

**O/0199/23**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. 3718195  
BY BRIGHTEVER CO., LTD**

**TO REGISTER THE FOLLOWING TRADE MARK:**

**VICRING**

**IN CLASSES 7, 8, 9 & 11**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NO. 431088  
BY RING AUTOMOTIVE LIMITED**

## **Background and pleadings**

1. On 5 November 2021 BRIGHTEVER CO., LTD (“the applicant”) applied to register the trade mark “VICRING” in the UK under application number 3718195. It was accepted and published in the Trade Marks Journal on 19 November 2021. The applicant seeks protection for the following goods in classes 7, 8, 9 & 11:

7: Abrasive disks for power-operated grinders; Air brushes for applying paint; Air compressors; Ratchet wrenches [machines]; Electric drills; Grinders [machines]; Orbital sanders [machines]; Band saws; Bits for power drills; Blades for power tools; Car washing machines; Cemented carbide cutting tools; Electric hoists; Pneumatic hoists; Electric arc welding machines; Electrical welding machines; Electricity generators; Impact wrenches; Power tools; Winches; Electric pumps; Electric soldering irons; Power-operated staple guns.

8: Hand tools, hand-operated; Hand-operated tools for repair of vehicles; Tire irons; Oil filter wrenches; Manually-operated grease guns; Manually operated motorcycle lifts; Hand-operated tools for bending pipes; Ratchet wrenches [hand tools]; Socket wrenches [hand tools].

9: Measuring instruments; Scanners; Apparatus for testing vehicle brakes; Batteries; Battery chargers; Battery jump starters; Diesel injector testers; Digital multimeters; Magnifying glasses; Measuring rulers; Micrometers; Solar-powered battery chargers; Solar-powered rechargeable batteries; Welding helmets; Inverters for power supply; Surveying instruments; Measuring apparatus and instruments; Distance measuring apparatus; Levels [instruments for determining the horizontal].

11: Electric torches for lighting; LED [light-emitting diode] lighting fixtures; LED flashlights; LED lamps; LED landscape lights; LED lighting assemblies for illuminated signs; LED light strips; LED lighting fixtures; Plant grow lights; Lighting panels; Lamps; Portable electric fans; Portable electric heaters; Spot lights; Ultraviolet ray lamps, not for medical purposes; Ventilating fans for

commercial use; Ventilating fans for industrial use; Lights for vehicles; Searchlights.

2. On 15 February 2022, Ring Automotive Limited (“the opponent”) opposed the application on the basis of Section 5(2)(b)<sup>1</sup> of the Trade Marks Act 1994 (“the Act”). This is on the basis of the following UK Trade Marks:

(“the first earlier mark”)

**RING**

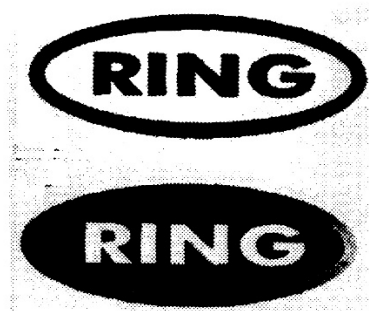
UK Trade Mark No: UK00917995321<sup>2</sup>

Filing date: 3 December 2018

Registration date: 19 September 2019

Goods relied upon outlined in Annex A

(“the second earlier mark”)



UK Trade Mark No: UK00001578344

Filing date: 13 July 1994

Registration date: 13 October 1995

Goods relied upon outlined in Annex B

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<sup>1</sup> The opponent had also previously relied on section 5(4)(a) but subsequently withdrew this ground in their letter dated 02 August 2022.

<sup>2</sup> The first, third and fourth earlier marks were initially registered at the European Union Intellectual Property Office (EUIPO). On 1 January 2021, the UK left the EU. Under Article 54 of the Withdrawal Agreement between the UK and the EU, the UK IPO created comparable UK trade marks for all right holders with an existing EUTM. As a result of the first, third and fourth earlier marks being registered as EUTMs, at the end of the Implementation Period, they were automatically converted to comparable UK trade marks. The comparable UK marks are now recorded on the UK trade mark register and have the same legal status as if they had been applied for and registered under UK law, and the original filing dates remain.

("the third earlier mark")



UK Trade Mark No: UK00902990141

Filing date: 20 December 2002

Registration date: 19 January 2005

Goods relied upon outlined in Annex C

("the fourth earlier mark")



UK Trade Mark No: UK00918037430

Filing date: 18 March 2019

Registration date: 07 August 2019

Goods relied upon outlined in Annex D

3. By virtue of their respective filing dates, the opponent's marks are all earlier marks in accordance with section 6 of the Act.
4. In its notice of opposition, the opponent contends that the respective goods are identical or similar and that the competing trade marks are highly similar, giving rise to a likelihood of confusion.
5. The applicant filed a counterstatement denying the claims made by the opponent.
6. Both parties are professionally represented in these proceedings, the opponent by HGF Limited and the applicant by IPEY. Neither the applicant nor the opponent filed evidence or written submissions in these proceedings. No hearing was requested

and so this decision has been taken after careful consideration of the papers before me.

