

**O/0633/24**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. UK3795580  
BY LIFE & LIVING INTERNATIONAL LIMITED  
TO REGISTER THE TRADE MARK:**



**IN CLASSES 8, 21 & 35**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NO. 437761  
BY PELSIS LIMITED**

## Background and pleadings

1. On 6 June 2022, LIFE & LIVING INTERNATIONAL LIMITED (“the applicant”) applied to register the trade mark shown on the cover page of this decision. The application was published for opposition purposes on 2 September 2022 in classes 8, 21 and 35. The goods and services applied for are listed in Annex 1.

2. The application was opposed in full by Pelsis Limited (“the opponent”) on 29 November 2022. The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). Initially, there was also a claim under section 5(4)(a) however, the opponent filed no evidence in support of this, and the Registry therefore struck out this ground of opposition.

3. The opponent relies on the following trade mark:

UK3509775

NOMAD

Filing date: 8 July 2020

Registration date: 16 October 2020

Relying upon some of the goods for which the earlier mark is protected, as follows:

Class 11: Lighting apparatus, devices and installations; apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating.

4. The opponent claims that the marks are highly similar. They also claim that the goods and services at issue are identical or highly similar and this leads to a likelihood of confusion on the part of the relevant public.

5. The applicant filed a counterstatement in which it denies that there is a likelihood of confusion. It states that the marks are not confusingly similar and that the goods are neither identical nor similar.

6. The applicant is represented by IPConsult and the opponent is represented by Appleyard Lees IP LLP.

7. Neither party filed evidence nor requested a hearing but both parties provided submissions in lieu. This decision is therefore taken following careful consideration of the papers.

8. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

## **DECISION**

9. Section 5(2)(b) is being relied upon and 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”.

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.”

10. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

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

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

11. In these proceedings, the opponent is relying upon the trade mark shown in paragraph 3, which qualifies as an earlier trade mark under the above provisions. As this trade mark had not completed its registration process more than 5 years before the filing date of the application in suit, it is not subject to proof of use, as per section 6A of the Act. The opponent can, as a consequence, rely upon all of the goods and services it has identified.

### **Case law**

12. 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 Office for Harmonisation in the Internal Market (Trade Marks and Designs) (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:

(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**

13. In the judgment of the Court of Justice of the European Union (“CJEU”) in *Canon*, Case C-39/97, the court stated at paragraph 23 that:

“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”.

14. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be, found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;

(f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in 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.

15. In *Gérard Meric v Office for Harmonisation in the Internal Market* (OHIM) ('Meric'), Case T-133/05, the General Court ("the GC") stated that:

"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 für Lernsysteme v OHI-M - 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".

16. For the purposes of considering the issue of similarity of goods, 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).

17. The parties' respective specifications are listed in Annex 2.

### Class 8

*Table knives; Kitchen knives; Fruit knives; Household Knives; Non-electric can openers; Non-electric vegetable peelers; Tableware, namely, knives, forks and spoons; Cutlery made of recycled material; Cutlery made of bio-base material; Cutlery made of biodegradable material.*

18. The opponent has claimed that the above goods are identical to their own 'apparatus for [...] cooking' under the *Meric* principles or highly similar as the applicant's goods as the applicant's goods fall within their term. On the face of it, these could be logical submissions however, when interpreting specifications, particularly

when a term is wide, I am reminded of *Pathway IP Sarl (formerly Regus No. 2 Sarl) v Easygroup Ltd (formerly Easygroup IP Licensing Limited)*, [2018] EWHC 3608 (Ch), where the late Mr Justice Carr considered whether it was appropriate to take the class(es) in which the trade mark was registered into account in revocation or invalidation proceedings when deciding whether a description covered the goods/services shown in the evidence.

19. After considering the judgments of the High Court in the *Omega 1* [2010] EWHC 1211 (Ch) and *Omega 2* cases [2012] EWHC 3440 (Ch), the judge stated that in his (provisional) view, the class number should be taken into account where the meaning of the disputed term is not otherwise sufficiently clear and precise. In particular the judge stated that where “*the words chosen may be vague or could refer to goods or services in numerous classes [of the Nice classification system], the class may be used as an aid to interpret what the words mean with the overall objective of legal certainty of the specification of goods and services.*”

20. The opponent’s term is within class 11, and the Nice Classification guidance includes items such as ovens, stoves, electric appliances for making yogurt, bread-making machines, coffee machines, ice-cream making machines and specifically excludes cooking utensils that do not have an integrated heat source. Therefore, the goods cannot be identical under the *Meric* principles.

21. Applying the *Treat* principles, I consider that there might be an overlap in user, those who are cooking, preparing and eating food. Their use and nature will differ. There might be an overlap in trade channels as they could be sold in the same home goods stores. I do not believe them to be complementary nor in competition. Therefore, I find them to be similar to between a low and medium degree.

### Class 21

22. I note that the opponent makes the same assertion regarding their goods being identical under the *Meric* principles and the same finding as per paragraphs 18 to 21 above applies here also.

*Drinking cups; Mugs; Tea sets; Drinking vessels; Tea pots; Tea services [tableware]; Coffee services [tableware]; Sports bottles sold empty; Sports bottles made of recycled material; Sports bottles made of bio-base material; Sports bottles made of biodegradable material*

23. I consider that the above goods are all drinks containers/vessels. I consider there to be no overlap in nature or method of use with the opponent's 'apparatus for [...] cooking'. There might be a very general overlap in user which would not be enough for a finding of similarity. The overlap in trade channel might only exist insofar that the items might all be found in home goods stores but they would be found in different areas. They are not complementary nor are they in competition, and therefore I find them to be dissimilar.

*Bowls; Saucers; Dishes; Mess-tins; Soup bowls; Tableware, other than knives, forks and spoon; Dinnerware made of recycled material; Dinnerware made of bio-base material; Dinnerware made of biodegradable material; Tableware, other than knives, forks and spoon, made of recycled material; Tableware, other than knives, forks and spoon, made of bio-base material; Tableware, other than knives, forks and spoon, made of biodegradable material; Bowls made of recycled material; Bowls made of bio-base material; Bowls made of biodegradable material; Dishes made of recycled material; Dishes made of bio-base material; Dishes made of biodegradable material; Saucers made of recycled material; Saucers made of bio-base material; Saucers made of biodegradable material; Pet feeding bowls; Cafeteria trays;*

24. I consider the same finding as paragraph 23 above applies here also and therefore find these goods to be dissimilar.

*Pans; Non-electric cooking pots; Baking trays; Cookware made of recycled material; Cookware made of bio-base material; Cookware made of biodegradable material; Baking trays made of recycled material; Baking trays made of bio-base material; Baking trays made of biodegradable material.*

25. I consider there to be an overlap in user between these goods and the opponent's 'apparatus for [...] cooking' as they are all used as part of the cooking process. The

nature differs but the goods are used in conjunction with one another. There might be an overlap in trade channels. They are not complementary (whilst the goods might be important to one another, I do not believe the average consumer would expect the goods to be provided by the same undertaking) nor are they in competition. I therefore find the goods to be similar to no more than a medium degree.

#### *Non-electric kettles*

26. I consider non-electric kettles to be the type which are placed on a hob/flame in order to heat the water and therefore, when comparing to the opponent's 'apparatus for [...] heating, cooking' I consider there to be an overlap in user and nature (as the opponent's could include electric kettles). There could be an overlap in trade channels and use. It is possible that the average consumer might need to choose between an electric or non-electric kettle and therefore, the goods could be in competition. They are not complementary. I therefore find them to be similar to between a medium and high degree.

