of the applicants’ machines in Class 7.

32. The opponents’ specification for Class 37 covers the “cleaning...of surgical, medical, dental, veterinary, sterilisation and disinfection apparatus and instruments”. As I have said, whilst the applicants’ goods in Class 7 will not be for sterilisation, disinfection, as they have not stated them to be for cleaning anything in particular, they are notionally capable of being for cleaning the surgical, medical etc., apparatus and instruments, and in my view the opponents’ Class 37 specification is capable of covering the provision of a service that is the function of the applicants’ goods.

33. There is also a potential similarity in “use” between the applicants’ Class 7 specification, and the item “electro-chemical treatment” device/apparatus in Class 9 of the opponents’ earlier mark. In Class 9 the apparatus will be either purely electrical/electronic, or for a specialised, usually scientific purpose. Even so, this still leaves a similarity in the “use” to which the respective goods made be put, and I see no reason why the users, and the circumstances by which the goods are sold and obtained could not also be the same; I have no evidence to the contrary. These goods are at least complementary and potentially in competition. In summary, I find these goods to be similar.

34. Class 9 of the application covers “ozonizers” and parts for such apparatus, and Class 11, “sterilizers”, in particular, those that utilize ozone, and their parts and fittings. As can be seen from the description of the applicants’ goods in the evidence, these are used, inter alia, for the elimination of microbes, which to me is the act of sterilising or sanitising, in high and low care areas, or in other words, potentially hospitals and clinics. These are goods that, if not the same as, are certainly very similar to those for which the opponents’ earlier mark is registered. The services covered by Class 37 of the opponents’ earlier mark include the rental, hire, leasing of apparatus, etc., for the purpose of sterilisation and disinfection, notionally goods that are of the same nature, and for the same use as the apparatus covered by Classes 9 and 11 of the application. Given this, it seems reasonable to infer that the respective goods and the service will be provided to the same end consumer, albeit one through sale and the other on the basis of hire, lease, etc. That this presents the consumer with the choice of outright purchase or temporary acquisition to my mind places the applicants’ goods in Classes 9 and 11 in direct competition with the opponents’ “hire” services in Class 37. I find these goods and services to be similar.

35. Balancing all of the factors, and particularly taking into account the possibility of confusion through “imperfect recollection”, I come to the view that whilst there may be differences in the respective marks, these are outweighed by the elements in common. When other circumstances such as the identity/similarity in the goods/services, consumer and trading circumstances are factored in, it seems to me that should the applicants use their mark in relation to the goods for which they seek registration, this will lead the public to believe, and wrongly so, that the respective goods come from the same or linked undertakings. There being a likelihood of confusion, the opposition under Section 5(2)(b) succeeds.

36. In a letter dated 17 February 2006, the applicants indicated that they had an intention to restrict their specifications if the revision would be sufficient to remove the likelihood of confusion, but had not formally done so in case the Hearing Officer took the view that a more restricted or modified specification is appropriate. The restriction involved the deletion of Classes 3 and 5 in their entirety, and the limitation of the remaining specifications, as follows:

- Class 7:           Cleaning apparatus utilizing ozone; filtering apparatus utilizing ozone; sanitizing apparatus utilizing ozone; parts and fittings therefor.
- Class 9:           Ozonisers; parts and fittings therefor.
- Class 11          Sterilisers utilizing ozone; parts and fittings therefor.

37. In respect of Class 7 of the application, I came to the view that there was similarity with the “apparatus and devices for electro-chemical treatment of water-based solutions” listed in Class 9 of the opponents’ earlier mark, and the service of cleaning surgical, medical, dental, veterinary, sterilisation and disinfection apparatus and instruments. The revision to the specification still leaves the scope as notionally encompassing apparatus/devices for the same use, only that in the case of the applicants, it achieves this by using ozone. However, one possible solution could be by inserting a positive limitation:

“Cleaning apparatus utilizing ozone; filtering apparatus utilizing ozone; sanitizing

**apparatus utilizing ozone; all for use in the elimination of microbes and odours from high and low care areas, chillers, warehouses, transport containers or other defined spaces.”**

38. I have drawn this limitation from the evidence provided by the applicants, and it therefore reflects their actual use. To my mind it draws the clear distinction that the applicants’ goods are for use in respect of “defined spaces”, whereas the opponents’ goods and services that I considered to be in conflict are concerned with the treatment of a fluid, and the cleaning of apparatus and instruments. In my view, if the specification for Class 7 were to be revised as above, this would tip the balance against there being a likelihood of confusion.

39. Because the applicants’ goods still notionally encompass sterilization and disinfection, limiting the specification specifications proposed for Class 9 and Class 11 would not overcome the problem. The opponents’ goods and services that relate to sterilisation and disinfection are not restricted to any particular area, and as such, notionally encompass all areas of this activity, including those mentioned in the limitation, and whether provided by ionization or whatever.

