

O/934/22

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. 3678141

**IN THE NAME OF
YX CO., LIMITED**

**TO REGISTER THE FOLLOWING TRADE
MARK:**

TEKOMAN

IN CLASS 7

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 428273
BY GROUPE ADEO**

Background and pleadings

1. On 6 August 2021, YX Co., Limited (“the applicant”) applied to register the trade mark “Tekoman” in the UK under application number 3678141. It was accepted and published in the Trade Marks Journal on 17 September 2021. The applicant seeks protection for the following goods in class 7:

Electric drills; Electric power tools; Compressed air pumps; Electric hand-held drills; Electric mixers for household purposes; Electric pumps; Engraving machines; Fruit presses, electric, for household purposes; Glue guns, electric; Electric food processors; Knives, electric; Saw benches being parts of machines; Scissors, electric; Screwdrivers, electric; Shears, electric; Spray guns for paint; Tilling machines for agricultural use; Vacuum cleaners; Welding apparatus, gas-operated; Welding machines, electric; 3D printing pens.

2. On 17 November 2021, GROUPE ADEO (“the opponent”) opposed the application on the basis of Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). This is on the basis of the following UK Trade Mark:

Trade mark no.	3703288
Trade Mark	TEKNOMAN
Filing and Registration Date	Priority date: 13 September 2018 ¹ UK filing date: 29 September 2021 Date of entry in register: 27 May 2022

3. The opponent relies upon all its registered goods in classes 6, 7, 8 and 16 and all registered services in classes 35 and 40 as set out in the annex of this decision.

¹ On 1 January 2021, the UK left the EU after the expiry of the transition period. Under Article 59 of the Withdrawal Agreement between the UK and EU, applications for EUTMs made before the end of the transition period that had received a filing date can form the basis of a UK application with the same filing date as the corresponding EUTM, provided they were filed within 9 months of the end of the transition period. The opponent’s EUTM number 18035711 was filed at the EUIPO on 13 March 2019 with a priority date of 13 September 2018, whereas its UK application was filed on 29 September 2021. Accordingly, the UK registration retains its priority filing date of 13 September 2018.

4. By virtue of its priority date of 13 September 2018, the above registration constitutes an earlier mark within the meaning of section 6 of the Act.

5. The opponent submits that there is a likelihood of confusion because the applicant's registration is highly similar to the opponent's and the respective goods are identical or similar.

6. The applicant filed a counterstatement denying all claims made by the applicant.

7. Both parties are professionally represented in these proceedings; the opponent by Haseltine Lake Kempner LLP and the applicant by Bailey Walsh & Co LLP. Neither party filed evidence in these proceedings. No hearing was requested but the opponent did file written submissions in lieu. This decision is taken following a careful perusal of the papers.

8. 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 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

9. As the opponent's mark had not completed its registration process more than 5 years before the filing date of the application in issue, it is not subject to proof of use pursuant to section 6A of the Act. The opponent can, therefore, rely upon all of the goods and services it has identified.

Decision

10. Section 5(2)(b) of the Act is 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”.

11. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P.

The principles:

- (a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;
- (b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;
- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- (d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is

permissible to make the comparison solely on the basis of the dominant elements;

- (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components; (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- (g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;
- (h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- (i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- (j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;
- (k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

Comparison of goods and services

12. When making the comparison, all relevant factors relating to the goods in the specification should be taken into account. In *Canon*, the Court of Justice of the European Union (“CJEU”) stated at paragraph 23 of its judgment:

“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”.

13. 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 users of the respective goods or services;
- b) The physical nature of the goods or acts of services;
- c) The respective trade channels through which the goods or services reach the market;
- d) 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;
- e) 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.

14. The General Court (“GC”) confirmed in *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T-133/05, that, even if goods are not worded identically, they can still be considered identical if one term falls within the scope of another (or vice versa):

“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 fur 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”.

15. For the purposes of considering the issue of similarity of goods and services, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux- Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38).

16. The goods and services to be compared are as set out in paragraph 1 and the annex of this decision.

17. The terms *Spray guns for paint; Glue guns, electric; Screwdrivers, electric; Electric hand-held drills; Electric drills; Knives, electric; Shears, electric and Vacuum cleaners* in the applicant’s specification all have identical counterparts in the opponent’s specification.

18. I consider the term *Pumps [machines]* in the opponent’s specification would encompass the terms *Compressed air pumps* and *Electric pumps* in the applicant’s specification. They are therefore identical on the principles outlined in *Meric*.

19. *Machines and machine tools for agriculture, DIY and gardening* in the opponent’s specification would encompass the applicant’s *Tilling machines for agricultural use*. On that basis, they are identical in line with *Meric*.

20. I find that *Electric power tools* and *Scissors, electric* in the applicant’s specification are encompassed by *Motor-powered or electric tools and instruments for DIY and gardening* in the opponent’s specification and they are therefore identical in line with *Meric*.

21. I consider the opponent's *Machines and machine tools for working metal, wood or plastics* encompasses the terms *Welding apparatus, gas-operated* and *Welding machines, electric*. They are therefore identical in line with *Meric*.