*Vacuum bottles; Vacuum bottles made of recycled material; Vacuum bottles made of bio-base material; Vacuum bottles made of biodegradable material; Non-electric kitchen containers not made of precious metal; Thermal insulated containers for food or beverages; Heat-insulated containers for household use; Food storage containers; Thermal insulated lunch box; Canisters made of recycled material; Canisters made of bio-base material; Canisters made of biodegradable material; Food storage containers made of recycled material; Food storage containers made of bio-base material; Food storage containers made of biodegradable material; Plastic storage containers for household use made of recycled material; Plastic storage containers for household use made of bio-base material; Plastic storage containers for household use made of biodegradable material; Thermal insulated containers for food or beverage made of recycled material; Thermal insulated containers for food or beverage made of bio-base material; Thermal insulated containers for food or beverage made of biodegradable material; Heat-insulated containers for household use made of recycled material; Heat-insulated containers for household use made of bio-base material; Heat-insulated containers for household use made of biodegradable material; Thermal*

*insulated lunch box made of recycled material; Thermal insulated lunch box made of bio-base material; Thermal insulated lunch box made of biodegradable material; Portable ice chests;*

27. All of the above goods are storage related- either for household goods, food or liquids. Therefore, there is no overlap in use, purpose or user. The trade channels will not overlap save for the items might all be found in home goods stores but they would be found in different areas. They are not complementary nor are they in competition and therefore I find them to be dissimilar.

*Covers for bowls; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of recycled material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of bio-base material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of biodegradable material*

28. All of the above goods are lids or covers used as storage for food or liquids. Therefore, there is no overlap in use, purpose or user. The trade channels will not overlap save for the items might all be found in home goods stores but they would be found in different areas. They are not complementary nor are they in competition and therefore I find them to be dissimilar.

*Defrosting trays*

29. My understanding of defrosting trays is that they do not heat up themselves but promote airflow to speed up defrosting of foods. Whilst they might be used in the cooking process and therefore, there might be an overlap in user, this is not enough on its own for a finding of similarity and I cannot see any overlap with any of the other *Treat* factors. I therefore find them to be dissimilar.

Class 35

30. I note the opponent's submissions that the class 35 services are similar to the opponent's goods and the case law provided (T-390/16 DONTORO dog

friendship/TORO and T-365/14 TRECOLORE/FRECCE TRICOLORI). I note that in both of these cases, the retail services were for goods that were identical to the goods within the other side's specification which is not the case here.

*Retail services relating to cutlery; Retail services relating to household or kitchen utensils and containers; Retail services relating to cookware and tableware, except forks, knives and spoons; Wholesales services relating to cutlery; Wholesales services relating to household or kitchen utensils and containers; Wholesales services relating to cookware and tableware, except forks, knives and spoons;*

31. As well as the caselaw provided by the opponent, I also note in *Tony Van Gulck v Wasabi Frog Ltd*, Case BL O/391/14, Mr Geoffrey Hobbs Q.C. as the Appointed Person reviewed the law concerning retail services v goods. He said (at paragraph 9 of his judgment) that:

“9. The position with regard to the question of conflict between use of **BOO!** for handbags in Class 18 and shoes for women in Class 25 and use of **MissBoo** for the Listed Services is considerably more complex. There are four main reasons for that: (i) selling and offering to sell goods does not, in itself, amount to providing retail services in Class 35; (ii) an application for registration of a trade mark for retail services in Class 35 can validly describe the retail services for which protection is requested in general terms; (iii) for the purpose of determining whether such an application is objectionable under Section 5(2)(b), it is necessary to ascertain whether there is a likelihood of confusion with the opponent's earlier trade mark in all the circumstances in which the trade mark applied for might be used if it were to be registered; (iv) the criteria for determining whether, when and to what degree services are ‘*similar*’ to goods are not clear cut.”

32. However, on the basis of the European Courts' judgments in *Sanco SA v OHIM*, Case C-411/13P and *Assembled Investments (Proprietary) Ltd v. OHIM*, Case T-105/05, at paragraphs [30] to [35] of the judgment, upheld on appeal in *Waterford Wedgwood Plc v. Assembled Investments (Proprietary) Ltd* Case C-398/07P, Mr Hobbs concluded that:

- i) Goods and services are not similar on the basis that they are complementary if the complementarity between them is insufficiently pronounced that, from the consumer's point of view, they are unlikely to be offered by one and the same undertaking;
- ii) In making a comparison involving a mark registered for goods and a mark proposed to be registered for retail services (or vice versa), it is necessary to envisage the retail services normally associated with the opponent's goods and then to compare the opponent's goods with the retail services covered by the applicant's trade mark;
- iii) It is not permissible to treat a mark registered for 'retail services for goods X' as though the mark was registered for goods X;
- iv) The General Court's findings in *Oakley* did not mean that goods could only be regarded as similar to retail services where the retail services related to exactly the same goods as those for which the other party's trade mark was registered (or proposed to be registered).

33. I therefore consider that the applicant's services, whilst clearly differing in nature, purpose and method of use to the opponent's 'apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating', there is some complementarity as the retail services relate to goods that I have found to be similar (including kitchen knives and cookware) earlier in this decision. There is an overlap in trade channels also. As the level of similarity between the goods themselves is either medium or between a low and medium degree, it follows that the retail and wholesale services are a step further away due to the above findings. I therefore consider these services to be similar to a low degree.

*Retail services relating to pet feeders and pet food containers; Wholesales services relating to pet feeders and pet food containers; Presentation of goods relating to household [...] utensils and containers on communication media, for retail purposes; Presentation of goods relating to [...] tableware, except forks, knives and spoons on*

*communication media, for retail purposes; Presentation of goods relating to pet feeders and pet food containers on communication media, for retail purposes; Presentation of goods relating to goods made of ESG-friendly materials; Presentation of goods relating to cutlery on communication media, for retail purposes; Presentation of goods relating to [...] kitchen utensils [...] on communication media, for retail purposes; Presentation of goods relating to cookware [...], except forks, knives and spoons on communication media, for retail purposes;*

34. Unlike the services in paragraph 33 above, these retail/whole sale services relate to goods which I have found to be dissimilar (or which are not featured in the earlier goods comparison but would be dissimilar) to the opponent's goods. For the sake of completeness, they clearly differ in nature, purpose, method of use and trade channels. They are not competition nor are they complimentary. Even if there were an overlap in general user, this is not enough on its own to establish similarity. They are dissimilar.

*Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cutlery; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to [...]kitchen utensils [...]; Promotional services for the sale of goods relating to cutlery of others; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cookware [...], except forks, knives and spoons; Promotional services for the sale of goods relating to cookware and tableware, except forks, knives and spoons of others; Sales promotion of goods relating to cutlery for others; Sales promotion of goods relating to [...] kitchen utensils [...] for others; Sales promotion of goods relating to cookware [...], except forks, knives and spoons for others; Providing product information of goods relating to cutlery; Providing product information of goods relating to [...] kitchen utensils [...]; Providing product information of goods relating to cookware [...] except forks, knives and spoons;*

35. Similar to the above retail and wholesale services, the above services differ in nature, purpose and method of use to the opponent's 'apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating'. In relation to complementarity, again, the goods would be important for the function of the services

and it would be reasonable for the average consumer to think that they were from the same undertaking. As per paragraph 33 above, the opponent's goods are not identical to the goods named within these services. There is a general overlap in user and trade channels and therefore I consider these services to be similar to the opponent's goods to a low degree.

*Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to household [...] utensils and containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to pet feeders and pet food containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to goods made of ESG-friendly materials; Sales promotion of goods relating to household [...] utensils and containers for others; Sales promotion of goods relating to [...] tableware, except forks, knives and spoons for others; Sales promotion of goods relating to pet feeders and pet food containers for others; Sales promotion of goods made of ESG-friendly materials; Providing product information of goods relating to household [...] utensils and containers; Providing product information of goods relating to [...] tableware, except forks, knives and spoons; Providing product information of goods relating to pet feeders and pet food containers; Providing product information of goods made of ESG-friendly materials;*

36. As per paragraph 34 above, these services relate to goods which are dissimilar to the opponent's goods and therefore the same reasoning applies here and they are dissimilar.

