**O/0894/25**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. UK00004007726**

**BY STEVEN PAUL CURTIS**

**TO REGISTER THE TRADE MARK:**


**IN CLASS 35**

**AND**

**IN THE MATTER OF OPPOSITION THERETO**

**UNDER NO. 446370**

**BY MATUR, S.L.**

**BACKGROUND AND PLEADINGS**

1. On 28 January 2024, Steven Paul Curtis ("the applicant") applied to register the trade mark shown on the cover page to this decision in the United Kingdom. Registration is sought for *advertising and marketing services* in class 35.

2. The trade mark application was published for opposition purposes on 9 February 2024 and, on 13 March 2024, the application was opposed in its entirety by MATUR, S.L. ("the opponent") under section 5(2)(b) of the Trade Marks Act 1994 ("the Act"). For the purpose of the opposition, the opponent relies upon the following trade mark[1] and all services for which it is registered, as laid out below:

United Kingdom Trade Mark ("UKTM") 917892121:[2]

# INSPIRIA

Filing date: 25 April 2018
Registration date: 10 May 2019

*Hotel management; Consultancy relating to the organisation and management of hotel, entertainment and recreational businesses; Retailing in shops, wholesaling and sale via computer networks of articles for hygiene and beauty care, clothing, footwear, clothing accessories, press articles, books, foodstuffs and beverage; All of the aforesaid services in relation to hotels and ancillary* services (class 35)

*Leisure services; Entertainment; Entertainment services; Leisure services; Provision of rooms for entertainment; Discotheque services; Live music performances; Arranging and conducting of concerts; Organising of festivals; Recreation information; Provision of*

[1] Whilst the opponent initially indicated that it wished to rely on two earlier marks, in an email of 29 August 2024 the opponent withdrew its reliance on additional mark UKTM 917892117.
[2] On 1 January 2021, the UK left the EU after the expiry of the transition period. Under Article 54 of the Withdrawal Agreement, the Registry created comparable UK trade marks for all rights holders with an existing EUTM. As a result of the opponent having an EUTM protected at the end of the Implementation Period, a comparable UK trade mark was automatically created. The comparable mark shown here is now recorded on the UK trade mark register, have the same legal status as if it had been applied for and registered under UK law, and retain its original filing date.

*leisure facilities; Organizing and arranging exhibitions for entertainment purposes; Planning of shows; Production of shows; Organising of stage shows; Gymnasium club services; All of the aforesaid services in relation to hotels and ancillary services* (class 41)

*Hotel restaurant services; Bar services; Self-service cafeteria services; Provision of conference, exhibition and meeting facilities; Takeaway services; Temporary accommodation; Rental of meeting rooms; Restaurant services provided by hotels; Catering; Cocktail lounge services; Services for the preparation of food and drink; Arranging of meals in hotels; Booking of restaurant seats; Snack-bars; Rental of rooms as temporary living accommodations; Providing food and drink; Booking of hotel accommodation; Resort lodging services; Information relating to hotels; Resort hotel services; All of the aforesaid services in relation to hotels and ancillary services* (class 43)

*Hygiene and beauty care for people; Health spa services; Turkish baths; Massage; All of the aforesaid services in relation to hotels and ancillary services* (class 44)

3. The opponent submits that the similarities between the parties' respective trade marks, and the relationship between the respective services, gives rise to a likelihood of both direct and indirect confusion on the part of the average consumer.

4. In its counterstatement, the applicant denies that the parties' marks are similar and that the average consumer would mistakenly believe that the respective services are offered by the same undertaking.

5. The opponent is represented by Lincoln IP, whilst the applicant is unrepresented. Neither party filed evidence or submissions during the evidence rounds and neither elected to request a hearing or file written submissions in lieu. This decision is taken following a careful perusal of the papers.

**DECISION**

**Relevance of EU law**

6. 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.

**Section 5(2)(b)**

7. Section 5(2)(b) of the Act reads as follows:

> "5(2) A trade mark shall not be registered if because –
>
> (a)…
>
> (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."

8. Section 5A of the Act reads 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."

9. The opponent's comparable mark clearly qualifies as an earlier trade mark pursuant to section 6 of the Act. Given the dates in play, the opponent's mark is not subject to the proof of use provisions laid out in section 6A of the Act. Consequently, the opponent can rely upon its mark and all services it has identified without providing evidence of use.