7. 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**

8. The second and third earlier marks had completed their registration process more than 5 years before the application date of the mark in issue as such, they are subject to proof of use pursuant to section 6A of the Act. However, no proof of use was requested by the applicant, so proof of use is not relevant in respect of these marks. As the opponent's remaining marks had not completed their registration process more than 5 years before the filing date of the application in issue, they are not subject to proof of use pursuant to section 6A of the Act. The opponent can, therefore, rely upon all of the goods it has identified.

### **Decision**

9. 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”.

10. Section 5A of the Act is as follows:

“5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

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**

12. Some of the contested goods i.e., *batteries; lamps and lights for vehicles* are identical to the goods on which the opposition is based. I also note that in their counterstatement, the applicant has conceded that some of the competing goods are identical or, at the very least, similar. In the circumstances, I intend to proceed with this opposition on the basis that the contested goods are identical to those covered by

the earlier trade marks. If the opposition fails even where the goods are identical, it follows that the opposition will also fail where the goods are only similar. If the opposition succeeds on this basis, I will return to conduct a full comparison of the goods as required.

### **The average consumer and the nature of the purchasing act**

13. 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.”

14. The average consumer will comprise members of the general public or professionals purchasing on behalf of a business undertaking. Given the range of goods at issue, the price and frequency of purchase will vary. In terms of the purchasing process consumers may consider factors such as aesthetics, quality and safety requirements along with compatibility with component parts. It is my view that the general public will pay at least a medium degree of attention when purchasing these goods. As for the professional consumer, I find that a high level of attention will be paid overall as they will have the added liability of their purchase making a direct impact on their business.



15. The average consumer is likely to purchase the goods from a supermarket, DIY store, a specialist supplier or their online equivalents. 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**

16. 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.”

17. 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.

18. The opponent has relied upon four earlier rights under Section 5(2)(b). The opponent's first earlier mark is a word only mark, and I find it to be more similar visually to the contested mark than the opponent's second, third and fourth earlier marks. The opponent's second, third and fourth marks all contain stylistic elements which have no counterpart in the applicant's mark. Further, I am proceeding on the basis that all

the goods are identical. I will therefore proceed by making my comparison based on the opponent's first earlier mark, I do not find that considering the remaining marks would improve the opponent's position.

19. The marks to be compared are as follows:

Opponent's first earlier mark	Applicant's mark
<b>RING</b>	<b>VICRING</b>

#### Overall impression

20. The opponent's first earlier mark consists of the word "RING" presented in a standard upper case font. There are no other elements to contribute to the overall impression which lies in the word itself.

21. The applicant's mark consists of the word "VICRING" in a standard uppercase font. In the absence of any additional components, the mark's overall impression resides solely in the wording itself.

#### Visual comparison

22. The marks overlap visually by use of the letters "RING". These letters create the entirety of the opponent's first earlier mark. The applicant's mark, however, also contains the letters "VIC" at the beginning of the mark and generally as a rule the beginnings of marks are considered to have more impact than their endings.<sup>3</sup> This results in the applicant's mark being noticeably longer than the opponent's first earlier mark. Overall, I consider the marks to be visually similar to a medium degree.

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<sup>3</sup> *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

### Aural comparison

23. The earlier mark will be pronounced in one syllable as “RING” while the applicant’s marks will be pronounced in two syllables as “VIC-RING”. Aurally, the entirety of the opponent’s mark is included in the second syllable of the applicant’s mark. Consequently, I consider the marks hold a medium degree of aural similarity.

### Conceptual comparison

24. The word “RING” has several meanings in the English language including a circular band usually made of precious metal to be worn upon the finger, an object or mark that is circular in shape or to call a person by telephone.<sup>4</sup> Consumers are likely to see the word “RING” and immediately think of one of these meanings. Turning to the applicant’s mark I find that consumers will perceive this as an invented word, and it will not convey any meaning. I therefore find the competing marks to be conceptually dissimilar.

### **Distinctive character of the earlier marks**

25. 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

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<sup>4</sup> <https://www.collinsdictionary.com/dictionary/english/ring> [accessed on 22 February 2023]

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).”

26. 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.

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

28. The first earlier mark consists solely of the word “RING”, a standard dictionary word which is neither descriptive nor allusive to the goods at issue. I find it holds a medium degree of inherent distinctiveness.

## Likelihood of confusion

29. 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]).

30. 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.