*Marketing of goods relating to cutlery; Marketing of goods relating to household or kitchen utensils and containers; Marketing of goods relating to cookware and tableware, except forks, knives and spoons; Marketing of goods relating to pet feeders and pet food containers; Marketing of goods made of ESG-friendly materials; Internet marketing of goods relating to cutlery; Internet marketing of goods relating to household or kitchen utensils and containers; Internet marketing of goods relating to cookware and tableware, except forks, knives and spoons; Internet marketing of goods relating to pet feeders and pet food containers; Internet marketing of goods made of ESG-friendly materials; Administration of consumer loyalty programs of goods relating*

*to cutlery; Administration of consumer loyalty programs of goods relating to household or kitchen utensils and containers; Administration of consumer loyalty programs of goods relating to cookware and tableware, except forks, knives and spoons; Administration of consumer loyalty programs of goods relating to pet feeders and pet food containers; Import-export agency services of goods relating to cutlery; Import-export agency services of goods relating to household or kitchen utensils and containers; Import-export agency services of goods relating to cookware and tableware, except forks, knives and spoons; Import-export agency services of goods relating to pet feeders and pet food containers; Goods or services price quotations of goods relating to cutlery; Goods or services price quotations of goods relating to household or kitchen utensils and containers; Goods or services price quotations of goods relating to cookware and tableware, except forks, knives and spoons; Goods or services price quotations of goods relating to pet feeders and pet food containers; Procurement services for others of goods relating to cutlery; Procurement services for others of goods relating to household or kitchen utensils and containers; Procurement services for others of goods relating to cookware and tableware, except forks, knives and spoons; Procurement services for others of goods relating to pet feeders and pet food containers; Compiling quotes of products relating to cutlery; Compiling quotes of products relating to household or kitchen utensils and containers; Compiling quotes of products relating to cookware and tableware, except forks, knives and spoons; Compiling quotes of products relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to cutlery; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to household or kitchen utensils and containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to cookware and tableware, except forks, knives and spoons; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods made of ESG-friendly materials; Market studies of goods relating to cutlery; Market studies of goods relating to household or kitchen utensils and containers; Market studies of goods relating to cookware and tableware, except forks, knives and spoons; Market studies of goods relating to pet feeders and pet food containers; Market studies of*

*goods relating to goods made of ESG-friendly materials; Consultancy with relation to marketing of goods relating to cutlery; Consultancy with relation to marketing of goods relating to household or kitchen utensils and containers; Consultancy with relation to marketing of goods relating to cookware and tableware, except forks, knives and spoons; Consultancy with relation to marketing of goods relating to pet feeders and pet food containers; Consultancy with relation to marketing of goods made of ESG-friendly materials; Providing information about commercial business and commercial information of goods relating to cutlery; Providing information about commercial business and commercial information of goods relating to household or kitchen utensils and containers; Providing information about commercial business and commercial information of goods relating to cookware and tableware, except forks, knives and spoons; Providing information about commercial business and commercial information of goods relating to pet feeders and pet food containers; Providing information about commercial business and commercial information of goods made of ESG-friendly materials; Market analysis of goods relating to cutlery; Market analysis of goods relating to household or kitchen utensils and containers; Market analysis of goods relating to cookware and tableware, except forks, knives and spoons; Market analysis of goods relating to pet feeders and pet food containers; Market analysis of goods made of ESG-friendly materials; Providing consumer product information for the purpose of selecting goods relating to cutlery; Providing consumer product information for the purpose of selecting goods relating to household or kitchen utensils and containers; Providing consumer product information for the purpose of selecting goods relating to cookware and tableware, except forks, knives and spoons; Providing consumer product information for the purpose of selecting goods relating to pet feeders and pet food containers; Providing consumer product information for the purpose of selecting goods made of ESG-friendly materials;*

37. I consider that all of the above services from the applicant's specification do not share nature, purpose and method of use to the opponent's 'apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating'. The fact these services might be provided in relation to goods similar to those of the opponent's is not sufficient to reach a finding of similarity. They are not complementary as I do not believe the average consumer will reasonably expect the same undertaking to provide both. Particularly, that a company selling such goods will provide things like marketing

analysis, promoting goods and price comparison to other undertakings which would be their competitors. There is no competition. Some of the services are aimed at businesses and therefore, the users differ. Where the services are aimed at the general public, this is a very general overlap and not enough to establish similarity. They are therefore dissimilar.

38. In *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, Lady Justice Arden stated that:

“49..... I do not find any threshold condition in the jurisprudence of the Court of Justice cited to us. Moreover I consider that no useful purpose is served by holding that there is some minimum threshold level of similarity that has to be shown. If there is no similarity at all, there is no likelihood of confusion to be considered. If there is some similarity, then the likelihood of confusion has to be considered but it is unnecessary to interpose a need to find a minimum level of similarity.”

39. I have found no similarity for the applicant’s following goods and therefore the opposition fails in relation to them:

Class 21: Drinking cups; Mugs; Tea sets; Drinking vessels; Tea pots; Tea services [tableware]; Coffee services [tableware]; Sports bottles sold empty; Sports bottles made of recycled material; Sports bottles made of bio-base material; Sports bottles made of biodegradable material; Bowls; Saucers; Dishes; Mess-tins; Soup bowls; Tableware, other than knives, forks and spoon; Dinnerware made of recycled material; Dinnerware made of bio-base material; Dinnerware made of biodegradable material; Tableware, other than knives, forks and spoon, made of recycled material; Tableware, other than knives, forks and spoon, made of bio-base material; Tableware, other than knives, forks and spoon, made of biodegradable material; Bowls made of recycled material; Bowls made of bio-base material; Bowls made of biodegradable material; Dishes made of recycled material; Dishes made of bio-base material; Dishes made of biodegradable material; Saucers made of recycled material; Saucers made of bio-base material; Saucers made of biodegradable material; Pet

feeding bowls; Cafeteria trays; Vacuum bottles; Vacuum bottles made of recycled material; Vacuum bottles made of bio-base material; Vacuum bottles made of biodegradable material; Non-electric kitchen containers not made of precious metal; Thermal insulated containers for food or beverages; Heat-insulated containers for household use; Food storage containers; Thermal insulated lunch box; Canisters made of recycled material; Canisters made of bio-base material; Canisters made of biodegradable material; Food storage containers made of recycled material; Food storage containers made of bio-base material; Food storage containers made of biodegradable material; Plastic storage containers for household use made of recycled material; Plastic storage containers for household use made of bio-base material; Plastic storage containers for household use made of biodegradable material; Thermal insulated containers for food or beverage made of recycled material; Thermal insulated containers for food or beverage made of bio-base material; Thermal insulated containers for food or beverage made of biodegradable material; Heat-insulated containers for household use made of recycled material; Heat-insulated containers for household use made of bio-base material; Heat-insulated containers for household use made of biodegradable material; Thermal insulated lunch box made of recycled material; Thermal insulated lunch box made of bio-base material; Thermal insulated lunch box made of biodegradable material; Portable ice chests; Covers for bowls; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of recycled material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of bio-base material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of biodegradable material; Defrosting trays.

Class 35: Retail services relating to pet feeders and pet food containers; Wholesales services relating to pet feeders and pet food containers; Presentation of goods relating to household [...] utensils and containers on communication media, for retail purposes; Presentation of goods relating to [...] tableware, except forks, knives and spoons on communication media, for retail purposes; Presentation of goods relating to pet feeders and pet food containers on communication media, for retail purposes; Presentation of goods relating to

goods made of ESG-friendly materials; Presentation of goods relating to cutlery on communication media, for retail purposes; Presentation of goods relating to [...] kitchen utensils [...] on communication media, for retail purposes; Presentation of goods relating to cookware [...], except forks, knives and spoons on communication media, for retail purposes; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to household [...] utensils and containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to pet feeders and pet food containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to goods made of ESG-friendly materials; Sales promotion of goods relating to household [...] utensils and containers for others; Sales promotion of goods relating to [...] tableware, except forks, knives and spoons for others; Sales promotion of goods relating to pet feeders and pet food containers for others; Sales promotion of goods made of ESG-friendly materials; Providing product information of goods relating to household [...] utensils and containers; Providing product information of goods relating to [...] tableware, except forks, knives and spoons; Providing product information of goods relating to pet feeders and pet food containers; Providing product information of goods made of ESG-friendly materials; Marketing of goods relating to cutlery; Marketing of goods relating to household or kitchen utensils and containers; Marketing of goods relating to cookware and tableware, except forks, knives and spoons; Marketing of goods relating to pet feeders and pet food containers; Marketing of goods made of ESG-friendly materials; Internet marketing of goods relating to cutlery; Internet marketing of goods relating to household or kitchen utensils and containers; Internet marketing of goods relating to cookware and tableware, except forks, knives and spoons; Internet marketing of goods relating to pet feeders and pet food containers; Internet marketing of goods made of ESG-friendly materials; Administration of consumer loyalty programs of goods relating to cutlery; Administration of consumer loyalty programs of goods relating to household or kitchen utensils and containers; Administration of consumer loyalty programs of goods relating to cookware and tableware, except forks, knives and spoons; Administration of consumer loyalty programs of goods relating to pet feeders and pet food