22. *3D printing pens* use plastic filaments to draw physical objects. From this, I consider that this term in the applicant's specification would be included in the opponent's *Machines and machine tools for working metal, wood or plastics* and is therefore identical on the principles outlined in *Meric*.

23. I consider that the applicant's *Electric mixers for household purposes; Fruit presses, electric, for household purposes* and *Electric food processors* share the same purpose as the opponent's *Kitchen apparatus and machines (not hand-operated or electric) for chopping, grinding, squeezing, cutting, grating, peeling or mixing*. Their nature may differ as the applicant's goods are electronic whilst the opponents are not however, I consider they would share the same users. Consumers may face the choice of purchasing an electronic or non-electronic version of these items and to that extent, the respective goods have a competitive relationship. I also consider that trade channels would overlap however, I do not find that the goods share a complementary relationship. Overall, I consider there to be a high degree of similarity between these goods.

24. The applicant's *Saw benches being parts of machines* are different in terms of nature and purpose to the opponent's *Saws (machines) and saw blades* however, I consider that they are important or indispensable to one another to the extent that consumers would believe that they derive from the same undertaking and on that basis I find they enjoy a complementary relationship.² I also find that the users and trade channels would overlap however, I do not consider there to be any degree of competition between these goods. Consequently, I find there is a medium degree of similarity between these goods.

25. I find that the applicant's *Engraving machines* and the opponent's *Graving tools [hand tools]* may differ in nature however, they have a common purpose and I consider there would be an overlap in users and trade channels. There would also be a degree

² *Boston Scientific Ltd v OHIM*, Case T-325/06

of competition if consumers were to choose between purchasing an engraving machine or hand tools for the purposes of graving. However, I am not convinced that the goods share a complementary relationship. Overall, I find there is a high degree of similarity between these goods.

The average consumer and the nature of the purchasing act

26. 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 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.”

27. The opponent submits that the average consumer will comprise members of the general public as the goods are everyday household items and DIY tools and that an average degree of attention will be paid during the purchasing process.

28. In their submissions, the opponent asserts that the average consumers for the contested goods will include members of the general public. I agree that this may be the case for some goods intended to be used in the home such as vacuum cleaners and electric mixers for household purposes however, I also note that some of the goods at issue comprise of tools and machines for use in agriculture or industry so I find that industry professionals will make up the average consumer group for these goods. The goods are not everyday purchases and may be relatively expensive. I

consider that members of the general public will pay at least a medium degree of attention during the selection process for the goods at issue whereas the professional consumer may pay a higher than medium level of attention during the selection, to ensure that the product chosen is fit for purpose.

29. The average consumer is likely to purchase the goods from DIY or specialist suppliers either in a retail premises or from a website or catalogue. Consequently, visual considerations are likely to dominate the selection process. However, I do not discount that there may be an aural element to the purchase of these goods, given that advice may be sought from sales representatives or by telephone.

Comparison of marks

30. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in 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 relevant 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.”

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

32. The marks to be compared are as follows:

Opponent's mark	Applicant's mark
TEKNOMAN	Tekoman

Overall impression

33. The opponent's mark consists of the word "TEKNOMAN" presented in upper case font. There are no other elements to contribute to the overall impression which lies in the word itself. The applicant's mark consists of the word "Tekoman" in a standard font. Again, there are no other additional elements resulting in the overall impression lying in the word itself.

Visual comparison

34. Both parties' marks begin with the letters "TEK" and end with the letters "OMAN". The point of visual difference is created by the presence of the letter "N" in the centre of the opponent's mark which is not present in the applicant's mark. I note that the opponent's mark is presented entirely in upper case letters whereas the applicant's mark is not however, registration of a word only mark covers use in any standard typeface and so differences created by the font will not be relevant to my assessment. Consequently, I consider the marks to be visually similar to a high degree.

Aural comparison

35. The opponent's mark will be pronounced in three syllables as TEK-NO-MAN while the applicant's mark will be pronounced in three syllables as TEK-O-MAN. The only point of difference between the marks is the NO versus the O sound in the second

syllable of the marks and as such, I consider the marks to be aurally similar to a high degree.

Conceptual comparison

36. Conceptually, the applicant's mark is likely to be seen as an invented word with no attributable meaning. The opponent's mark may also be perceived as an invented word. If that is the case, the marks will be conceptually neutral. The applicant in their counterstatement submits that the opponent's mark may be perceived as two words "Techno man" with the term techno meaning "fast electronic dance music with a regular beat" or "relating to or involving technology". As such, TEKNOMAN may mean "a man who likes fast electronic dance music with a regular beat" or "a man who is good at technology". I agree that in a small number of cases, this is how the opponent's mark may be perceived and in cases such as this, the marks would be conceptually dissimilar.

