

**BL O/0618/25**

TRADE MARKS ACT 1994

IN THE MATTER OF  
TRADE MARK APPLICATION NOS.  
UK00003806126

agro S

and

3806694



IN CLASSES 1, 35 AND 44  
IN THE NAME OF  
GRUPA PBI SP. Z O.O.

AND

IN THE MATTER OF OPPOSITIONS  
NOS. 437291 AND 437293 BY  
RHODIA OPERATIONS, SOCIÉTÉ PAR ACTIONS SIMPLIFIÉE

IN THE MATTER OF AN APPEAL TO THE APPOINTED PERSON  
BY  
GRUPA PBI SP. Z O.O.  
AGAINST DECISION NO. O/0298/24  
DATED 3 APRIL 2024

MR. VLADIMIR ISAEV (of Bonamark Limited) appeared for the Appellant GRUPA PBI SP.,Z O.O  
MR. RYAN TANG of Counsel (instructed by JA Kemp LLP) appeared for the Respondent  
RHODIA OPERATIONS, SOCIÉTÉ PAR ACTIONS SIMPLIFIÉE.

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DECISION

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**Introduction & Background**

1. This is an appeal by Grupa Pbi Sp, Z O.O (“the Applicant”) against decision BL O/0298/24 of S Wilson, sitting as a Hearing Officer on behalf of the Registrar of Trade Marks, dated 3 April 2024.

## **The Applications and Opposition**

2. On 5 July 2022, the Applicant applied to register the trade mark

agro S

under No. 3806126 (“the 126 Application”).

3. On 6 July 2022 the Applicant applied to register the trade mark



Under No. 3806694 (“the 694 Application”).

4. Both applications covered the same specification of goods and services in classes 1, 35 and 44 specification as set out in the Annex to this Decision.

5. The Opponent filed notices of opposition to both applications on 4 November 2022 relying on:

i) UKTM no. 9125579221 (“the 221 Mark”)

AGRHO

Filing date 3 February 2014; registration date 3 June 2014

Specification

Class 1 Chemicals used in industry, agriculture, horticulture and forestry;

Manures; additives for manures; Plant growth regulating preparations; Preparations for the protection of seeds; Except products intended for the dairy industry.

Class 5 Disinfectants; Preparations for destroying noxious animals;

Fungicides, herbicides, insecticides, pesticides; Except products intended for the dairy industry.

ii) UKTM no. 918204441 (“the 441 Mark”)

AGRHO S-ROX

Filing date 4 March 2020; registration date 24 June 2020

Priority date: 8 October 2019 (France)

Specification

Class 1 Chemicals used in agriculture, horticulture and forestry.

(together, the “Earlier Trade Marks”). The Oppositions were subsequently consolidated.

6. The Opponent objected under Sections 5 (2) (b) and 5 (3) of the Trade Marks Act 1994 (“the Act”). For the purposes of this Appeal, only the objection under S. 5 (2) (b) is relevant. Under S. 5 (2) (b) the Opponent claimed that there was a likelihood of confusion because the Earlier Trade Marks and the Applicant’s marks were similar and the goods/services were identical/similar (with the exception of “Class 35 Sales promotion; Online advertising on a computer network; Dissemination of advertising material; Organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes; Presentation of goods on media, for retail purposes; Advertising and Marketing” which services were not opposed).

**The Hearing Officer’s Decision**

7. The Hearing Officer noted that the Opponent’s 221 Mark was subject to the Proof of Use provisions contained in Section 6A of the Act, but that the 441 Mark was not. She elected, entirely reasonably, to determine the matter on the basis of the 441 Mark, returning to consider the opposition based on the 221 Mark only if necessary to do so.

8. The Hearing Officer upheld the oppositions under S. 5 (2) (b) based on the 441 Mark for all of the contested goods and services except:

Class 44 - Arranging flowers.

9. The substance of the Hearing Officer’s Decision as regards S 5 (2) (b) is set out in [49-54] of their Decision (amended to identify the parties’ marks as noted above):

49. I have found as follows:

- a) The goods and services vary from being identical to similar to a low degree (except where I have found them to be dissimilar).
- b) The average consumer for the goods and services will be either a member of the general public or a professional user, who will pay at least a medium degree of attention during the purchasing process (although it is likely to be higher for professional users).
- c) The purchasing process will be predominantly visual, although I do not discount an aural component.