containers; Import-export agency services of goods relating to cutlery; Import-export agency services of goods relating to household or kitchen utensils and containers; Import-export agency services of goods relating to cookware and tableware, except forks, knives and spoons; Import-export agency services of goods relating to pet feeders and pet food containers; Goods or services price quotations of goods relating to cutlery; Goods or services price quotations of goods relating to household or kitchen utensils and containers; Goods or services price quotations of goods relating to cookware and tableware, except forks, knives and spoons; Goods or services price quotations of goods relating to pet feeders and pet food containers; Procurement services for others of goods relating to cutlery; Procurement services for others of goods relating to household or kitchen utensils and containers; Procurement services for others of goods relating to cookware and tableware, except forks, knives and spoons; Procurement services for others of goods relating to pet feeders and pet food containers; Compiling quotes of products relating to cutlery; Compiling quotes of products relating to household or kitchen utensils and containers; Compiling quotes of products relating to cookware and tableware, except forks, knives and spoons; Compiling quotes of products relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to cutlery; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to household or kitchen utensils and containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to cookware and tableware, except forks, knives and spoons; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods made of ESG-friendly materials; Market studies of goods relating to cutlery; Market studies of goods relating to household or kitchen utensils and containers; Market studies of goods relating to cookware and tableware, except forks, knives and spoons; Market studies of goods relating to pet feeders and pet food containers; Market studies of goods relating to goods made of ESG-friendly materials; Consultancy with relation to marketing of goods relating to cutlery; Consultancy with relation

to marketing of goods relating to household or kitchen utensils and containers; Consultancy with relation to marketing of goods relating to cookware and tableware, except forks, knives and spoons; Consultancy with relation to marketing of goods relating to pet feeders and pet food containers; Consultancy with relation to marketing of goods made of ESG-friendly materials; Providing information about commercial business and commercial information of goods relating to cutlery; Providing information about commercial business and commercial information of goods relating to household or kitchen utensils and containers; Providing information about commercial business and commercial information of goods relating to cookware and tableware, except forks, knives and spoons; Providing information about commercial business and commercial information of goods relating to pet feeders and pet food containers; Providing information about commercial business and commercial information of goods made of ESG-friendly materials; Market analysis of goods relating to cutlery; Market analysis of goods relating to household or kitchen utensils and containers; Market analysis of goods relating to cookware and tableware, except forks, knives and spoons; Market analysis of goods relating to pet feeders and pet food containers; Market analysis of goods made of ESG-friendly materials; Providing consumer product information for the purpose of selecting goods relating to cutlery; Providing consumer product information for the purpose of selecting goods relating to household or kitchen utensils and containers; Providing consumer product information for the purpose of selecting goods relating to cookware and tableware, except forks, knives and spoons; Providing consumer product information for the purpose of selecting goods relating to pet feeders and pet food containers; Providing consumer product information for the purpose of selecting goods made of ESG-friendly materials;

40. The opposition will continue in respect of the applicant's:

Class 8: Table knives; Kitchen knives; Fruit knives; Household Knives; Non-electric can openers; Non-electric vegetable peelers; Tableware, namely, knives, forks and spoons; Cutlery made of recycled material; Cutlery made of bio-base material; Cutlery made of biodegradable material.

Class 21: Pans; Non-electric cooking pots; Baking trays; Cookware made of recycled material; Cookware made of bio-base material; Cookware made of biodegradable material; Baking trays made of recycled material; Baking trays made of bio-base material; Baking trays made of biodegradable material; Non-electric kettles;

Class 35: Retail services relating to cutlery; Retail services relating to household or kitchen utensils and containers; Retail services relating to cookware and tableware, except forks, knives and spoons; Wholesales services relating to cutlery; Wholesales services relating to household or kitchen utensils and containers; Wholesales services relating to cookware and tableware, except forks, knives and spoons; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cutlery; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to [...]kitchen utensils [...]; Promotional services for the sale of goods relating to cutlery of others; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cookware [...], except forks, knives and spoons; Promotional services for the sale of goods relating to cookware and tableware, except forks, knives and spoons of others; Sales promotion of goods relating to cutlery for others; Sales promotion of goods relating to [...] kitchen utensils [...] for others; Sales promotion of goods relating to cookware [...], except forks, knives and spoons for others; Providing product information of goods relating to cutlery; Providing product information of goods relating to [...] kitchen utensils [...]; Providing product information of goods relating to cookware [...] except forks, knives and spoons;

### **Average consumer and the purchasing act**

41. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

42. 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. (as he then was) 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 word “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

43. For the remaining class 8, 11 and 21 goods, I consider that knives, cutlery, pans and appliances (such as cookers, refrigerators, dryers) are generally purchased by the general public (not discounting professional and business purchasers). In any event, the goods are likely to be purchased fairly frequently and would have a fairly low base value, although there are certainly higher value options available - more likely for the class 11 goods. The average consumer will likely consider factors such as aesthetics, ease of use, materials, size and functionality. Keeping all of this in mind, I consider the average consumer will likely pay a medium degree of attention when purchasing these products.

44. The selection of the goods is likely to be a more visual process whereby they are viewed on retail displays or photographs on websites. There is, however, the possibility of the marks being spoken by sales representatives so I cannot discount the aural use of the marks.

45. For the class 35 services, again I think the average consumer is the public but consider that it is also possible for there to be business consumers. The services are likely to have been chosen by viewing promotional material and high street signage. The choice of all services at issue will largely be influenced by visual considerations but there is the possibility of word of mouth recommendations. When selecting the services at issue, the average consumer is likely to consider such things as stock,

price of goods offered in comparison to other retailers, delivery method (for online retail) and knowledge of the staff. I therefore believe that the average consumer will pay a medium degree of attention during the selection process.


### **Comparison of the marks**

46. 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 relative 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.”

47. 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 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.

48. The respective trade marks are shown below:

Contested mark	Earlier mark
	<p data-bbox="1023 421 1182 461">NOMAD</p>

49. The earlier mark is a singular word mark and therefore, that is where the overall impression lies. The contested mark consists of the word ‘NOMAD’ beneath a device element. The device element is very simplistic and is made up of two overlapping triangles. The bottom line of the triangle on the right is broken up with a dot. I find, in accordance with settled case law,<sup>1</sup> that the word element “NOMAD” will have more impact as the relevant public is more likely to keep verbal elements in mind to identify and quote the mark instead of describing its figurative element. I find that the word element is the dominant and distinctive element of the mark. The device element will play a smaller role. I note the applicant’s submissions that the word element is not in a standard typeface but is a ‘highly simplified typeface indicative of historic signs or motifs’ and that this leads to a different overall impression of the mark. I find that the stylisation will play a nominal role in the mark as it is not striking nor wholly unusual in its appearance.

50. Visually both marks contain the word ‘NOMAD’ and the earlier mark is entirely contained within the contested mark. The contested mark includes the simple device above the word which has no counterpart in the earlier mark. I note the slightly different typeface in the contested mark as mentioned by the applicant. I therefore find the marks to be visually similar to between a medium and a high degree.

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<sup>1</sup> See for instance: *MigrosGenossenschafts-Bund v EUIPO*, T-68/17; and *Wassen International Ltd v OHIM (SELENIUM-ACE)*, Case T-312/03, paragraph 37.

51. Both marks will give 'NOMAD' its ordinary everyday pronunciation and therefore, the marks are aurally identical.

52. Conceptually, 'NOMAD' is an ordinary dictionary term which a significant proportion of consumers will understand and will assign the same meaning to both marks, making them conceptually identical.

### **Distinctive Character of the Earlier Mark**

53. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 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).”