Distinctive character of the earlier mark

37. The distinctive character of a trade mark can be appraised only, first, by reference to the goods in respect of which registration is sought and, secondly, by reference to the way it is perceived by the relevant public – *Rewe Zentral AG v OHIM (LITE)* [2002] ETMR 91. In determining the distinctive character of a trade mark and, accordingly, in assessing whether it is highly distinctive, it is necessary to make an overall assessment of the greater or lesser capacity of the trade mark to identify the goods for which it has been registered as coming from a particular undertaking and thus to distinguish those goods from those of other undertakings - *Windsurfing Chiemsee v Huber and Attenberger* Joined Cases C-108/97 and C-109/97 [1999] ETMR 585. In *Lloyd Schuhfabrik*, 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 I-0000, paragraph 49).

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

38. 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, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use that has been made of it.

39. The opponent has not filed any evidence to support that the earlier mark’s distinctive character has been enhanced through use. Consequently, I have only the inherent position to consider.

40. As outlined previously in my conceptual comparison, the opponent’s mark is an invented word which may have no attributable meaning to the registered goods and services and as such, holds an above medium level of inherent distinctiveness. I accept in some cases though that TEKNOMAN may be perceived by some consumers as an alternative spelling for TECHNOMAN and in cases such as this, I find the earlier mark would hold a medium degree of inherent distinctiveness.

Likelihood of confusion

41. There is no simple formula for determining whether there is a likelihood of confusion. I must make a global assessment of the competing factors (*Sabel* at [22]), keeping in mind the interdependency between them (*Canon* at [17]) and considering the various factors from the perspective of the average consumer. In making my assessment, I must bear in mind 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 he has retained in his mind (*Lloyd Schuhfabrik* at [26]).

42. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one trade mark for the other, while indirect confusion is where the average consumer realises the trade marks are not the same but puts the similarity that exists between the trade marks and goods down to the responsible undertakings being the same or related.

43. I have found the marks to be visually and aurally similar to a high degree. I found the marks to be conceptually neutral in cases where the respective marks were perceived as an invented word but in cases where the opponent's mark is seen as an alternative spelling for TECHNOMAN, I found the marks conceptually dissimilar. In cases where the earlier mark was perceived as an invented word, I have found the earlier mark to have an above medium level of inherent distinctive character but if the term is understood by some consumers as TECHNOMAN, I found the mark held a medium degree of distinctive character. I identified the average consumer to be either a member of the general public or an industry professional who will select the goods predominantly by visual means, though I do not discount an aural element to the purchase. I have concluded that at least a medium degree of attention will be paid during the purchasing process by the general public whereas the professional consumer would pay a higher than medium level of attention. I have found the goods to range from a medium degree of similarity to identical.

44. I first note that the respective marks overlap in respect of the first three letters and last four letters with the only point of difference being the presence of the letter N in the middle of the opponent's mark. The fact that I found the majority of the goods to

be identical or at least similar to a medium degree is also a factor weighing in the opponent's favour. Further, I am reminded that when making a global assessment, the visual, aural and conceptual aspects of the marks do not always hold the same weight³ and in relation to the goods, I have found that visual aspects will dominate during the purchasing process. Even if I found the marks to be conceptually neutral or dissimilar, this does not neutralise the visual and aural similarities previously established.⁴ With this in mind, I find that the single point of difference in the letter N of the opponent's mark may go unnoticed by the average consumer even when paying a higher than medium degree of attentiveness, especially when taking into account its position in the centre of the mark. Considering these factors alongside the interdependency principle, I find that the average consumer is unlikely to recall the differences between the marks and as such, there is a likelihood of direct confusion.

45. Having found a likelihood of direct confusion, I now go on to consider indirect confusion.

46. For a finding of indirect confusion, I would need to conclude that consumers will notice the common TEK and OMAN elements and assume that the marks are from the same or related undertakings. I am not convinced that the presence of the letter N positioned centrally in the opponent's mark is a signifier of a brand extension or a sub-brand and, as such, I do not see a logical step which would cause consumers to be indirectly confused. Instead, I find the average consumer would put the presence of the common TEK and OMAN elements down to coincidence rather than an economic connection⁵ and consequently, I do not find there to be any likelihood of indirect confusion.

CONCLUSION

47. The opposition under section 5(2)(b) of the Act has succeeded in full. Subject to any successful appeal against my decision, the application will be refused in the UK.

³ See *New Look Limited v OHIM*, joined cases T-117/03 to T-119/03 and T-171/03

⁴ See *Nokia Oyj v OHIM*, Case T-460/07

⁵ See *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17

COSTS

48. The opponent has been successful and is entitled to a contribution towards its costs. Awards of costs in proceedings commenced after 1 July 2016 are governed by Annex A of Tribunal Practice Notice ('TPN') 2 of 2016. Using that TPN as a guide, I award the opponent the sum of £600 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Official fees:	£100
Preparing a statement and considering the other side's statement:	£200
Filing submissions:	£300

49. I therefore order YX Co., Limited to pay the sum of £600 to GROUPE ADEO. 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 27th day of October 2022