- d) The 441 Mark and the 126 Application are visually and aurally similar to between a medium and high degree. The AGRO/AGRHO elements will be conceptually identical. The S/S-ROX elements of the marks are conceptually neutral.
- e) The 441 Mark and the 694 Application are visually similar to a medium degree and aurally similar to between a medium and high degree. The AGRO/AGRHO elements will be conceptually identical. The S/S-ROX elements of the marks are conceptually neutral.
- f) The Second Earlier Mark is inherently distinctive to between a medium and high degree.

50. In my view, the elements AGRO and AGRHO are likely to be mistakenly recalled as each other. This is particularly the case given that the “H” in the middle of the Second Earlier Mark will be silent and the words are conceptually identical. Bearing in mind the key difference between the marks, being the -ROX element, I consider it unlikely that they will be mistakenly recalled or misremembered as each other as a whole, even when used on identical goods.

51. I will now consider whether there is a likelihood of indirect confusion. 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:

- (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)”.

52. These examples are, clearly, not intended to be an exhaustive list but illustrate

some of the circumstances in which indirect confusion may arise. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor KC (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.

53. I consider it likely that these marks will be viewed as marks originating from the same undertaking. This is because the common use of the words AGRHO/AGRO (which will be mistakenly recalled as each other) and the use of the letter S in combination, will lead the average consumer to conclude that they originate from the same or economically connected undertakings. The point of difference, being the - ROX element, is likely to be seen as indicating a sub-brand or alternative product range (perhaps containing a different chemical formulation or range of ingredients). I consider this to be the case even where the goods and services are similar to only a low degree. I consider there to be a likelihood of indirect confusion in relation to all of those goods and services that I have found to be similar.

54. The opposition based upon section 5(2)(b) of the Act succeeds in relation to all of those goods and services for which the applicant seeks protection, with the exception of:

Class 44 Arranging flowers

10. The Hearing Officer declined to consider the Oppositions based on the 221 Mark on the basis they put the Opponent in no better position.

11. The Opposition based on S. 5 (3) of the Act was dismissed.

### **The Appeal**

12. The Applicant filed an appeal under S.76 of the Act on 130 April 2024. No Respondent’s Notice was filed. At the Hearing, Mr. Vladimir Isaev of Bonamark Limited appeared for the Appellant/Applicant. Mr. Ryan Tang of Counsel (instructed by JA Kemp LLP) appeared for the Respondent/Opponent.

### **Standard of Appeal**

13. The standard of appeal is well-known. It is limited to a review, not a re-hearing, and I should only interfere with the Hearing Officer’s findings if the decision was wrong. Mr Tang referred to the judgment of Joanna Smith J. in *Axogen Corporation v Aviv Scientific Limited* [2022] EWHC 95 (Ch).

The passage commencing at [24] is an appropriate summation of the detail of the approach to be followed:

24. Although I was referred to numerous cases on the subject . . . the approach of the appeal court to a statutory appeal under section 76(1) of the TMA is uncontroversial. I bear the following principles, relevant to the issues before me, firmly in mind:

- i) The appeal is by way of a review, not a rehearing;
- ii) The appeal court will allow an appeal where the decision of the lower court was "wrong" (see CPR 52.11). Neither surprise at a Hearing Officer's conclusion, nor a belief that he or she has reached the wrong decision suffices to justify interference;
- iii) The decision of the lower court will be "wrong" if the judge makes an error of law, which might involve asking the wrong question, failing to take account of relevant matters or taking into account irrelevant matters. Absent an error of law, the appellate court would be justified in concluding that the decision of the lower court was wrong if the judge's conclusion was "outside the bounds within which reasonable disagreement is possible";
- iv) The approach required by the appeal court depends on a number of variables including the nature of the evaluation in question. There is a "spectrum of appropriate respect for the Registrar's determination depending on the nature of the decision", with decisions of primary fact at one end of the spectrum and multi- factorial decisions (of the type which the parties agree were made in this case by the Hearing Officer) being further along the spectrum.
- v) In the case of a multifactorial assessment or evaluation, involving the weighing of different factors against each other, the appeal court should show a real reluctance, but not the very highest degree of reluctance, to interfere in the absence of a distinct and material error of principle. Special caution is required before overturning such decisions.
- vi) An error of principle is not confined to an error as to the law but extends to certain types of error in the application of a legal standard to the facts in an evaluation of those facts. The evaluative process is often a matter of degree upon which different judges can legitimately differ and an appellate court ought not to interfere unless it is satisfied that the judge's conclusion is outside the bounds within which reasonable disagreement is possible;
- vii) Another variable to be taken into account will be "the standing and experience of the fact-finding judge or tribunal". Expert tribunals are charged with applying the law in the specialised fields and their decisions should be respected unless it is quite clear that they have misdirected themselves in law. Appellate courts should not rush to find such misdirections simply because they might have reached a different conclusion on the facts.
- viii) The appellate court should not treat a judgment as containing an error of principle simply because of its belief that the judgment or decision could have been better expressed; "The duty to give reasons must not be turned into an intolerable burden". The reasons need not be elaborate. There is no duty on a judge, in giving her reasons, to deal with every argument presented by counsel in support of his case. It is sufficient if what she says shows the basis on which she has acted. The issues the resolution of which were vital to the judge's conclusions should be identified and the manner in which she resolved them explained.
- ix) In evaluating the evidence, the appellate court is entitled to assume, absent good reason to the contrary, that the first instance judge has taken all of the evidence into account.