54. Registered trade marks possess varying degrees of inherent distinctive character, being lower where they are allusive or suggestive of a characteristic of the goods

and/or services, ranging up 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 made of it. However, I have not been provided with any evidence of use and, consequently, I have only the inherent position to consider.

55. The earlier mark is an ordinary dictionary term which has no relation to the goods and services registered. Therefore, I find the mark to be inherently distinctive to a medium degree.

### **Likelihood of confusion**

56. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. It is necessary for me to keep in mind the distinctive character of the earlier marks, the average consumer for the goods and services and the nature of the purchasing process. In doing so, I must be alive to the fact 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 that he has retained in his mind.

57. The following factors must be considered to determine if a likelihood of confusion can be established:

- I have found the word 'NOMAD' is the dominant and distinctive element of the contested mark, with the device element and stylisation of the word playing much smaller roles. With the earlier mark, the overall impression lies in the word 'NOMAD' as that is the only element.

- I have found the marks to be visually similar to between a medium and a high degree.
- I have found the marks to be aurally and conceptually identical.
- I have found the earlier mark to be inherently distinctive to a medium degree.
- I have identified the average consumer for the goods and services to be a combination of members of the general public as well as professionals/businesses. The purchasing process is likely to be predominantly visual.
- I have concluded that a medium level of attention will be paid during the purchasing process.
- The remaining goods and services at issue range from similar to a low degree to similar to between a medium and high degree.

58. Given I have found that the earlier mark is wholly replicated within the contested mark, and that they are aurally and conceptually identical, I am satisfied that the average consumer is unlikely to recall the marks accurately and may not remember that one of them includes a device by way of imperfect recollection. They are likely to mistake one mark for the other even where the level of similarity between the goods is low. Consequently, I find there to be a likelihood of direct confusion between the marks.

59. In the event that I am wrong in finding there to be a likelihood of direct confusion, I will now go on to consider whether there could be indirect confusion. Mr Iain Purvis Q.C. (as he then was) said further in *L.A. Sugar Limited v Back Beat Inc*:

“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).”

60. These examples are not exhaustive but provide helpful focus, as was confirmed by Arnold LJ in *Liverpool Gin Distillery Limited & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207:

“This is a helpful explanation of the concept of indirect confusion, which has frequently been cited subsequently, but as Mr Purvis made clear it was not intended to be an exhaustive definition.”<sup>2</sup>

61. In the case of indirect confusion, the average consumer has noticed the differences between the marks but still believes them to be linked. The differences that the average consumer might notice are the presentation of the word in a different typeface and the addition of the triangle device. As previously mentioned, I have found the device elements to not be a highly distinctive element of the mark. The average consumer, seeing that the extraneous matter in the mark as being of lower distinctiveness and a slight change in the presentation of the word element, will then see the contested marks as simply another way of using the earlier mark. Therefore, I find that indirect confusion is likely to occur.

## **Conclusion**

62. The opposition has been successful and registration is refused, subject to any appeal, in relation to the following goods and services:

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<sup>2</sup> Paragraph 12

Class 8: Table knives; Kitchen knives; Fruit knives; Household Knives; Non-electric can openers; Non-electric vegetable peelers; Tableware, namely, knives, forks and spoons; Cutlery made of recycled material; Cutlery made of bio-base material; Cutlery made of biodegradable material.

Class 21: Pans; Non-electric cooking pots; Baking trays; Cookware made of recycled material; Cookware made of bio-base material; Cookware made of biodegradable material; Baking trays made of recycled material; Baking trays made of bio-base material; Baking trays made of biodegradable material; Non-electric kettles;

Class 35: Retail services relating to cutlery; Retail services relating to household or kitchen utensils and containers; Retail services relating to cookware and tableware, except forks, knives and spoons; Wholesales services relating to cutlery; Wholesales services relating to household or kitchen utensils and containers; Wholesales services relating to cookware and tableware, except forks, knives and spoons; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cutlery; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to [...]kitchen utensils [...]; Promotional services for the sale of goods relating to cutlery of others; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cookware [...], except forks, knives and spoons; Promotional services for the sale of goods relating to cookware and tableware, except forks, knives and spoons of others; Sales promotion of goods relating to cutlery for others; Sales promotion of goods relating to [...] kitchen utensils [...] for others; Sales promotion of goods relating to cookware [...], except forks, knives and spoons for others; Providing product information of goods relating to cutlery; Providing product information of goods relating to [...] kitchen utensils [...]; Providing product information of goods relating to cookware [...] except forks, knives and spoons;

63. The opposition fails in relation to the following goods and services for which the mark may proceed to registration, subject to any appeal:

Class 21: Drinking cups; Mugs; Tea sets; Drinking vessels; Tea pots; Tea services [tableware]; Coffee services [tableware]; Sports bottles sold empty; Sports bottles made of recycled material; Sports bottles made of bio-base material; Sports bottles made of biodegradable material; Bowls; Saucers; Dishes; Mess-tins; Soup bowls; Tableware, other than knives, forks and spoon; Dinnerware made of recycled material; Dinnerware made of bio-base material; Dinnerware made of biodegradable material; Tableware, other than knives, forks and spoon, made of recycled material; Tableware, other than knives, forks and spoon, made of bio-base material; Tableware, other than knives, forks and spoon, made of biodegradable material; Bowls made of recycled material; Bowls made of bio-base material; Bowls made of biodegradable material; Dishes made of recycled material; Dishes made of bio-base material; Dishes made of biodegradable material; Saucers made of recycled material; Saucers made of bio-base material; Saucers made of biodegradable material; Pet feeding bowls; Cafeteria trays; Vacuum bottles; Vacuum bottles made of recycled material; Vacuum bottles made of bio-base material; Vacuum bottles made of biodegradable material; Non-electric kitchen containers not made of precious metal; Thermal insulated containers for food or beverages; Heat-insulated containers for household use; Food storage containers; Thermal insulated lunch box; Canisters made of recycled material; Canisters made of bio-base material; Canisters made of biodegradable material; Food storage containers made of recycled material; Food storage containers made of bio-base material; Food storage containers made of biodegradable material; Plastic storage containers for household use made of recycled material; Plastic storage containers for household use made of bio-base material; Plastic storage containers for household use made of biodegradable material; Thermal insulated containers for food or beverage made of recycled material; Thermal insulated containers for food or beverage made of bio-base material; Thermal insulated containers for food or beverage made of biodegradable material; Heat-insulated containers for household use made of recycled material; Heat-insulated containers for household use made of bio-base material; Heat-insulated containers for household use made of biodegradable material; Thermal insulated lunch box made of recycled material; Thermal insulated

lunch box made of bio-base material; Thermal insulated lunch box made of biodegradable material; Portable ice chests; Covers for bowls; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of recycled material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of bio-base material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of biodegradable material; Defrosting trays.

Class 35: Retail services relating to pet feeders and pet food containers; Wholesales services relating to pet feeders and pet food containers; Presentation of goods relating to household [...] utensils and containers on communication media, for retail purposes; Presentation of goods relating to [...] tableware, except forks, knives and spoons on communication media, for retail purposes; Presentation of goods relating to pet feeders and pet food containers on communication media, for retail purposes; Presentation of goods relating to goods made of ESG-friendly materials; Presentation of goods relating to cutlery on communication media, for retail purposes; Presentation of goods relating to [...] kitchen utensils [...] on communication media, for retail purposes; Presentation of goods relating to cookware [...], except forks, knives and spoons on communication media, for retail purposes; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to household [...] utensils and containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to pet feeders and pet food containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to goods made of ESG-friendly materials; Sales promotion of goods relating to household [...] utensils and containers for others; Sales promotion of goods relating to [...] tableware, except forks, knives and spoons for others; Sales promotion of goods relating to pet feeders and pet food containers for others; Sales promotion of goods made of ESG-friendly materials; Providing product information of goods relating to household [...] utensils and containers; Providing product information of goods relating to [...] tableware, except forks, knives and spoons; Providing product information of goods relating to pet feeders and pet food containers; Providing product