Catrin Williams
For the Registrar

Annex 1- Goods and services relied upon by the opponent

Class 6: Common metals and their alloys; Metal building materials; Construction elements of metal; Buildings of metal (transportable or not); Monuments of metal; Materials of metal for railway tracks; Non-electric cables and wires of common metal; Non-electric locks of metal, chains of metal; Metal hardware; Screws, nails and nuts and bolts of metal; Rings of metal; Pipes and tubes of metal; Roofs and roof coverings of metal; Tiles of metal; Framework of metal for building; Metallic divisions [partitions]; Building boards of metal; Stair rails of metal; Tiles of metal for building and tile floorings of metal; Doors and door frames of metal (except vehicle doors), door stops of metal and door frames of metal; Armour plating, door handles and knobs of metal, bolts, padlocks, keys, pegs and hinges of metal, bells; Windows and window frames of metal; Window stops of metal, window frames of metal; Shutters of metal; Outdoor blinds of metal; Floor boards of metal; Laths of metal; Threshold strips of metal; Staircases of metal; Cornices of metal; Fences, gratings and grilles of metal; Protective bars of metal; Gates and barriers of metal; Palings of metal; Metal pickets; Pipes and tubes of metal; Reels and winding spools of metal, non-mechanical, for flexible hoses; Safes; Ores; Boxes of common metal, chests and containers of metal; Packaging containers of metal; Letter boxes of metal; Boxes of metal with locks; Empty tool boxes, cases and chests of metal; Reinforcing materials of metal for concrete and shuttering of metal for concrete; Metal rods for brazing and welding; Cabanas of metal; Framework scaffolding of metal; Metal stepladders and ladders; Workbenches of metal; Works of art, statues or figurines (statuettes) of common metal; Letter boxes; Swimming pools (metal structures); Diving boards of metal; Safety fences of metal; Rainwater collectors of metal, in particular tanks and wells of metal; Duckboards of metal; Tree protectors of metal; Compost bins and silos and waste composters of metal; Garden sheds of metal; Pergolas of metal; Arbours of metal, gazebos of metal; Greenhouses of metal, transportable; Carports of metal; Barbed wire; Metal clothes hooks; Grab rails of metal; Tombs (Monuments of metal for -); Numberplates of metal; Wainscoting of metal.

Class 7: Machines and machine tools for agriculture, DIY and gardening; Machines and machine tools for construction and public works; Machines and machine tools for working metal, wood or plastics; Machines and machine tools for packaging and

wrapping; Machines and machine tools for the textile industry; Cultivators [machines]; Motorized cultivators; Lawnmowers (machines); Crushing machines; Motors and engines (except for land vehicles); Machine couplings (non-electric) and transmission components (except for land vehicles); Motor-powered or electric tools and instruments for DIY and gardening; Electric hand drills, electric hand-held screwdrivers; Planing machines; Spray guns for paint, electric glue guns, soldering apparatus; Electric shears; Saws (machines) and saw blades; Concrete mixers [machines]; Gas-operated blow torches; Blowing engines; Mechanical winding spools and reels for flexible pipes; Agricultural implements other than hand-operated; Incubators for eggs; Pumps [machines]; Basement sump pumps; Electricity generators; Washing apparatus; Machines and apparatus for cleaning, in particular high-pressure cleaning apparatus and cleaning appliances utilising steam; Apparatus and robots for cleaning swimming pools; Filtering machines; Electrical appliances for domestic cleaning purposes; Vacuum cleaners, Vacuum cleaner bags and hoses; Washing machines, in particular washing machines (laundry), dishwashers; Carpet shampooing (Machines and apparatus for -), electric; Kitchen apparatus and machines (not hand-operated or electric) for chopping, grinding, squeezing, cutting, grating, peeling or mixing; Electric knives; Electric can openers; Curtain drawing devices, electrically operated; Shredders; Wind turbines; Electric devices for opening or closing doors, gates, windows, shutters and blinds; Screw extractors [machines]; Electric nail extractors; Pile-extractors; Extractors for mines; Electric juicers; Automated laundry detergent dispensers.

Class 8: Hand tools and implements (hand-operated), in particular hand tools and implements (hand-operated) for agriculture, DIY and gardening; Hoe-forks, Hoes, Claws (tools), Forks, Rakes [hand tools], Spades, Spades (hand tools), Shovels [hand tools], Hoes [hand tools], Scarifiers (tools), Hoes [hand tools], Sowers (tools), spreaders (tools), Lawn clippers [hand instruments], Tree pruners, Non-electric scissors (tools) and shears, Hedge trimmers (hand instruments), Scythes and Sickles, Saws (tools) and saw blades (parts of tools), shears pliers, Spanners, Hammers [hand tools], Cutters, Nail drawers [hand tools]; Mitre [miter (Am.)] boxes [hand tools], Graving tools [hand tools], Squares; Vices; Insecticide sprayers [hand tools]; Hand tools for artists, in particular spatulas, sculptors' chisels; Tool belts [holders]; Cutlery, non-electric; Can openers, non-electric; Side arms; Razors; Hand-operated kitchen

tools and instruments for chopping, grinding, squeezing, cutting, grating, peeling or mixing; Fireplace bellows [hand tools]; Insecticide sprayers (hand tools); Screw extractors [hand operated tools].