**Section 5(2)(b) – case law**

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

(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 greater 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 to mind the earlier mark, 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 will wrongly believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

**Comparison of services**

11. The competing services are laid out at paragraphs 1 and 2 to this decision.

12. 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.

13. In *Kurt Hesse v OHIM*,[3] the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM),*[4] the GC stated that "complementary" means:

"...there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking."

14. In *Sanco SA v OHIM,*[5] the GC indicated that goods and services may be regarded as 'complementary' and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken* against *transport services for chickens*. The purpose of examining whether there is a complementary relationship between goods and/or services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amalia Mary Elliot v LRC Holdings Limited:*[6]

[3] Case C-50/15 P
[4] Case T-325/06
[5] Case T-249/11
[6] BL O/255/13

> "It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes."

Whilst on the other hand:

> ".....it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together."

15. For the purpose of a comparison it is permissible to group goods or services together, as appropriate.[7]

16. In respect of the parties' services, the opponent submits as follows:

> "All of the services applied for are similar to the services covered by the opponent's earlier mark. The contested services consist of "advertising and marketing services." These services are provided by undertakings to improve the visibility of companies, products, and services; often to encourage the promotion and sale of those companies, goods, and service. The fact the words "Holidays.com" are present in the mark applied for strongly suggests the marketing and advertising services relate to holidays, travel, or tourism. All of the services covered by the earlier mark are of the kind provided by hotels, tourist, or travel organisations. Although the services are not identical there is a strong likelihood that they are complimentary or provided by the same undertakings."

17. The opponent has not specified which of its terms it considers to be the closest to the applied-for services but, instead, makes a fairly broad finding. Whilst I have noted the opponent's comments concerning the suggestive nature of "Holidays.com" from the applicant's mark, I will consider the terms as they stand before me on the register. Whilst I accept that both *advertising* and *marketing* services will be engaged by various undertakings in an effort to promote their respective products, this is not necessarily sufficient to support a finding of similarity. When considered against, for example, the

[7] *Separode Trade Mark* BL O-399-10 (AP)

opponent's *hotel management* or *leisure services* (*in relation to hotels and ancillary services*), the core use of the respective services is fairly distinct. Any similarity in the nature of the services is likely to be limited, and I would expect that the trade channels differ. The services are not competitive and, whilst I accept that the applicant's services may be used as a means of promoting the opponent's services in some circumstances, I do not consider the services necessarily indispensable to one another, nor do I find it likely that the consumer would expect a single undertaking to offer both.

18. To my mind, beyond any broad opportunity for coincidence in their respective users, there is little meaningful similarity between the services relied upon by the opponent and those which have been applied for and I therefore find them dissimilar. On that basis, there can be no likelihood of confusion.[8]

19. If I am found to be wrong in this regard, however, I find any similarity between the services is of no more than a low degree. In the interest of completeness, I will continue my assessment of a likelihood of confusion on this basis.

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

20. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' goods. I must then determine the manner in which the goods are likely to be selected by the average consumer. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited,* [2014] EWHC 439 (Ch), Birss J described the average consumer in these terms:

> "60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words "average" denotes that the

[8] See, for example, *eSure Insurance v Direct Line Insurance,* [2008] ETMR 77 CA

person is typical. The term "average" does not denote some form of numerical mean, mode or median."

21. The average consumer of the services at issue is likely to comprise both members of the general public and professional entities. The services are, to my knowledge, predominantly selected through visual means, via mediums such as online resources or traditional advertisements. Whilst this suggests that the marks' visual impression carries the greatest weight during the selection process, I do not overlook the significance of the marks' aural position, particularly as recommendations may be made by peers or professional representatives, for example. The consumer is likely to be alive to factors such as methods used or the provider's reputation when approaching its purchase. Though likely variable, I would imagine that the cost associated with the services can be fairly significant. All things considered, I find the average consumer is likely to apply at least a medium degree of attention to its selection of the relevant services.

**Comparison of trade marks**

22. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade 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 trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union ("CJEU") stated, at paragraph 34 of its judgment in *Bimbo SA v OHIM,*[9] 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."

[9] Case C-591/12P

23. 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.