25. In the context of appeals relating to the likelihood of confusion, an evaluative issue described by Mr Iain Purvis QC sitting as an Appointed Person in ROCHESTER Trade Mark BL 0/049/17 at [31] as "indeterminate and open to debate", Mr Purvis QC went on to say this at [33] :

" ... the reluctance of the Appointed Person to interfere with a decision of a Hearing Officer on likelihood of confusion is quite high for at least the following reasons:

- (i) The decision involves the consideration of a large number of factors, whose relative weight is not laid down by law but is a matter of judgment for the tribunal on the particular

facts of each case (ii) The legal test 'likely to cause confusion amongst the average consumer' is inherently imprecise, not least because the average consumer is not a real person

(iii) The Hearing Officer is an experienced and well-trained tribunal, who deals with far more cases on a day-to-day basis than the Appellate tribunal

(iv) The legal test involves a prediction as to how the public might react to the presence of two trade marks in ordinary use in trade. Any wise person who has practised in this field will have come to recognize that it is often very difficult to make such a prediction with confidence. Jacob J (as he then was) made this point in the passing off case *Neutrogena v Golden* [1996] RPC 473 at 482:

'It was certainly my experience in practice that my own view as to the likelihood of deception was not always reliable. As I grew more experienced I said more and more "it depends on the evidence. " Any sensible Appellate tribunal will therefore apply a healthy degree of self-doubt to its own opinion on the result of the legal test in any particular case.

34. I shall therefore approach this appeal on the basis that in the absence of a distinct and material error of principle, I ought not to interfere with the decision of the Hearing Officer unless I consider that his view on the issue of likelihood of confusion was clearly wrong in the sense that it was outside the range of views which could have been reasonably taken on the established facts''.

14. This has been reinforced by the recent judgment of the Supreme Court in *Lifestyle Equities CV v Amazon UK Services Ltd* [2024] UKSC 8 at [49]-[50], per :

"49 . ... the appeal court does not carry out the balancing exercise afresh but must ask whether the decision of the judge was wrong by reason of an identifiable flaw in the judge's treatment of the question to be decided, such as a gap in logic, a lack of consistency, or a failure to take into account some material factor, which undermines the cogency of the conclusion.

50. On the other hand, it is equally clear that, for the decision to be "wrong" under CPR 52.21(3), it is not enough to show, without more, that the appellate court might have arrived at a different evaluation."

15. Even more recently, in *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc and another* [2025] UKSC 25 Lord Briggs and Lord Stephens of the Supreme Court reminded appellate bodies that there are constraints on their ability to interfere with a first instance judge's multifactorial evaluation:

"94 It is perhaps obvious, and certainly an inevitable conclusion drawn from experience, that reasonable minds, and in particular reasonable judicially trained minds, each faithfully applying the relevant law and principles, will come to different conclusions about the answer to these multifactorial questions. While of course the decision of an appellate court trumps that of the court below, the law has imposed structured constraints designed to prevent a free for all in a higher court whenever a party (with the necessary resources) wishes to challenge the first instance decision of the trial judge."

16. I also note the comments of Mr Geoffrey Hobbs KC at [8] of BL O/0639/24 *LIFE'S*, that a

"...Decision is not liable to be set aside by this Tribunal on appeal unless it can be regarded as rationally insupportable, whether by reason of an identifiable flaw in the treatment of the question to be decided, such as a gap in logic, a lack of consistency, or a failure to take

into account a material factor, which undermines the cogency of the conclusion, or for being contrary to principle or plainly wrong: *Lifestyle Equities CV v Amazon UK Services Ltd* [2024] UKSC 8 at paras [46] to [50] per Lord Briggs and Lord Kitchin SCJJ (with whom Lord Hodge, Lord Hamblen and Lord Burrows SCJJ agreed); *Volpi v Volpi* [2022] EWCA Civ. 464 at paras [2], [3] per Lewison LJ (with whom Males and Snowden L.JJ agreed).