Class 16: Paper and cardboard (untreated, semi-finished or for stationery or printing); Printed matter, forms, newspapers, books, manuals, prospectuses, pamphlets, magazines, catalogues, posters and calendars; Bookbinding material; Photographs; Stationery; Adhesives for stationery or household purposes; Stickers [stationery]; Wall stickers for interior decoration; Wall coverings (decorative adhesive); Window stickers; Artists' materials; Paper stationery; Paint brushes; Paint brushes; House painters' rollers; Typewriters and office requisites (except furniture); Instructional and teaching material (except apparatus); Printers' type; Printing blocks; Wrapping paper; Bags (envelopes, pouches) of paper or plastics, for packaging; Bubble packs (Plastic -) for wrapping or packaging; Garbage bags of paper or of plastics; Boxes of cardboard or paper; Cardboard containers; Handkerchiefs of paper; Face towels of paper; Table linen of paper; Engravings or lithographic works of art; Framed or unframed paintings or graphic prints; Aquarelles; Patterns for dressmaking; Covers of paper for flower pots; Automatic adhesive dispensers for office use.

Class 35: Advertising; Business management; Business administration; Office functions; Organization of exhibitions for commercial or advertising purposes; Sales promotion for others; Retail services in connection with goods for the fields of building, DIY, decoration and gardening; Retail services in connection with chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, water treatment preparations, filtering materials (mineral and vegetable substances), manures, soil-conditioning preparations, fertilisers, compost, humus and humus top dressing; Retail services in connection with soil for growing, topsoil and potting soil, fire extinguishing compositions, tempering and soldering preparations, chemical substances for preserving foodstuffs, flower preservatives, chemical chimney cleaners, cement preservatives and cement-waterproofing preparations (except paints and oils), fireproofing preparations, tanning substances; Retail services in connection with adhesives for use in industry, size for finishing and priming, adhesives for wallpaper, tiles and floor coverings, salt for preserving, other than for foodstuffs, salts for industrial

purposes, chemical reagents, other than for medical or veterinary purposes, decolorants for industrial purposes, moisture absorbers, oil cement (putty), dyes, paints and varnishes (other than insulators), lacquers (paints); Retail services in connection with preservatives against rust and against deterioration of wood, colorants, mordants (not for metals or for seeds), raw natural resins, metals in foil and powder form for use in painting, decorating, printing and art, coatings (paints), thinners for paints, binding preparations for paints, fireproof paints, bactericidal paints, protective preparations for metals, anti-corrosive preparations; Retail services in connection with anti-rust preparations, sealants, colorants for dyeing clothing and furniture coverings, wood stains, bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, laundry blueing, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, scented wood; Retail services in connection with potpourris (fragrances), room fragrances, leather preservatives (polishes), creams for leather, polishing creams, floor wax, polishing wax, wood oils, abrasives (except dental abrasives), polishing paper, sandpaper, scouring solutions, rust removing preparations, preparations for unblocking drain pipes, shampoos for floor coverings; Retail services in connection with stain removers, descaling preparations for household purposes, detergents other than for use in manufacturing operations and for medical purposes, laundry preparations, cleaning preparations, household cleaning preparations, degreasers, other than for use in manufacturing processes, shining preparations (polish), including preparations to make the leaves of plants shiny, industrial oils and greases, lubricants; Retail services in connection with dust absorbing, wetting and binding compositions, fuels (including motor spirit) and illuminants, candles and wicks for lighting, lighting fuel, firewood and charcoal (fuel), firelighters, perfumed candles, candles, dust removing preparations, firewood, pharmaceuticals and veterinary preparations; Retail services in connection with sanitary preparations for medical and personal hygiene purposes (except toiletries), dietetic substances adapted for medical use, food for babies, plasters, materials for dressings (except instruments), material for stopping teeth, dental wax, disinfectants for medical or sanitary purposes (except soaps), deodorants, other than for personal use, preparations for destroying vermin; Retail services in connection with fungicides, herbicides, insecticides, parasiticides, acaricides, weedkillers, common metals and their alloys, metal materials for building and construction, building materials of metal, transportable buildings of metal, monuments of metal, materials of