information of goods made of ESG-friendly materials; Marketing of goods relating to cutlery; Marketing of goods relating to household or kitchen utensils and containers; Marketing of goods relating to cookware and tableware, except forks, knives and spoons; Marketing of goods relating to pet feeders and pet food containers; Marketing of goods made of ESG-friendly materials; Internet marketing of goods relating to cutlery; Internet marketing of goods relating to household or kitchen utensils and containers; Internet marketing of goods relating to cookware and tableware, except forks, knives and spoons; Internet marketing of goods relating to pet feeders and pet food containers; Internet marketing of goods made of ESG-friendly materials; Administration of consumer loyalty programs of goods relating to cutlery; Administration of consumer loyalty programs of goods relating to household or kitchen utensils and containers; Administration of consumer loyalty programs of goods relating to cookware and tableware, except forks, knives and spoons; Administration of consumer loyalty programs of goods relating to pet feeders and pet food containers; Import-export agency services of goods relating to cutlery; Import-export agency services of goods relating to household or kitchen utensils and containers; Import-export agency services of goods relating to cookware and tableware, except forks, knives and spoons; Import-export agency services of goods relating to pet feeders and pet food containers; Goods or services price quotations of goods relating to cutlery; Goods or services price quotations of goods relating to household or kitchen utensils and containers; Goods or services price quotations of goods relating to cookware and tableware, except forks, knives and spoons; Goods or services price quotations of goods relating to pet feeders and pet food containers; Procurement services for others of goods relating to cutlery; Procurement services for others of goods relating to household or kitchen utensils and containers; Procurement services for others of goods relating to cookware and tableware, except forks, knives and spoons; Procurement services for others of goods relating to pet feeders and pet food containers; Compiling quotes of products relating to cutlery; Compiling quotes of products relating to household or kitchen utensils and containers; Compiling quotes of products relating to cookware and tableware, except forks, knives and spoons; Compiling quotes of products relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-

comparison information and evaluation of goods relating to cutlery; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to household or kitchen utensils and containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to cookware and tableware, except forks, knives and spoons; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods made of ESG-friendly materials; Market studies of goods relating to cutlery; Market studies of goods relating to household or kitchen utensils and containers; Market studies of goods relating to cookware and tableware, except forks, knives and spoons; Market studies of goods relating to pet feeders and pet food containers; Market studies of goods relating to goods made of ESG-friendly materials; Consultancy with relation to marketing of goods relating to cutlery; Consultancy with relation to marketing of goods relating to household or kitchen utensils and containers; Consultancy with relation to marketing of goods relating to cookware and tableware, except forks, knives and spoons; Consultancy with relation to marketing of goods relating to pet feeders and pet food containers; Consultancy with relation to marketing of goods made of ESG-friendly materials; Providing information about commercial business and commercial information of goods relating to cutlery; Providing information about commercial business and commercial information of goods relating to household or kitchen utensils and containers; Providing information about commercial business and commercial information of goods relating to cookware and tableware, except forks, knives and spoons; Providing information about commercial business and commercial information of goods relating to pet feeders and pet food containers; Providing information about commercial business and commercial information of goods made of ESG-friendly materials; Market analysis of goods relating to cutlery; Market analysis of goods relating to household or kitchen utensils and containers; Market analysis of goods relating to cookware and tableware, except forks, knives and spoons; Market analysis of goods relating to pet feeders and pet food containers; Market analysis of goods made of ESG-friendly materials; Providing consumer product information for the purpose of

selecting goods relating to cutlery; Providing consumer product information for the purpose of selecting goods relating to household or kitchen utensils and containers; Providing consumer product information for the purpose of selecting goods relating to cookware and tableware, except forks, knives and spoons; Providing consumer product information for the purpose of selecting goods relating to pet feeders and pet food containers; Providing consumer product information for the purpose of selecting goods made of ESG-friendly materials;

## **Costs**

64. In these proceedings, I consider that the applicant has enjoyed a greater degree of success and is therefore entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. Given the applicant's submissions in lieu of a hearing were very short and added no further information to their counterstatement, I make no award for these. I therefore award the applicant the sum of £200 as a contribution towards the costs of the proceedings. The sum is calculated as follows:

Filing a counterstatement and reviewing the opponent's statement	£200
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65. I therefore order Pelsis Limited to pay LIFE & LIVING INTERNATIONAL LIMITED the sum of £200. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is any appeal, within 21 days of the conclusion of the appeal proceedings.

**Dated this 5<sup>th</sup> day of July 2024**

**L Nicholas**  
**For the Registrar**

## Annex 1:

Class 8: Table knives; Kitchen knives; Fruit knives; Household Knives; Non-electric can openers; Non-electric vegetable peelers; Tableware, namely, knives, forks and spoons; Cutlery made of recycled material; Cutlery made of bio-base material; Cutlery made of biodegradable material.

Class 21: Drinking cups; Bowls; Pans; Tea pots; Non-electric kettles; Mugs; Tea sets; Non-electric cooking pots; Sports bottles sold empty; Non-electric kitchen containers not made of precious metal; Vacuum bottles; Portable ice chests; Thermal insulated containers for food or beverages; Heat-insulated containers for household use; Covers for bowls; Saucers; Dishes; Drinking vessels; Mess-tins; Cafeteria trays; Tea services [tableware]; Baking trays; Defrosting trays; Coffee services [tableware]; Soup bowls; Food storage containers; Tableware, other than knives, forks and spoon; Pet feeding bowls; Thermal insulated lunch box; Vacuum bottles made of recycled material; Vacuum bottles made of bio-base material; Vacuum bottles made of biodegradable material; Cookware made of recycled material; Cookware made of bio-base material; Cookware made of biodegradable material; Canisters made of recycled material; Canisters made of bio-base material; Canisters made of biodegradable material; Food storage containers made of recycled material; Food storage containers made of bio-base material; Food storage containers made of biodegradable material; Plastic storage containers for household use made of recycled material; Plastic storage containers for household use made of bio-base material; Plastic storage containers for household use made of biodegradable material; Dinnerware made of recycled material; Dinnerware made of bio-base material; Dinnerware made of biodegradable material; Tableware, other than knives, forks and spoon, made of recycled material; Tableware, other than knives, forks and spoon, made of bio-base material; Tableware, other than knives, forks and spoon, made of biodegradable material; Bowls made of recycled material; Bowls made of bio-base material; Bowls made of biodegradable material; Dishes made of recycled material; Dishes made of bio-base material; Dishes made of biodegradable material; Saucers made of recycled material; Saucers made of bio-base material; Saucers made of biodegradable material; Sports bottles made of recycled material; Sports bottles made of bio-base material; Sports bottles made of biodegradable material; Thermal insulated containers for food or beverage made of recycled material; Thermal insulated containers for food or beverage made of bio-base material; Thermal insulated containers for food or beverage made of biodegradable material; Heat-insulated containers for household use made of recycled material; Heat-insulated containers for household use made of bio-base material; Heat-insulated containers for household use made of biodegradable material; Thermal insulated lunch box made of recycled material; Thermal insulated lunch box made of bio-base

material; Thermal insulated lunch box made of biodegradable material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of recycled material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of bio-base material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of biodegradable material; Baking trays made of recycled material; Baking trays made of bio-base material; Baking trays made of biodegradable material.