24. For ease, the parties' trade marks are displayed in the table below:

| Opponent's trade mark | Applicant's trade mark |
|---|---|
| **INSPIRIA** |  |

25. The opponent's mark is comprised of a single eight-letter word. With no other elements to contribute to the mark's overall impression, it resides solely in the word itself.

26. The applicant's mark is figurative, combining word elements and a figurative device, with both words presented in a 'bubble'-style typeface. The largest of the words within the mark ("Inspire") is positioned centrally, with the words *Holidays.com* positioned beneath on the right-hand side, in a smaller text. Behind the mark's word elements is a two-dimensional image of a luggage tag. By virtue of both its lesser size and inherent nature (being indicative of a web address, for example), *Holidays.com* is likely to carry less weight in the mark's overall impression than its *Inspire* element, which will play a more dominant role. The device in the mark's background makes a contribution but is fairly unremarkable and will likely be perceived as a nod toward the nature of the services the mark represents.

27. Visually, the marks coincide in the first six letters of the opponent's INSPIRIA and the *Inspire* element in the applicant's mark (I-N-S-P-I-R[10]). Whilst this sequence of letters

[10] Little hangs on the variation of the respective letter-casing given that registration of a word-only mark typically allows for its presentation in a variety of cases and typefaces.

is identical, in the opponent's mark it precedes the final two letters I-A, whereas in the applicant's mark the sequence precedes a single letter 'e'. The marks also differ visually insofar as the applicant's mark comprises additional elements 'Holidays.com' and a figurative device, neither of which have a counterpart in the earlier mark. Remaining mindful of my considerations regarding the marks' overall impressions, and keeping in mind that the beginnings of marks generally have a greater impact,[11] I find the marks' visual similarity is of a fairly low degree.

28. Aurally, the opponent's mark is likely to be articulated in four syllables; loosely IN-SPY-REE-AH or IN-SPIH-REE-AH. The applicant's mark, in turn, will likely comprise seven syllables; IN-SPIRE-HOL-IH-DAYS-DOT-COM. Regardless of which articulation of the opponent's mark is adopted, there is at least a high degree of similarity in the first two syllables of the competing marks. There is little meaningful similarity in the marks' remaining syllables and, in their entirety, the marks differ by a total of three syllables. Weighing all factors, I find there is a fairly low degree of aural similarity.

29. Conceptually, INSPIRIA is unlikely to convey any specific meaning and will instead be perceived as an invented or possibly foreign word. It may vaguely remind the average consumer of dictionary word INSPIRE on account of the coincidence of letter sequence I-N-S-P-I-R but, nonetheless, the opponent's mark will not evoke a specific concept. In the applicant's mark, the word elements will be easily identifiable to the average consumer. *Inspire* will be understood as a word generally meaning to encourage or motivate somebody to do something specific or at least feel capable to do so. The mark's *Holidays.com* element will be viewed as an indication that there is a website available to the consumer and that the undertaking has some interest in travel, with the luggage tag device reinforcing the latter concept. On the basis that I have found the earlier mark will not convey any meaningful concept, I do not consider there to be any conceptual similarity between the parties' marks.

**Distinctive character of the earlier trade mark**

[11] *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

30. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*,[12] 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 1-2779, 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)."

31. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods, to those with high inherent distinctive character, such as invented words which have no descriptive or allusive qualities. The distinctive character of a mark can be enhanced by virtue of the use that has been made of it.

32. In the absence of any evidence showing use of the earlier mark, I have only the inherent position to consider. Earlier in my decision I found that the earlier mark, whilst it may be considered vaguely reminiscent of well-known word INSPIRE, is likely to be

[12] Case C-342/97

perceived as an invented or possibly foreign word with no immediately retrievable meaning. That being so, I do not consider the mark to be allusive nor descriptive to any degree when considered in respect of the relied-upon services. That being said, the mark is not particularly elaborate and comprises only a single word. On consideration of these factors, I find the earlier mark enjoys a fairly high degree of inherent distinctiveness.

**Likelihood of confusion**

33. In determining whether there is a likelihood of confusion, 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/or services, and vice versa. As I mentioned above, it is also necessary for me to keep in mind the distinctive character of the opponent's trade mark, as the more distinctive it is, the greater the likelihood of confusion. Conversely, the less distinctive it is, the lower the likelihood of confusion.