metal for railway tracks, non-electric cables and wires of common metal, non-electric ironmongery of metal, chains of metal; Retail services in connection with small items of metal hardware, screws, nails, nuts and bolts of metal, rings of metal, pipes and tubes of metal, roof coverings and roofing of metal, tiles of metal, framework of metal for building, partitions of metal, building panels of metal, stair rails of metal, building tiles of metal and tiles of metal, doors and door frames of metal (other than vehicle doors); Retail services in connection with door frames of metal, door stops of metal and door casings of metal, armour-plating, door handles and doorknobs of metal, bolts, padlocks, keys, plugs and hinges of metal, door bells, windows and window frames of metal, window stops of metal, window casings of metal, shutters of metal, outdoor blinds of metal, floors of metal, laths of metal; Retail services in connection with threshold strips of metal, staircases of metal, roof gutters of metal, fences, gratings and mesh of metal, protective bars of metal, gates and barriers of metal, palings of metal, pickets of metal, pipes of metal, non-mechanical reels and winding spools of metal for flexible hoses, safes, ores, boxes of common metal, chests and containers of metal, packaging containers of metal; Retail services in connection with letter boxes of metal, key cabinets, tool boxes of metal, reinforcing materials, of metal, for concrete and shuttering of metal for concrete, rods of metal for brazing and welding, buildings of metal, cabanas of metal, scaffolding of metal, ladders and steps (ladders) of metal, work benches of metal, works of art, statues or figurines (statuettes) of common metal, chimneys of metal and parts therefor; Retail services in connection with swimming pools (structures) of metal, diving boards of metal, security barriers of metal, rainwater collectors of metal, in particular vats and wells of metal, duckboards of metal, tree protectors of metal, compost bins and silos and waste composters of metal, garden sheds of metal, pergolas of metal, arbours of metal, gazebos of metal, transportable greenhouses of metal; Retail services in connection with carports of metal, barbed wire, wire for aerials, clothes hooks of metal, grab bars of metal, monuments of metal for tombs, registration plates of metal, machines and machine tools for use in agriculture, DIY and gardening, machines and machine tools for building and public works; Retail services in connection with machines and machine tools for use in metallurgy, woodworking or plastics processing, machines and machine tools for packaging or packing, machines and machine tools for the textile industry, cultivators (machines), motorised cultivators, lawnmowers (machines), grinding machines, motors and engines, except for land vehicles, non-electric machine

coupling and transmission components, except for land vehicles; Retail services in connection with motorised or electric DIY and gardening tools and instruments, electric hand drills, hand-operated electric screwdrivers, planing machines, spray guns for paint, electric glue guns, soldering apparatus, electric shears, saws (machines) and saw blades, mechanical reels and winding spools for flexible hoses, extractors, agricultural implements, other than hand-operated hand tools, incubators for eggs; Retail services in connection with pumps (machines), basement sump pumps, generators of electricity and power generators, wind turbines, washing apparatus, cleaning machines and apparatus, in particular high pressure washers and cleaning appliances utilising steam, cleaning apparatus and robots for swimming pools, filtering machines, electric cleaning appliances for household purposes, vacuum cleaners, bags and hoses for vacuum cleaners; Retail services in connection with machines for washing purposes, in particular washing machines, dishwashers, electric machines and apparatus for carpet shampooing, kitchen apparatus and machines (other than hand-operated or electric) for chopping, grinding, squeezing, cutting, grating, peeling or mixing, electric knives, electric tin openers, electrically operated curtain drawing devices, electric devices for opening and closing doors, patio doors, shutters and blinds, waste disposals; Retail services in connection with grinding machines, hand-operated hand tools and implements, in particular hand-operated hand tools and implements for use in agriculture, DIY and gardening, hoe-forks, hoes, clawed tools, forks, rakes (tools), spades (hand tools), shovels (hand tools), pickaxes, scarifiers (tools), hoes (hand tools), sowers (tools), spreaders (tools), lawn clippers (hand instruments), tree pruners, non-electric scissors (tools) and shears; Retail services in connection with hedge trimmers (hand implements), scythes and sickles, saws (hand tools) and saw blades (parts of hand tools), pliers, pincers, spanners (hand tools), hammers (hand tools), cutters, nail drawers (hand tools), mitre boxes (hand tools), graving tools (hand tools), squares (hand tools), vices, insecticide sprayers (hand tools), hand tools for artists, in particular spatulas, sculptors' chisels, tool belts (holders), non-electric cutlery, forks and spoons, non-electric tin openers; Retail services in connection with nutcrackers, side arms, other than firearms, razors, hand-operated kitchen tools and implements for chopping, grinding, squeezing, cutting, grating, peeling or mixing, fireplace bellows (hand tools), insecticide vaporisers (hand tools), scientific, nautical, surveying, photographic, cinematographic, weighing, measuring, signalling, checking (inspection), life-saving and teaching apparatus and