Class 35: Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cutlery; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to household or kitchen utensils and containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cookware and tableware, except forks, knives and spoons; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to pet feeders and pet food containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to goods made of ESG-friendly materials; Promotional services for the sale of goods relating to cutlery of others; Promotional services for the sale of goods relating to household or kitchen utensils and containers of others; Promotional services for the sale of goods relating to cookware and tableware, except forks, knives and spoons of others; Promotional services for the sale of goods relating to pet feeders and pet food containers of others; Promotional services for the sale of goods made of ESG-friendly materials; Sales promotion of goods relating to cutlery for others; Sales promotion of goods relating to household or kitchen utensils and containers for others; Sales promotion of goods relating to cookware and tableware, except forks, knives and spoons for others; Sales promotion of goods relating to pet feeders and pet food containers for others; Sales promotion of goods made of ESG-friendly materials; Presentation of goods relating to cutlery on communication media, for retail purposes; Presentation of goods relating to household or kitchen utensils and containers on communication media, for retail purposes; Presentation of goods relating to cookware and tableware, except forks, knives and spoons on communication media, for retail purposes; Presentation of goods relating to pet feeders and pet food containers on communication media, for retail purposes; Presentation of goods relating to goods made of ESG-friendly materials; Marketing of goods relating to cutlery; Marketing of goods relating to household or kitchen utensils and containers; Marketing of goods relating to cookware and tableware, except forks, knives and spoons; Marketing of goods relating to pet feeders and pet food containers; Marketing of goods made of ESG-friendly materials; Internet marketing of goods relating to cutlery; Internet marketing of goods relating to household or kitchen utensils and containers; Internet marketing of goods relating to cookware and tableware, except forks, knives and spoons; Internet marketing of goods relating to pet feeders and pet food containers; Internet marketing of goods made of ESG-friendly materials; Administration of consumer loyalty programs

of goods relating to cutlery; Administration of consumer loyalty programs of goods relating to household or kitchen utensils and containers; Administration of consumer loyalty programs of goods relating to cookware and tableware, except forks, knives and spoons; Administration of consumer loyalty programs of goods relating to pet feeders and pet food containers; Import-export agency services of goods relating to cutlery; Import-export agency services of goods relating to household or kitchen utensils and containers; Import-export agency services of goods relating to cookware and tableware, except forks, knives and spoons; Import-export agency services of goods relating to pet feeders and pet food containers; Goods or services price quotations of goods relating to cutlery; Goods or services price quotations of goods relating to household or kitchen utensils and containers; Goods or services price quotations of goods relating to cookware and tableware, except forks, knives and spoons; Goods or services price quotations of goods relating to pet feeders and pet food containers; Procurement services for others of goods relating to cutlery; Procurement services for others of goods relating to household or kitchen utensils and containers; Procurement services for others of goods relating to cookware and tableware, except forks, knives and spoons; Procurement services for others of goods relating to pet feeders and pet food containers; Compiling quotes of products relating to cutlery; Compiling quotes of products relating to household or kitchen utensils and containers; Compiling quotes of products relating to cookware and tableware, except forks, knives and spoons; Compiling quotes of products relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to cutlery; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to household or kitchen utensils and containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to cookware and tableware, except forks, knives and spoons; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods made of ESG-friendly materials; Providing product information of goods relating to cutlery; Providing product information of goods relating to household or kitchen utensils and containers; Providing product information of goods relating to cookware and tableware, except forks, knives and spoons; Providing product information of goods relating to pet feeders and pet food containers; Providing product information of goods made of ESG-friendly materials; Market studies of goods relating to cutlery; Market studies of goods relating to household or kitchen utensils and containers; Market studies of goods relating to cookware and tableware, except forks, knives and spoons; Market studies of goods relating to pet feeders and pet food containers; Market studies of goods relating to goods made of ESG-friendly materials; Consultancy with relation to marketing of goods relating to cutlery; Consultancy with relation to marketing of goods

relating to household or kitchen utensils and containers; Consultancy with relation to marketing of goods relating to cookware and tableware, except forks, knives and spoons; Consultancy with relation to marketing of goods relating to pet feeders and pet food containers; Consultancy with relation to marketing of goods made of ESG-friendly materials; Providing information about commercial business and commercial information of goods relating to cutlery; Providing information about commercial business and commercial information of goods relating to household or kitchen utensils and containers; Providing information about commercial business and commercial information of goods relating to cookware and tableware, except forks, knives and spoons; Providing information about commercial business and commercial information of goods relating to pet feeders and pet food containers; Providing information about commercial business and commercial information of goods made of ESG-friendly materials; Market analysis of goods relating to cutlery; Market analysis of goods relating to household or kitchen utensils and containers; Market analysis of goods relating to cookware and tableware, except forks, knives and spoons; Market analysis of goods relating to pet feeders and pet food containers; Market analysis of goods made of ESG-friendly materials; Providing consumer product information for the purpose of selecting goods relating to cutlery; Providing consumer product information for the purpose of selecting goods relating to household or kitchen utensils and containers; Providing consumer product information for the purpose of selecting goods relating to cookware and tableware, except forks, knives and spoons; Providing consumer product information for the purpose of selecting goods relating to pet feeders and pet food containers; Providing consumer product information for the purpose of selecting goods made of ESG-friendly materials; Retail services relating to cutlery; Retail services relating to household or kitchen utensils and containers; Retail services relating to cookware and tableware, except forks, knives and spoons; Retail services relating to pet feeders and pet food containers; Wholesales services relating to cutlery; Wholesales services relating to household or kitchen utensils and containers; Wholesales services relating to cookware and tableware, except forks, knives and spoons; Wholesales services relating to pet feeders and pet food containers; .

**Annex 2:**

<b>Contested goods and services</b>	<b>Earlier goods</b>
Class 8: Table knives; Kitchen knives; Fruit knives; Household Knives; Non-electric can openers; Non-electric vegetable peelers; Tableware, namely, knives, forks and spoons; Cutlery made of recycled material; Cutlery made of bio-base material; Cutlery made of biodegradable material.	Class 11: Lighting apparatus, devices and installations; apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating.
Class 21: Drinking cups; Bowls; Pans; Tea pots; Non-electric kettles; Mugs; Tea sets; Non-electric cooking pots; Sports bottles sold empty; Non-electric kitchen containers not made of precious metal; Vacuum bottles; Portable ice chests; Thermal insulated containers for food or beverages; Heat-insulated containers for household use; Covers for bowls; Saucers; Dishes; Drinking vessels; Mess-tins; Cafeteria trays; Tea services [tableware]; Baking trays; Defrosting trays; Coffee services [tableware]; Soup bowls; Food storage containers; Tableware, other than knives, forks and spoon; Pet feeding bowls; Thermal insulated lunch box; Vacuum bottles made of recycled material; Vacuum bottles made of bio-base material; Vacuum bottles made of biodegradable material; Cookware made of recycled	

material; Cookware made of bio-base material; Cookware made of biodegradable material; Canisters made of recycled material; Canisters made of bio-base material; Canisters made of biodegradable material; Food storage containers made of recycled material; Food storage containers made of bio-base material; Food storage containers made of biodegradable material; Plastic storage containers for household use made of recycled material; Plastic storage containers for household use made of bio-base material; Plastic storage containers for household use made of biodegradable material; Dinnerware made of recycled material; Dinnerware made of bio-base material; Dinnerware made of biodegradable material; Tableware, other than knives, forks and spoon, made of recycled material; Tableware, other than knives, forks and spoon, made of bio-base material; Tableware, other than knives, forks and spoon, made of biodegradable material; Bowls made of recycled material; Bowls made of bio-base material; Bowls made of biodegradable material; Dishes made of recycled material; Dishes made of bio-base material; Dishes made of biodegradable material; Saucers made of recycled material; Saucers made of bio-base

material; Saucers made of biodegradable material; Sports bottles made of recycled material; Sports bottles made of bio-base material; Sports bottles made of biodegradable material; Thermal insulated containers for food or beverage made of recycled material; Thermal insulated containers for food or beverage made of bio-base material; Thermal insulated containers for food or beverage made of biodegradable material; Heat-insulated containers for household use made of recycled material; Heat-insulated containers for household use made of bio-base material; Heat-insulated containers for household use made of biodegradable material; Thermal insulated lunch box made of recycled material; Thermal insulated lunch box made of bio-base material; Thermal insulated lunch box made of biodegradable material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of recycled material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of bio-base material; Reusable self-sealing lids for bowls, cups, containers and the storage of food made of biodegradable material; Baking trays made of recycled material; Baking trays