**In summary, I find the opposition succeeds under Section 5(2)(b). However, in the event of no appeal being filed, if the applicants file a Form TM21 within one month from the end of the appeal period requesting the deletion of Classes 3, 5, 9 and 11 from the application, and limit their specification in Class 7 to:**

**“Cleaning apparatus utilizing ozone; filtering apparatus utilizing ozone; sanitizing apparatus utilizing ozone; all for use in the elimination of microbes and odours from high and low care areas, chillers, warehouses, transport containers or other defined spaces.”**

**I will allow this application to proceed to registration. If the applicants fail to file a TM21 within one month from the end of the appeal period the application will be refused in its entirety.**

The opposition having succeeded, albeit in part, I order the applicants to pay the opponents the sum of £2,500 as a contribution towards their costs. This sum is to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

**Dated this 7th day of December 2006**

**Mike Foley  
for the Registrar  
the Comptroller-General**

# Trade Mark Details as at 07 December 2006

## Case details for Trade Mark 2217154

### Mark

Mark Text :

STERILOX  
STERILOX  
STERILOX

Status:

Registered

Classes:

01 02 05 09 10 37 38 40 42

Mark claim/limit:

The applicant claims the colour blue as an element of the second mark in the series.  
Series of 3.

### List of goods and/or services

Class 01:

Chemicals used in industry, agricultural and science; unprocessed artificial resins; tempering and soldering preparations; chemical substances for preserving foodstuffs; adhesives used in industry; polyurethane coatings; medical-grade polyurethane coatings; medical-grade polyurethane coatings for use in long term implants; medical-grade polyurethane for coating medical devices; detergents; detergents for use in manufacturing operations; degreasing agents and materials.

Class 02:

Preservatives against corrosion; anti-corrosive coatings, preparations and products; anti-corrosive coatings, preparations and products for use in relation to sterilisation apparatus and medical devices.

Class 05:

Pharmaceutical, veterinary and sanitary preparations; dietic substances adapted for medical use; preparations for destroying vermin; fungicides; herbicides; sterilising and disinfectant solutions; rinse waters; disinfectants; super-oxidised water; biocidal solutions; biocides for the sterilisation of instruments; sterilisation and disinfection chemicals for use with medical devices; detergents for use in cleaning medical devices; lubricating agents for medical use; lubricating agents for coating medical devices; chemicals used in decontamination; but not including sanitary tampons, sanitary napkins, cotton wool for medical and surgical purposes, plasters, materials for dressing, compresses, swabs, bandages and bands for medical use, filled first aid kits or filled first-aid boxes.

Class 09:

Computer programs, computer software, computer hardware and computer firmware; computer programs, computer software, computer hardware and computer firmware for monitoring and maintaining local and remote sterilisation systems; scientific, measuring and checking apparatus and instruments; scientific, measuring and checking apparatus and instruments for monitoring and maintaining local and remote sterilisation systems; telecommunication apparatus; modems; telephone cable connection apparatus; computer software and telecommunications apparatus to enable connection to database and the Internet; computer software to enable searching of data; apparatus, installations and devices for electro-chemical treatment of water-based solutions; parts and fittings for all of the aforesaid.

Class 10:

Surgical, medical, dental and veterinary apparatus and instruments; sterilisation and disinfection apparatus and instruments; apparatus and instruments for producing sterilising and disinfection solutions, super-oxidised water and rinse water; parts and fittings for all of the aforesaid goods.

Class 37:

Cleaning, repair and maintenance of surgical, medical, dental and veterinary apparatus and instruments; cleaning, repair and maintenance of sterilisation apparatus and instruments, disinfection apparatus and instruments and apparatus and instruments for producing sterilising and disinfection solutions, superoxidised water and rinse water; cleaning, repair and maintenance of apparatus, installations and devices for electro-chemical treatment of water-based solutions; rental, hire leasing of surgical, medical, dental and veterinary apparatus and instruments; rental, hire leasing of sterilisation apparatus and instruments, disinfection apparatus and instruments and apparatus and instruments for producing sterilising and disinfection solutions, super-oxidised water and rinse water; cleaning and degreasing of materials; cleaning and degreasing of implants and medical devices; consultancy, information and advisory services relating to all of the aforesaid.

Class 38:

Telecommunication of information; telecommunication of information relating to the performance of local and remote sterilisation systems; provision of telecommunication access and links to computer database and the Internet; consultancy, information and advisory services relating to all of the aforesaid.

Class 40:

Treatment of water; sterilisation and disinfection of materials; decontamination services; treatment of materials with anti-corrosive coatings, preparations and products; treatment of sterilisation apparatus and medical devices with anti-corrosive coatings, preparations and products; treatment of implants and medical devices; coating of implants and medical devices with medical-grade polyurethane coatings; rental, hire and leasing of apparatus, installations and devices for electro-chemical treatment of water-based solutions; consultancy, information and advisory services relating to all of the aforesaid.

Class 42:

Providing access to and leasing access time to computer data bases; providing access to and leasing access time to computer data bases relating to the performance of local and remote sterilisation systems; consultancy, information and advisory services relating to all of the aforesaid.

## Relevant Dates

Filing Date:

9 December 1999

Next Renewal Date:

9 December 2009

Registration Date:

30 November 2001

## Publication in Trade Marks Journal

|              | <b>Journal Page</b> | <b>Publication Date</b> |
|--------------|---------------------|-------------------------|
| First Advert | 6392 14353          | 15 August 2001          |
| Registration | 6412                | 9 January 2002          |

## Names and Addresses

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