31. Earlier in my decision, I proceeded on the basis that the contested goods were identical to those covered by the earlier trade marks. I identified the average consumer to be a member of the general public or professionals purchasing on behalf of a business undertaking and in both cases the goods will be purchased predominantly by visual means, though I do not discount an aural element to the purchase. I also concluded that at least a medium degree of attention will be paid during the purchasing process in respect of the general public, and the professional consumer will pay a high degree of attention.

32. I found the opponent's first earlier mark and the applicant's mark to be visually and aurally similar to a medium degree and conceptually dissimilar. I also found the first earlier mark to have a medium level of inherent distinctive character in respect of its registered goods however, the distinctiveness of the mark has not been enhanced through the use made of it.

33. I have taken all of the relevant factors into account in reaching my decision and bear in mind that the purchasing process is predominantly visual and as a general rule

the beginning of marks make more impact than the endings<sup>5</sup>. As I outlined previously, the visual element the respective marks share (“RING”) makes up the entirety of the opponent’s first earlier mark and is found at the end of the applicant’s mark. When considering the marks as a whole, the applicant’s mark is noticeably longer and includes three letters at the beginning which have no counterpart in the opponent’s mark. I also remind myself, that I found the marks to be conceptually dissimilar therefore I consider that this conceptual difference will counteract any visual and aural similarities<sup>6</sup>. In view of this, I consider that the average consumer paying at least a medium degree of attention will recognise these differences and not confuse the marks for one another. Consequently, I do not find there to be any likelihood of direct confusion.

34. I now go on to consider indirect confusion.

35. In *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

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<sup>5</sup> See *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

<sup>6</sup> See *The Picasso Estate v OHIM*, Case C-361/04 P

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (“26 RED TESCO” would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example.)

36. These examples are not exhaustive but provide helpful focus.

37. In *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, James Mellor Q.C., sitting as the Appointed Person, stressed that a finding of indirect confusion should not be made merely because the two marks share a common element. In this connection, he pointed out that it is not sufficient that a mark merely calls to mind another mark. This is mere association not indirect confusion.

38. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor QC (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said at [16] that “a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion”. Arnold LJ agreed, pointing out that there must be a “proper basis” for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

39. I begin by noting that this situation is not one that appears to fall into the categories set out in *L.A Sugar*, however, I remind myself that they were not intended to be exhaustive. I acknowledge that the respective marks contain the letters “RING”, however I find that as the term “RING” creates the entirety of the earlier mark, this will

convey a clear conceptual message that will be immediately grasped by the consumer whereas the applied for mark will not convey any conceptual message to the relevant public. Moreover, I do not find that the additional “VIC” element in the later mark is a logical indicator of a brand extension or an indication of economically linked undertakings. I am of the view that the applicant’s mark may at best bring to mind the opponent’s mark however, any similarity between the same will be put down to a coincidence rather than an economic connection. Accordingly, I see no reason why the average consumer would believe that the marks originate from the same or economically linked undertakings, even when I have proceeded on the basis that the competing goods are identical. I therefore do not consider there to be a likelihood of indirect confusion.

40. As I have found there to be no likelihood of direct or indirect confusion based on the goods being identical and the opponent’s strongest earlier right, I do consider it necessary to revisit the remaining goods and marks as this will not change the outcome of my decision.

## **CONCLUSION**

41. The opposition under section 5(2)(b) of the Act has failed. Subject to any successful appeal against my decision, the application will proceed to registration.

## **COSTS**

42. The applicant 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 applicant the sum of £200 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Considering notice of opposition and preparing a counterstatement:	£200
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43. I therefore order Ring Automotive Limited to pay the sum of £200 to BRIGHTEVER CO., LTD.. 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 27<sup>th</sup> day of February 2023**

**Catrin Williams**  
**For the Registrar**

## **Annex A- Goods relied upon by the first earlier mark**

Class 7: Spark plugs for vehicles.

Class 9: Electrical and electronic apparatus and instruments for motor vehicles; photographic flash lamps and photographic flash bulbs; electrical control and switch gear; infrared detection and signalling apparatus; car aerials; safety, security and protection devices for motor vehicles; alarms for motor vehicles; batteries, jump leads, power packs, inverters, battery chargers and electrical cables and sockets for automobiles; capacitors for vehicles; apparatus and instruments for switching, regulating or controlling electricity for vehicles; lighting controls; electric light dimmers; electric light switches; electric warning lights; helmet safety lights; motion sensitive security lights; security lights for outdoor use; starters for fluorescent lights; light pens; dashboard cameras; mounts for dashboard cameras and mobile telephones; fire extinguishers; protective and safety equipment; protective and safety clothing; parts and fittings for the aforesaid goods; computer hardware for use within commercial and adapted vehicles; downloadable computer software in relation to the operation of commercial and adapted vehicles; downloadable mobile application software in relation to automobile repair, maintenance and diagnostics; downloadable mobile application software in relation to vehicle safety; downloadable mobile application software to enable users to track vehicle mileage, fuel economy, vehicle expenses, maintenance needs, service history; downloadable mobile application software to enable users to track multiple vehicles within a fleet.