17. I bear these principles in mind, in particular the constraints on an appellate tribunal in reviewing a decision-taker's first instance multifactorial evaluation.

### The Grounds of Appeal

18. The Applicant appealed on the following grounds:

Ground 1: The Hearing Officer erred in determining that there is a likelihood of indirect confusion between the marks "agro S" and "AGRHO S-ROX."

Ground 2: The Hearing Officer incorrectly assessed the conceptual, visual, and aural similarities between the marks.

Ground 3: In reaching their conclusion on indirect confusion the Hearing Officer failed to properly apply the principles of set out in *LA. Sugar Limited v Back Beat Inc* (BL 0/375/10) when comparing the parties' marks

19. It can be seen that the scope of the appeal is confined, in effect, to the similarity of the parties' marks and the effect of that factor in the global appreciation of the likelihood of confusion.

### Grounds 1 & 2

20. Both of these grounds can be taken together. Essentially, the Applicant challenged the Hearing Officer's conclusions regarding the similarity of its marks to the Opponent's 441 Mark.

21. The Applicant's case is that contrary to the Hearing Officer's conclusions (summarised in [9] above) :

- a) The words AGRHO/agro are sufficiently different and the addition of the "S-ROX" element to the Opponent's mark "AGRHO S-ROX" and the design element in the Applicant's second mark ("agro S + Design") clearly distinguish the marks as separate and unrelated in the eyes of the average consumer.
- b) AGRO/AGRHO S-ROX are aurally dissimilar.
- c) The Hearing Officer's finding that AGRO/AGRHO were conceptually identical and that the element S-ROX in the 441 Mark was conceptually neutral was flawed. They should have concluded that the marks (and in particular the elements AGRO/AGRHO) were conceptually

different (in particular that AGRHO did not allude to “agriculture”) and this should have been given greater weight in the global appreciation of the likelihood of confusion.

d) Insufficient weight was given to the visual differences between the parties’ marks.

22. There was no suggestion that the Hearing Officer applied the wrong principles in approaching these issues (and I can see that the Hearing Officer reminded themselves of these at [17]) or, beyond the Applicant’s alternative views on the outcome, that any mistakes were made .

23. In sum, the Applicant’s appeal on these grounds is no more than that I should substitute its views on the similarity of the parties’ marks, and the weight given to the various factors, for the conclusions reached by the Hearing Officer.

24. The Hearing Officer’s assessment and conclusions described above form part of the classic multifactorial evaluation which Appellate Tribunals have been repeatedly cautioned to leave untouched absent reasons to consider it to be rationally unsupportable. Different Tribunals – and indeed different parties – can and will reach different conclusions on such matters within the bounds of reasonable disagreement. As the authorities have repeatedly made clear, such reasonable disagreement is no more than that and is no basis for appellate intervention. It is not enough to suggest I should arrive at a different evaluation, without more (*Lifestyle Equities* (above) at para. [50]).

25. Having read through the Hearing Officer’s evaluation of these issues, I see nothing to indicate it was “wrong” in an appellate sense. It follows that I dismiss the first two grounds of appeal. The Decision on these issues was correct for the reasons given by the Hearing Officer.

### Ground 3

26. By Ground 3 the Applicant asserts that there was an error of principle in the Hearing Officer’s approach to assessing the likelihood of indirect confusion.

27. Indirect confusion is approached by reference to the principles set out in *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, by Mr Iain Purvis K.C. These were set out in the Hearing Officer’s decision at [51]. Although I included this at [9] above I shall set them out again here for ease of reference:

“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:

(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)''.

28. The Hearing Officer made their assessment of indirect confusion, applying the *LA Sugar* principles, at [53]:

53. I consider it likely that these marks will be viewed as marks originating from the same undertaking. This is because the common use of the words AGRHO/AGRO (which will be mistakenly recalled as each other) and the use of the letter S in combination, will lead the average consumer to conclude that they originate from the same or economically connected undertakings. The point of difference, being the - ROX element, is likely to be seen as indicating a sub-brand or alternative product range (perhaps containing a different chemical formulation or range of ingredients). I consider this to be the case even where the goods and services are similar to only a low degree. I consider there to be a likelihood of indirect confusion in relation to all of those goods and services that I have found to be similar.

29. Referencing the three categories set out in *LA Sugar*, the Applicant contended that:

Category (a): The only indisputably common element in two marks (sic) is the letter "S." The single letter "S" alone is not sufficiently distinctive or striking to cause confusion. Even if the Hearing Officer considered "agro" and "AGRHO" to be the common element, the word "agro" is a diluted term commonly used in the agricultural industry, and the Opponent's mark "AGRHO" does not have any inherent distinctive quality.