instruments; Retail services in connection with optical apparatus and instruments for DIY and gardening, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity or electricity derived from solar power, photovoltaic cells, heliographic apparatus, solar panels and sensors, fuses, plugs, sockets and other contacts (electric connections) and covers for electric outlets, apparatus for recording, transmitting or reproducing sound or images; Retail services in connection with magnetic data media, acoustic or optical discs, automatic vending machines and mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment and computers, computer software (recorded programmes), fire extinguishers, electric batteries, detectors, electric cables and wires, electric relays; Retail services in connection with combinations (clothing), clothing for protection against accidents, irradiation and fire, protective goggles, helmets and gloves for DIY and gardening, protection devices for personal use against accidents, alarm and security systems for the protection of property and individuals, central alarm units, swimming pool alarms, video surveillance apparatus; Retail services in connection with sensors and detectors, in particular motion sensors, smoke detectors, bells (warning devices), anti-theft warning devices, fire alarms, electric locks, intercoms, peepholes (magnifying lenses) for doors, electric doorbells, thermostats, light dimmers (regulators), electric batteries, solar batteries, rechargeable batteries, weather stations, digital terrestrial television decoders, covers for electric outlets; Retail services in connection with thermometers, not for medical purposes, apparatus and installations for lighting, heating, steam generating, cooking, cooling, drying, ventilating, water supply and sanitary purposes, air-conditioning apparatus and installations, fans (air-conditioning), water purifying and/or softening apparatus, instruments and installations, fountains, water filtering apparatus; Retail services in connection with air purifying apparatus and machines, air humidifiers and dehumidifiers, heat exchangers, hot water bottles, lights, lamps, chandeliers, ceiling lights, wall lights, lamp shades, light bulbs, electric torches, outdoor solar lighting, electric lights for Christmas trees, radiators, boilers, water heaters, heat pumps, Wood burning stoves, solar collectors (heating), refrigerators, ovens, cooktops, extractor hoods for kitchens, wash-hand basins (parts of sanitary installations), bath tubs, showers, toilets, toilet lids, toilet seats, in particular for children, elderly or disabled people, sinks, bidets, water flushing installations, sauna installations, spas, taps and valves, barbecues; Retail services in connection with vehicles, apparatus for

locomotion by land, by air or by water, motors for land vehicles, trailers (vehicles), trailer hitches for vehicles, vehicles for DIY or gardening, wheelbarrows, handling carts, two-wheeled trolleys, precious metal and their alloys, other than for dental use, jewellery, precious stones, horological and chronometric instruments, sundials, key rings (split rings with trinket or decorative fob); Retail services in connection with works of art, statues or figurines (statuettes) of precious metal, jewellery cases or boxes of precious metal, paper and cardboard (unprocessed, semi-processed, or for stationery or printing), printed matter, newspapers, books, handbooks (manuals), prospectuses, pamphlets, magazines, catalogues, posters and calendars, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, adhesive stickers (stationery); Retail services in connection with wall stickers for interior decoration, wall coverings (decorative stickers), window stickers, materials for artists, drawing instruments, paintbrushes, brushes (paintbrushes), house painters' rollers, typewriters and office requisites (except furniture), instructional and teaching materials (except apparatus), printers' type, printing blocks, paper for packaging; Retail services in connection with bags (envelopes, pouches) of paper or of plastic, for packaging, plastic bubble packs for wrapping or packaging, rubbish bags of paper or plastic, boxes of cardboard or paper, cardboard articles, handkerchiefs of paper, face towels of paper, table linen of paper, engravings or lithographic works of art, framed or unframed paintings (pictures), aquarelles; Retail services in connection with photographs, sewing patterns, flower-pot covers of paper, rubber, gutta-percha, gum, asbestos, mica, semi-processed plastic products, packing, stopping and insulating materials, flexible pipes, tubes and hoses, not of metal, rubber stoppers, junctions, not of metal, for pipes, watering hoses, waterproof or insulating packings, seals, sealant compounds for joints, insulating paints, varnishes and coatings; Retail services in connection with padding, cushioning and stuffing materials of rubber or plastics, plastic sheeting for agricultural purposes, foils of metal for insulating, gloves, tape, fabric or varnish for insulating purposes, artificial or synthetic resins (semi-processed products), fibreglass or glass wool for insulation, leather and imitations of leather, animal skins and hides, umbrellas, parasols, whips, harness and saddlery; Retail services in connection with bags (envelopes, pouches) of leather, for packaging, boxes of leather or leatherboard, trimmings of leather for furniture, furniture coverings of leather, materials, not of metal, for building and construction, building components, not of metal, rigid pipes, not of metal, for building, asphalt, pitch and bitumen,

transportable buildings, not of metal, monuments, not of metal, structures, not of metal, fences; Retail services in connection with grilles, mesh fences, pickets, screen walls, pergolas, gates and barriers, not of metal, arbours, not of metal, garden sheds, not of metal, carports, not of metal, scaffolding, not of metal, chimneys, not of metal, and parts therefor, letter boxes of masonry, tiles, slates, roof coverings and roofing, not of metal, framework, not of metal, for building; Retail services in connection with partitions, not of metal, building panels, not of metal, stair rails not of metal, tiles, not of metal, for building and tile floorings, not of metal, doors and door frames, not of metal (except for vehicle doors), door frames, not of metal, door casings, not of metal, windows and window frames, not of metal, window casings, not of metal, shutters not of metal; Retail services in connection with outdoor blinds, not of metal and not of textile, duckboards, not of metal, floors, not of metal, laths, not of metal, parquet flooring, wainscotting, tile floorings not of metal, threshold strips, not of metal, staircases, not of metal, roof gutters, not of metal, protective bars, not of metal, palings, not of metal, building glass, insulating glass for building, windows, stained-glass windows, concrete, cement; Retail services in connection with coatings (building materials), lime, cabanas, not of metal, works of art, statues or figurines (statuettes) of stone, concrete or marble, building timber, wood, semi-worked, manufactured timber, veneer wood, decorative panels, not of metal, swimming pools (structures) not of metal, diving boards, not of metal, security barriers, not of metal, grab bars, not of metal; Retail services in connection with monuments, not of metal, for tombs, furniture, in particular kitchen, bathroom and garden furniture, mirrors, picture frames, picture frame brackets, beds and bedding, works of art or decorative objects of wood, wax, plaster, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics; Retail services in connection with clothes hangers, clothes hooks, not of metal, cushions, shelves, racks (furniture), packaging containers of plastic, wickerwork, wine cabinets (furniture), bottle racks, indoor window blinds (furniture), indoor window blinds of woven wood, slatted indoor blinds, blinds of paper, Japanese panels, curtain rods and hooks, curtain rings, curtain rails, curtain rollers; Retail services in connection with bamboo curtains, bead curtains for decoration, stair rods, screens (furniture), doors, trimmings, shelves, casters and feet for furniture, cupboards, cupboard doors and cupboard (wardrobe) organisers, wardrobes and racks, furniture partitions of wood, furniture, door stops, not of metal, door handles and doorknobs, not of metal, window