Class 11: Lighting apparatus and installations; lamps; luminaires; light and lamp bulbs and fluorescent tubes; lights, lamps, light bulbs and lighting installations for motor vehicles; vehicle lighting and lighting reflectors; torches; head torches; vehicle heating, ventilation and air conditioning (HVAC) systems; parts and fittings for the aforesaid goods.

Class 12: Parts and fittings for motor vehicles, caravans and trailers; heated car seats; towing apparatus for motor vehicles; security apparatus for motor vehicles and for caravans; alarms for motor vehicles and for caravans; wiper blades; pumps for inflating vehicle tyres; vehicle tyre pressure and puncture gauges; tyre repair apparatus;

shaped vehicle mats; vehicle tow bars, poles and hooks; wheel trims; parts and fittings for the aforesaid goods.

### **Annex B- Goods relied upon by the second earlier mark**

Class 7: Parts and fittings for automobiles; all included in Class 7; but not including any such goods in the form of rings or incorporating rings.

Class 9: Apparatus and instruments all for automobiles; video games; photographic flash lamps and photographic flash bulbs; electrical control and switch gear; infra red detection and signalling apparatus; car aerials; batteries; electrical cables; parts and fittings for all the aforesaid goods; all included in Class 9.

Class 11: Apparatus for automobiles; lighting apparatus; light bulbs and fluorescent tubes; parts and fittings for all the aforesaid goods; all included in Class 11.

Class 12: Security apparatus for motor vehicles and for caravans; alarms for motor vehicles and for caravans; parts and fittings for motor vehicles, caravans and trailers; all included in Class 12.

### **Annex C- Goods relied upon by the third earlier mark**

Class 7: Parts and fittings for automobile motors and engines; all included in class 7.

Class 9: Electrical and electronic apparatus and instruments for motor vehicles; video games; photographic flash lamps and photographic flash bulbs; electrical control and switch gear; infrared detection and signalling apparatus; car aerials; batteries; electrical cables; parts and fittings for all the aforesaid goods; all included in class 9.

Class 11: Lighting apparatus for automobiles; lighting apparatus; light bulbs and fluorescent tubes; parts and fittings for all the aforesaid goods; all included in class 11.

Class 12: Security apparatus for motor vehicles and for caravans; alarms for motor vehicles and for caravans; parts and fittings for motor vehicles, caravans and trailers; all included in class 12.

#### **Annex D- Goods relied upon by the fourth earlier mark**

Class 9: Electrical and electronic apparatus and instruments for motor vehicles; photographic flash lamps and photographic flash bulbs; electrical control and switch gear; infrared detection and signalling apparatus; car aerials; safety, security and protection devices for motor vehicles; alarms for motor vehicles; batteries, jump leads, power packs, inverters, battery chargers and electrical cables and sockets for automobiles; capacitors for vehicles; apparatus and instruments for switching, regulating or controlling electricity for vehicles; lighting controls; electric light dimmers; electric light switches; electric warning lights; helmet safety lights; motion sensitive security lights; security lights for outdoor use; starters for fluorescent lights; light pens; dashboard cameras; mounts for dashboard cameras and mobile telephones; fire extinguishers; protective and safety equipment; protective and safety clothing; parts and fittings for the aforesaid goods; computer hardware for use within commercial and adapted vehicles; downloadable computer software in relation to the operation of commercial and adapted vehicles; downloadable mobile application software in relation to automobile repair, maintenance and diagnostics; downloadable mobile application software in relation to vehicle safety; downloadable mobile application software to enable users to track vehicle mileage, fuel economy, vehicle expenses, maintenance needs, service history; downloadable mobile application software to enable users to track multiple vehicles within a fleet.

Class 11: Lighting apparatus and installations; lamps; luminaires; light and lamp bulbs and fluorescent tubes; lights, lamps, light bulbs and lighting installations for motor vehicles; vehicle lighting and lighting reflectors; torches; head torches; vehicle heating,

ventilation and air conditioning (HVAC) systems; parts and fittings for the aforesaid goods.

Class 12: Parts and fittings for motor vehicles, caravans and trailers; heated car seats; towing apparatus for motor vehicles; security apparatus for motor vehicles and for caravans; alarms for motor vehicles and for caravans; wiper blades; pumps for inflating vehicle tyres; vehicle tyre pressure and puncture gauges; tyre repair apparatus; shaped vehicle mats; vehicle tow bars, poles and hooks; wheel trims; spark plugs for vehicles; parts and fittings for the aforesaid goods.