Category (b) "The Applicant's marks do not simply add a non-distinctive element to the Opponent's mark. The words "agro" and "AGRHO" are different in spelling and pronunciation, hence it's not possible to state that anything was added to the Opponent's

mark... The highly distinctive element "S-ROX" from the second Opponent's mark is not replicated in the Applicant's marks, hence it's not possible to state that the Applicant added a non-distinctive element to the Opponent's mark".

Category (c): There is no logical progression or brand extension from "AGRHO S-ROX" to "agro S." The marks are fundamentally different and convey distinct commercial impressions.

30. As for “category (a)” the Applicant argued that the common letter “S” was non-distinctive and that the element in its mark was “weak”, being a reference to agriculture. In contrast it was said that the Opponent’s AGRHO “does not have any inherent distinctive quality” (despite the Applicant having also argued elsewhere that it is a coined, and therefore distinctive, term).

31. However, this is to break the parties’ marks into individual elements and to focus on AGRO/AGRHO . alone. In fact, the Hearing Officer based their assessment on the common, and more distinctive, combination “AGRO S” and “AGRHO S- “

32. As for the complaint regarding “Category (b)”, it does not seem to me that the Hearing Officer considered that the parties’ marks fell into this category at all.

33. As for “category (c)” all the Applicant can muster is to gainsay the Hearing Officer’s conclusion that AGRO S is likely to be seen as a brand extension of AGRHO S-ROX . It was worth noting here that a change consistent with a brand extension, or variation, can be conveyed by removing elements in a mark as well as adding or amending them. It is not a hierarchical issue, nor is it a one-way test in the sense that the Applicant’s mark would be seen as the sub-brand. As the Hearing officer says, the Opponent’s mark AGRHO S-ROX could be seen as a sub-brand or alternative product of AGRO S. That AGRO S lacks the -ROX element does not mean the two marks could not be seen as related/extended brands.

34. Once again, therefore, rather than demonstrating any flaw in reasoning or in the application of the relevant principles, the Applicant’s attack is essentially that the outcome of the Hearing Officer’s evaluation should be replaced with its own assessment.

35. In line with the authorities, without more, this Tribunal cannot interfere on that basis. The evaluation and decision of the Hearing Officer was within reasonable bounds.

36. Ground 3 is therefore dismissed.

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**Overall Outcome**

37. The Appeal is dismissed. The Hearing Officer's Decision is upheld in all respects. The Applications are refused save that can proceed to registration in respect of the following services for which the oppositions have been unsuccessful:

Class 44 Arranging flowers.

38. This is in addition to the unopposed services in class 35: "Sales promotion; Online advertising on a computer network; Dissemination of advertising material; Organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes; Presentation of goods on media, for retail purposes; Advertising and Marketing"

**Costs**

39. The Opponent as the successful party is entitled to costs. I order the Applicant to pay the Opponent £2,500 as a contribution toward the costs of this appeal. The Hearing Officer's award to the Opponent of £2,200 stands.

40. The total sum of £4700 is payable within 21 days from the date of issue of this Decision.

Philip Harris  
Appointed Person  
07 July 2025

## ANNEX

The Applicant sought protection for the following goods and services:

### Class 1

Fertilizers; Biological nitrogen fertilizers; Chemically modified compound fertilizers; Calcium cyanamide [fertilizer]; Phosphates [fertilizers]; Gypsum for use as a fertilizer; Soil additives [fertilization]; Fertilizer mixtures; Slow release fertilizer mixtures; Mixtures of chemicals and natural materials for use as agricultural fertilizers; Leaf fertilizer used on arable crops during the stress period; Manganese fertilizer; Urea fertilizer; Ammonium nitrate fertilizer; Ammonium chloride fertilizer; Potassium chloride fertilizer; Ammonium sulphate fertilizer; Potassium sulphate fertilizer; Natural fertilizer; Solid fertilizer; Sodium nitrate fertilizer; Calcium silicate fertilizer; Calcium superphosphate fertilizer; Soil fertilization (Preparations for -); Nitrogen fertilizers; Chlorine-free fertilizers; Biological fertilizers; Biological fertilizers for soil treatment; Biological fertilizers for the treatment of seeds; Chemical fertilizers; Fertilizers for agriculture; Soil fertilizers; Grass fertilizers; Mixed fertilizers; Mineral fertilizers; Natural fertilizers; Organic fertilizers; Potash fertilizers; Artificial fertilizers for use in agriculture; Soil conditioning fertilizers; Fertilizers with a lot of nutrients; Fertilizers containing antioxidants; Fertilizers containing nitrogen compounds; Compound fertilizers; Inorganic fertilizers; Liquid fertilizers; Fertilizing preparations; Soil fertilization preparations; Agriculture (Fertilizers for -); Salts [fertilizers]; Nutritional substances [fertilizers] in liquid form for use in agriculture; Chemical preparations for the treatment of soil; Chemical soil improvers; Chemical preparations for fertilizing the soil; Chemical soil additives; Soil additives; Soil conditioners; Mineral soil improvers; Soil fertilizers; Soil nutrition preparations; Soil conditioners; Soil conditioners for agricultural purposes; Soil conditioners for promoting the growth of agricultural produce; Soil conditioners for agricultural use; Fertilization of the soil (fertilizers for -); Fertilizers for agriculture, horticulture and forestry.