stops, not of metal; Retail services in connection with mobiles (decoration), wall-mounted fixtures (furnishing), not of textile, towel stands (furniture), coatstands, baskets, not of metal, baskets of wicker, umbrella stands, screens for fireplaces, tanks, not of metal, for the collection of water, boxes, chests and containers of wood or of plastic, letter boxes, not of metal or masonry, flower-stands; Retail services in connection with flower-pot pedestals, ladders of wood or plastics, work benches, not of metal, rainwater collectors, not of metal, in particular tanks and wells, not of metal, non-mechanical reels, not of metal, for flexible hoses, compost bins and silos and waste composters, not of metal, log baskets, kennels for household pets, pet cushions; Retail services in connection with stops, not of metal, for doors, windows, cupboards and drawers, door closers, non-electric household or kitchen utensils and containers, combs and sponges, brushes, except paintbrushes, brush-making materials, hand-operated cleaning instruments, brooms, steel wool, cloths for cleaning, unworked or semi-worked glass, except building glass, glasses (receptacles), tableware, other than knives, forks and spoons, porcelain, earthenware; Retail services in connection with bottles, works of art, statues or figurines (statuettes) of porcelain, terra cotta or glass, toilet utensils or cases, tooth tumblers, soap holders, soap boxes, soap dispensers, toothbrush holders, toilet brushes, perfume vaporisers, napkin holders, toilet paper holders, toilet brush holders and brushes, dustbins, pottery, vases, flower pots, window-boxes, flower-pot covers, not of paper, perfume burners, candelabra (candlesticks); Retail services in connection with candle jars (holders), chamber pots, watering devices, nozzles for watering hoses, sprinklers, watering cans, hose guides, buckets, gardening gloves and gloves for household purposes, insect, rat and mouse traps, indoor aquaria, ropes and string, fishing nets, camouflage nets, tents and tarpaulins, sails, padding, cushioning and stuffing materials, raw fibrous textile materials, bags (envelopes, pouches) of textile, for packaging; Retail services in connection with cables, not of metal, straps, wood chips and sawdust, hammocks, outdoor blinds of textile and shade sails, fabrics for textile use, bed and table covers, household linen, bed linen, bed canopies of textile, footboards of textile, bed skirts of textile, sleeping bags (sheeting) including sleeping bags for babies, bath linen, except clothing; Retail services in connection with table linen, not of paper, covers for cushions, chair covers, loose covers for furniture, blinds and curtains of textile, net curtains, shower curtains, wall hangings of textile, mosquito nets, door curtains; Retail services in connection with protective or work clothing, protective or work footwear and

protective or work headwear, none of the aforesaid goods including sporting articles; Retail services in connection with aprons, lace and embroidery, ribbons and braid, buttons, hooks and eyes, pins and needles, artificial flowers, carpets, rugs, mats and matting, linoleum, carpeting, materials for covering existing floors, self-adhesive wall coverings, wall hangings, not of textile, wallpaper, artificial turf, automobile carpets, non-slip mats, bath mats, oilcloth; Retail services in connection with play frames with swings, slides, swing seats and climbing ropes, swings, sandpits, slides, kites, decorations for Christmas trees (except illumination articles and confectionery), Christmas trees of synthetic material, raw and unprocessed agricultural, horticultural and forestry products, seeds for planting, fresh fruits and vegetables, live animals, natural plants and flowers, trees and shrubs; Retail services in connection with natural turf, straw mulch, foodstuffs for animals, dried plants for decoration.

Class 40: Custom assembling of materials for others; Woodworking; Sawing of materials; Planing of materials; Grinding; Burnishing by abrasion; Air purification; Water treatment; Galvanizing; Vulcanisation (material treatment); Decontamination of dangerous products; Metal plating; Framing of works of art; Laminating; Soldering; Engraving; Printing; Photographic printing; Photoengraving; Key cutting; Waste treatment (transformation); Waste and refuse destruction and recycling; Sorting of waste and recyclable material [transformation]; Material treatment information.