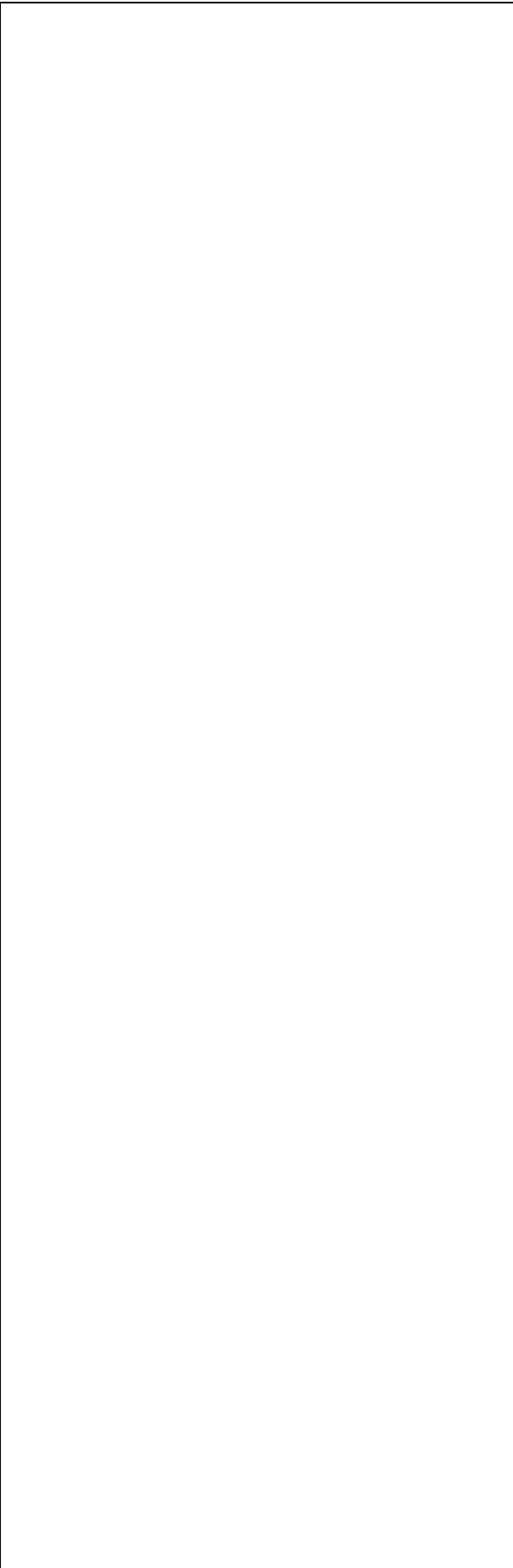
made of bio-base material; Baking trays made of biodegradable material.	
Class 35: Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cutlery; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to household or kitchen utensils and containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to cookware and tableware, except forks, knives and spoons; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to pet feeders and pet food containers; Promotional services, namely, promoting the goods or services of others by means of providing coupons relating to goods made of ESG-friendly materials; Promotional services for the sale of goods relating to cutlery of others; Promotional services for the sale of goods relating to household or kitchen utensils and containers of others; Promotional services for the sale of goods relating to cookware and tableware, except forks, knives and spoons of others; Promotional services for the sale of goods relating to pet feeders and pet food containers of	

others; Promotional services for the sale of goods made of ESG-friendly materials; Sales promotion of goods relating to cutlery for others; Sales promotion of goods relating to household or kitchen utensils and containers for others; Sales promotion of goods relating to cookware and tableware, except forks, knives and spoons for others; Sales promotion of goods relating to pet feeders and pet food containers for others; Sales promotion of goods made of ESG-friendly materials; Presentation of goods relating to cutlery on communication media, for retail purposes; Presentation of goods relating to household or kitchen utensils and containers on communication media, for retail purposes; Presentation of goods relating to cookware and tableware, except forks, knives and spoons on communication media, for retail purposes; Presentation of goods relating to pet feeders and pet food containers on communication media, for retail purposes; Presentation of goods relating to goods made of ESG-friendly materials; Marketing of goods relating to cutlery; Marketing of goods relating to household or kitchen utensils and containers; Marketing of goods relating to cookware and tableware, except forks, knives and spoons; Marketing of goods

relating to pet feeders and pet food containers; Marketing of goods made of ESG-friendly materials; Internet marketing of goods relating to cutlery; Internet marketing of goods relating to household or kitchen utensils and containers; Internet marketing of goods relating to cookware and tableware, except forks, knives and spoons; Internet marketing of goods relating to pet feeders and pet food containers; Internet marketing of goods made of ESG-friendly materials; Administration of consumer loyalty programs of goods relating to cutlery; Administration of consumer loyalty programs of goods relating to household or kitchen utensils and containers; Administration of consumer loyalty programs of goods relating to cookware and tableware, except forks, knives and spoons; Administration of consumer loyalty programs of goods relating to pet feeders and pet food containers; Import-export agency services of goods relating to cutlery; Import-export agency services of goods relating to household or kitchen utensils and containers; Import-export agency services of goods relating to cookware and tableware, except forks, knives and spoons; Import-export agency services of goods relating to pet feeders and pet food containers; Goods

or services price quotations of goods relating to cutlery; Goods or services price quotations of goods relating to household or kitchen utensils and containers; Goods or services price quotations of goods relating to cookware and tableware, except forks, knives and spoons; Goods or services price quotations of goods relating to pet feeders and pet food containers; Procurement services for others of goods relating to cutlery; Procurement services for others of goods relating to household or kitchen utensils and containers; Procurement services for others of goods relating to cookware and tableware, except forks, knives and spoons; Procurement services for others of goods relating to pet feeders and pet food containers; Compiling quotes of products relating to cutlery; Compiling quotes of products relating to household or kitchen utensils and containers; Compiling quotes of products relating to cookware and tableware, except forks, knives and spoons; Compiling quotes of products relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to cutlery; Promoting the goods and services of others by providing price-comparison information

and evaluation of goods relating to household or kitchen utensils and containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to cookware and tableware, except forks, knives and spoons; Promoting the goods and services of others by providing price-comparison information and evaluation of goods relating to pet feeders and pet food containers; Promoting the goods and services of others by providing price-comparison information and evaluation of goods made of ESG-friendly materials; Providing product information of goods relating to cutlery; Providing product information of goods relating to household or kitchen utensils and containers; Providing product information of goods relating to cookware and tableware, except forks, knives and spoons; Providing product information of goods relating to pet feeders and pet food containers; Providing product information of goods made of ESG-friendly materials; Market studies of goods relating to cutlery; Market studies of goods relating to household or kitchen utensils and containers; Market studies of goods relating to cookware and tableware, except forks, knives and spoons; Market



studies of goods relating to pet feeders and pet food containers; Market studies of goods relating to goods made of ESG-friendly materials; Consultancy with relation to marketing of goods relating to cutlery; Consultancy with relation to marketing of goods relating to household or kitchen utensils and containers; Consultancy with relation to marketing of goods relating to cookware and tableware, except forks, knives and spoons; Consultancy with relation to marketing of goods relating to pet feeders and pet food containers; Consultancy with relation to marketing of goods made of ESG-friendly materials; Providing information about commercial business and commercial information of goods relating to cutlery; Providing information about commercial business and commercial information of goods relating to household or kitchen utensils and containers; Providing information about commercial business and commercial information of goods relating to cookware and tableware, except forks, knives and spoons; Providing information about commercial business and commercial information of goods relating to pet feeders and pet food containers; Providing information about commercial business and commercial information of goods made of ESG-

friendly materials; Market analysis of goods relating to cutlery; Market analysis of goods relating to household or kitchen utensils and containers; Market analysis of goods relating to cookware and tableware, except forks, knives and spoons; Market analysis of goods relating to pet feeders and pet food containers; Market analysis of goods made of ESG-friendly materials; Providing consumer product information for the purpose of selecting goods relating to cutlery; Providing consumer product information for the purpose of selecting goods relating to household or kitchen utensils and containers; Providing consumer product information for the purpose of selecting goods relating to cookware and tableware, except forks, knives and spoons; Providing consumer product information for the purpose of selecting goods relating to pet feeders and pet food containers; Providing consumer product information for the purpose of selecting goods made of ESG-friendly materials; Retail services relating to cutlery; Retail services relating to household or kitchen utensils and containers; Retail services relating to cookware and tableware, except forks, knives and spoons; Retail services relating to pet feeders and pet food containers; Wholesales services

<p>relating to cutlery; Wholesales services relating to household or kitchen utensils and containers; Wholesales services relating to cookware and tableware, except forks, knives and spoons; Wholesales services relating to pet feeders and pet food containers; .</p>	
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