### Class 35

Retail services relating to the following products: fertilizers; Wholesale trade services relating to the following products: fertilizers; Online retail services relating to the following products: fertilizers; Retail services related to the following products: biological nitrogen fertilizers; Wholesale trade services related to the following products: biological nitrogen fertilizers; Online retail services relating to the following products: biological nitrogen fertilizers; Retail services related to the following products: chemically modified compound fertilizers; Wholesale trade services related

to the following products: chemically modified compound fertilizers; Online retail services relating to the following products: chemically altered compound fertilizers; Retail services related to the following products: calcium cyanamide [fertilizer]; Wholesale trade services related to the following products: calcium cyanamide [fertilizer]; Online retail services relating to the following products: calcium cyanamide [fertilizer]; Retail services related to the following products: phosphates [fertilizers]; Wholesale trade services related to the following products: phosphates [fertilizers]; Online retail services relating to the following products: phosphates [fertilizers]; Retail services relating to the following products: plaster for use as a fertilizer; Wholesale trade services relating to the following products: plaster for use as a fertilizer; Online retail services relating to the following products: plaster for use as a fertilizer; Retail services relating to the following products: soil additives [fertilization]; Wholesale trade services relating to the following products: soil additives [fertilization]; Online retail services relating to the following products: soil additives [fertilization]; Retail services relating to the following products: fertilizer mixtures; Wholesale trade services relating to the following products: fertilizer mixtures; Online retail services relating to the following products: fertilizer mixtures; Retail services relating to the following products: slow release fertilizer mixtures; Wholesale trade services relating to the following products: slow release fertilizer mixtures; Online retail services relating to the following products: slow release fertilizer mixtures; Retail services relating to the following products: mixtures of chemicals and natural materials for use as agricultural fertilizers; Wholesale services relating to the following products: mixtures of chemicals and natural materials for use as agricultural fertilizers; Online retail services relating to the following products: mixtures of chemicals and natural materials for use as agricultural fertilizers; Retail services relating to the following products: foliar fertilizer applied to crops during the stress period; Wholesale trade services related to the following products: foliar fertilizer applied to crops during the stress period; Online retail services relating to the following products: foliar fertilizer applied to crops during the stress period; Retail services related to the following products: manganese fertilizer; Wholesale trade services relating to the following products: manganese fertilizer; Online retail services relating to the following products: manganese fertilizer; Retail services related to the following products: urea fertilizer; Wholesale trade services related to the following products: urea fertilizer; Online retail services relating to the following products: urea fertilizer; Retail services related to the following products: ammonium nitrate fertilizer; Wholesale trade services related to the following products: ammonium nitrate fertilizer; Online retail services relating to the following products: ammonium nitrate fertilizer; Retail services related to the following products:

ammonium chloride fertilizer; Wholesale trade services related to the following products: ammonium chloride fertilizer; Online retail services relating to the following products: ammonium chloride fertilizer; Retail services related to the following products: potassium chloride fertilizer; Wholesale trade services related to the following products: potassium chloride fertilizer; Online retail services relating to the following products: potassium chloride fertilizer; Retail services related to the following products: ammonium sulphate fertilizer; Wholesale trade services related to the following products: fertilizer based on ammonium sulphate; Online retail services relating to the following products: ammonium sulfate fertilizer; Retail services related to the following products: potassium sulphate fertilizer; Wholesale trade services related to the following products: potassium sulphate fertilizer; Online retail services relating to the following products: potassium sulfate fertilizer; Retail services relating to the following products: manure; Wholesale trade services relating to the following products: manure; Online retail services relating to the following products: manure; Retail services relating to the following products: solid fertilizer; Wholesale trade services relating to the following products: solid fertilizer; Online retail services relating to the following products: solid fertilizer; Retail services related to the following products: sodium nitrate fertilizer; Wholesale trade services related to the following products: sodium nitrate fertilizer; Online retail services related to the following products: sodium nitrate fertilizer; Retail services related to the following products: calcium silicate fertilizer; Wholesale trade services relating to the following products: calcium silicate fertilizer; Online retail services relating to the following products: calcium silicate fertilizer; Retail services related to the following products: calcium superphosphate fertilizer; Wholesale trade services relating to the following products: calcium superphosphate fertilizer; Online retail services relating to the following products: calcium superphosphate fertilizer; Retail services relating to the following products: soil fertilization (Preparations for -); Wholesale trade services relating to the following products: soil fertilization (Preparations for -); Online retail services relating to the following products: soil fertilization (Preparations for -); Retail services related to the following products: nitrogen fertilizers; Wholesale trade services related to the following products: nitrogen fertilizers; Online retail services relating to the following products: nitrogen fertilizers; Retail services related to the following products: chlorinefree fertilizers; Wholesale trade services related to the following products: chlorinefree fertilizers; Online retail services relating to the following products: chlorine-free fertilizers; Retail services related to the following products: biological fertilizers; Wholesale trade services relating to the following products: biological fertilizers; Online retail services relating to the following products: biological fertilizers; Retail services

relating to the following products: biological fertilizers for soil treatment; Wholesale trade services relating to the following products: biological fertilizers for soil treatment; Online retail services relating to the following products: biological fertilizers for soil treatment; Retail services relating to the following products: biological fertilizers for seed treatment; Wholesale trade services relating to the following products: biological fertilizers for seed treatment; Online retail services relating to the following products: biological fertilizers for seed treatment; Retail services relating to the following products: chemical fertilizers; Wholesale trade services relating to the following products: chemical fertilizers; Online retail services relating to the following products: chemical fertilizers; Retail services relating to the following products: fertilizers for agriculture; Wholesale trade services relating to the following products: fertilizers for agriculture; Online retail services relating to the following products: fertilizers for agriculture; Retail services relating to the following products: soil fertilizers; Wholesale trade services relating to the following products: soil fertilizers; Online retail services relating to the following products: soil fertilizers; Retail services relating to the following products: grass fertilizers; Wholesale trade services relating to the following products: grass fertilizers; Online retail services relating to the following products: grass fertilizers; Retail services relating to the following products: mixed fertilizers; Wholesale trade services relating to the following products: mixed fertilizers; Online retail services relating to the following products: mixed fertilizers; Retail services relating to the following products: mineral fertilizers; with the following products: mineral fertilizers; Online retail services relating to the following products: mineral fertilizers; Retail services relating to the following products: natural fertilizers; Wholesale trade services relating to the following products: natural fertilizers; Online retail services relating to the following products: natural fertilizers; Retail services relating to the following products: organic fertilizers; Wholesale trade services relating to the following products: organic fertilizers; Online retail services relating to the following products: organic fertilizers; Retail services related to the following products: potassium fertilizers; Wholesale trade services relating to the following products: potassium fertilizers; Online retail services relating to the following products: potassium fertilizers; Retail services relating to the following products: fertilizers for agricultural use; Wholesale trade services relating to the following products: fertilizers for agricultural use; Online retail services relating to the following products: fertilizers for agricultural use; Retail services relating to the following products: soil conditioning fertilizers; Wholesale trade services relating to the following products: soil conditioning fertilizers; Online retail services relating to the following products: soil conditioning fertilizers; Retail services relating to the following products: fertilizers with high