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

35. I take note of the comments made by Mr Iain Purvis Q.C., as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc,*[13] where he explained that:

> "16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some

[13] Case BL O/375/10

kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: "The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark."

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

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

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

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

36. In *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors*,[14] Arnold LJ approved Mr Purvis's formulation but added:

"13. As James Mellor QC sitting as the Appointed Person pointed out in *Cheeky Italian Ltd v Sutaria* (O/219/16) at [16] 'a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion'. Mr Mellor went on to say that, if there is no likelihood of direct

[14] [2021] EWCA Civ 1207

> confusion, 'one needs a reasonably special set of circumstances for a finding of a likelihood of indirect confusion'. I would prefer to say that there must be a proper basis for concluding that there is a likelihood of indirect confusion given that there is no likelihood of direct confusion."

37. To make the assessment, I must adopt the global approach advocated by the case law whilst taking account of my earlier conclusions. I also bear in mind that the average consumer rarely has the chance to make direct comparisons between trade marks and, instead, must rely upon the imperfect picture of them retained in its mind.

38. Throughout the course of my decision, I have found the marks visually and aurally similar to a fairly low degree and the marks are not conceptually similar. The purchasing process is likely to be predominantly visual (though I do not overlook the significance of the aural position) and the average consumer, comprising both members of the general public and professional users, is likely to pay at least a medium degree of attention when approaching its purchase. I have also found that the earlier mark enjoys a fairly high degree of inherent distinctiveness. My primary position concerning the parties' respective services is that they are dissimilar. However, if this is found to be an incorrect finding and the services should, in fact, be regarded as similar, I do not consider that any similarity between the services will be higher than a low degree and it is on this basis that I will consider a likelihood of confusion.

39. I begin by considering a likelihood of direct confusion. As explained above, direct confusion is simply a matter of the consumer mistaking one mark for the other. In the present case, I have found the marks' visual impression to carry the greatest weight in the purchasing process, and the visual similarity to be of a fairly low degree. Whether the purchase is approached on visual or aural terms, there are a number of elements in the applicant's mark which do not have a counterpart in the mark relied upon by the opponent which, to my mind, are unlikely to be overlooked by the average consumer. The applicant's mark will also evoke an immediately retrievable concept (or concepts), whereas the consumer will not derive any meaningful message from the earlier mark. The difference in this perception (or lack thereof) will be easily recalled by the average consumer (when seeking a repeat purchase, for example). Weighing these considerations, I am satisfied that there is no likelihood of direct confusion.

40. Turning now to indirect confusion, to my mind the only common element between the parties' marks falls in the shared six-letter sequence I-N-S-P-I-R in the respective INSPIRIA and *Inspire* elements. Given that this sequence is incorporated into two distinct words with different conceptual positions in each mark, and given the distance between the parties' services, this shared element is likely to be attributed to mere coincidence; I can see no reason why the average consumer would be inclined to erroneously conclude that the marks originate from a single or related undertaking. Even if the shared sequence of letters is identified, the most extreme consequence would simply be one mark calling the other to mind, which is not sufficient to satisfy a finding of confusion.[15]

**Conclusion**

41. The opposition has failed. As explained above, my primary position is that the parties' services are not similar and, therefore, a likelihood of confusion cannot be established. However, if I am found to be wrong to have dismissed any similarity between the respective services and instead they should be considered lowly similar, there is insufficient similarity between the parties' trade marks to engage a likelihood of direct and/or indirect confusion. Subject to any successful appeal against this decision, the application will proceed to registration.

**Costs**

42. The applicant has been successful and is entitled to a contribution toward its costs. Awards of costs commenced on or after 1 February 2023 are governed by Annex A of Tribunal Practice Notice ("TPN") 1/2023. In accordance with that TPN, I award £250 in costs to the applicant for *reviewing the Notice of Opposition and preparing a counterstatement*.

**43. I hereby order MATUR, S.L. to pay Steven Paul Curtis the sum of £250. This sum is to be paid within twenty-one days of the expiry of the appeal period or**

[15] *Duebros Limited v Heirler Cenovis GmbH,* BL O/547/17

**within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.**

**Dated this 25th day of September 2025**

**Laura Stephens**
**For the Registrar**