amounts of nutrients; Wholesale trade services relating to the following products: fertilizers with large amounts of nutrients; Online retail services relating to the following products: fertilizers with high amounts of nutrients; Retail services related to the following products: fertilizers containing antioxidants; Wholesale trade services relating to the following products: fertilizers containing antioxidants; Online retail services relating to the following products: fertilizers containing antioxidants; Retail services related to the following products: fertilizers containing nitrogen compounds; Wholesale trade services related to the following products: fertilizers containing nitrogen compounds; Online retail services relating to the following products: fertilizers containing nitrogen compounds; Retail services relating to the following products: compound fertilizers; Wholesale trade services relating to the following products: compound fertilizers; Online retail services relating to the following products: compound fertilizers; Retail services related to the following products: inorganic fertilizers; Wholesale trade services relating to the following products: inorganic fertilizers; Online retail services relating to the following products: inorganic fertilizers; Retail services relating to the following products: liquid fertilizers; Wholesale trade services relating to the following products: liquid fertilizers; Online retail services relating to the following products: liquid fertilizers; Retail services relating to the following products: fertilization preparations; Wholesale trade services relating to the following products: fertilization preparations; Online retail services relating to the following products: fertilization preparations; Retail services relating to the following products: soil fertilization preparations; Wholesale trade services relating to the following products: soil fertilization preparations; Online retail services relating to the following products: soil fertilization preparations; Retail services related to the following products: agriculture (Fertilizers for -); Wholesale trade services related to the following products: agriculture (Fertilizers for -); Online retail services relating to the following products: agriculture (Fertilizers for -); Retail services relating to the following products: salts [fertilizers]; Wholesale trade services relating to the following products: salts [fertilizers]; Online retail services relating to the following products: salts [fertilizers]; Retail services relating to the following products: nutrients [fertilizers] in liquid form for use in agriculture; Wholesale trade services relating to the following products: nutrients [fertilizers] in liquid form for use in agriculture; Online retail services relating to the following products: nutrients [fertilizers] in liquid form for use in agriculture; Retail services relating to the following products: soil treatment chemicals; Wholesale services relating to the following products: soil treatment chemicals; Online retail services relating to soil treatment success; Retail services relating to the following products: soil improvers; Wholesale trade services relating to the following

products: soil improvers; Online retail services relating to the following products: soil improvers; Retail services relating to the following products: soil improvers; Wholesale trade services relating to the following products: soil improvers; Online retail services relating to the following products: soil conditioners; Retail services related to the following products: soil chemical additives; Wholesale trade services relating to the following products: soil chemical additives; Online retail services relating to the following products: soil chemical additives; Retail services relating to the following products: soil additives; Wholesale trade services relating to the following products: soil additives; Online retail services relating to the following products: soil additives; Retail services relating to the following products: soil conditioners; Wholesale trade services relating to the following products: soil conditioners; Online retail services relating to the following products: soil conditioners; Retail services relating to the following products: mineral soil conditioners; Wholesale trade services relating to the following products: mineral soil conditioners; Online retail services relating to the following products: mineral soil conditioners; Retail services relating to the following products: soil fertilizers; Wholesale trade services relating to the following products: soil fertilizers; Online retail services relating to the following products: soil fertilizers; Retail services relating to the following products: soil conditioners; Wholesale trade services relating to the following products: soil conditioners; Online retail services relating to the following products: soil conditioners; Retail services relating to the following products: soil conditioners; Wholesale trade services relating to the following products: soil conditioners; Online retail services relating to the following products: soil conditioners for agricultural purposes; Wholesale trade services relating to the following products: soil conditioners for agricultural purposes; Online retail services relating to the following products: soil conditioners for agricultural purposes; Retail services relating to the following products: soil conditioners for promoting the growth of agricultural produce; Wholesale trade services relating to the following products: soil conditioners for promoting the growth of agricultural products; Online retail services relating to the following products: soil conditioners for promoting the growth of agricultural produce; Retail services relating to the following products: soil conditioners for agricultural use; Wholesale trade services relating to the following products: soil conditioners for agricultural use; Online retail services relating to the following products: soil conditioners for agricultural use; Retail services relating to the following products: soil improvement (Fertilizers for -); Wholesale trade services relating to the following products: soil improvement (Fertilizers for -); Online retail services relating to the following products: soil improvement (Fertilizers for -); Retail services relating to the

following products: fertilizers for agriculture, horticulture and forestry, chemicals for horticulture and forestry; Wholesale trade services relating to the following products: fertilizers for agriculture, horticulture and forestry, chemicals for horticulture and forestry; Online retail services relating to the following products: fertilizers for agriculture, horticulture and forestry, chemicals for horticulture and forestry; Sales promotion; Online advertising on a computer network; Dissemination of advertising material; Organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes; Presentation of goods on media, for retail purposes; Advertising and Marketing.

#### Class 44

Landscape gardening; Gardening and landscaping; Gardening consultancy; Floriculture; Garden maintenance; Lawn care; Maintenance of potted plants; Planting garden trees; Destruction of weeds; Cultivation of arable crops; Planting plants; Providing information on the identification of plants and flowers for horticultural purposes; Provision of information relating to horticulture; Laying turf; Arranging flowers; Providing information relating to the planting of garden trees; Horticulture advisory services; Advisory services relating to aquatic gardening; Consultancy services relating to the selection of turf; Consultancy services relating to the laying of turf; Cultivation advisory services in relation to horticulture; Advisory services relating to the cultivation of plants; Information services relating to the use of chemicals in horticulture; Information services relating to the use of manure in horticulture; Lawn mowing services; Gardening services; Lawn care services.