

O/0917/25

TRADE MARKS ACT 1994

CONSOLIDATED PROCEEDINGS

IN THE MATTER OF APPLICATION NOS. UK00003848454, UK00003848551 AND

UK00003848600

BY BOLT TECHNOLOGIES INCORPORATED

TO REGISTER THE FOLLOWING TRADE MARKS:

**GOBOLT**



IN CLASSES 35, 39 AND 42

AND IN THE MATTER OF OPPOSITIONS THERETO

UNDER NOS. 440255, 440258 AND 440268

BY BOLT TECHNOLOGY OÜ

## BACKGROUND AND PLEADINGS

1. On 11 November 2022, Bolt Technologies Incorporated (“the applicant”) applied to register the following trade marks in the UK:

GOBOLT

UKTM no. 3848454

Priority date: 20 May 2022 (Canada)

(“the First Application”)



UKTM no. 3848551

Priority date: 19 July 2022 (Canada)

(“the Second Application”)



UKTM no. 3848600

Priority date: 20 May 2022 (Canada)

(“the Third Application”)

(together “the applications”)

2. The applicant seeks protection in respect of all of the applications for the services set out in paragraph **14** of this decision.

3. On 13 April 2023, the applications were opposed by Bolt Technology OÜ (“the opponent”) on the basis of section 5(2)(b) of the Trade Marks Act 1994 (“the Act”).<sup>1</sup> For all three oppositions, the opponent relies upon the following trade marks:

**BOLT**

IR designating the UK no. 1553182

International registration date: 13 August 2020

Date of designation: 13 August 2020

Date protection granted in the UK: 23 March 2021

Priority date: 22 May 2020 (Estonia)

(“the First Earlier Mark”)

**Bolt**

UKTM no. 3630121

Filing date: 17 August 2018<sup>2</sup>

Registration date: 22 October 2021

(“the Second Earlier Mark”)

(together “the earlier marks”)

4. The goods and services for which the earlier marks are registered are set out in the Annex to this decision. The opponent claims that the marks are similar, and the goods and services are identical or similar, with the result that there is a likelihood of confusion.

5. The applicant filed counterstatements denying the grounds of opposition.

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<sup>1</sup> The oppositions were originally also brought under sections 5(3) and 5(4)(a) of the Act, but as the opponent confirmed that it did not intend to file evidence, these grounds were deemed withdrawn.

<sup>2</sup> The mark was filed pursuant to Article 59 of the Withdrawal Agreement between the UK and the EU, meaning that the opponent can rely upon the EU filing date, being the date shown here. The UK filing date is recorded as 21 April 2021.

6. Neither party filed evidence and neither party requested a hearing. Both parties filed written submissions in lieu on 27 February 2025. This decision is taken following a careful consideration of the papers.

## **REPRESENTATION**

7. The applicant is represented by Marks & Clerk LLP.

8. The opponent is represented by Appleyard Lees IP LLP.

## **RELEVANCE OF EU LAW**

9. 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**

10. 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.”

11. 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.”

12. Given their earlier filing/priority dates, the trade marks upon which the opponent relies qualify as earlier trade marks pursuant to section 6 of the Act. As the earlier marks had not completed their registration process more than 5 years prior to the filing date of the applications in issue, they are not subject to the use provisions in section 6A of the Act. Consequently, the opponent can rely upon all of the goods and services identified in its Form TM7.

13. 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

14. The goods and services relied upon by the opponent are set out in the Annex to this decision. However, I have included only those services that I consider represent the opponent's best case in the table below. With that in mind, the competing services are as follows:

Opponent's services	Applicant's services
<p><b>The First Earlier Mark</b></p> <p><u>Class 39</u> Transport; delivery services; packaging and storage of goods.</p> <p><b>The Second Earlier Mark</b></p> <p><u>Class 35</u> Business management; administrative processing of purchase orders.</p> <p><u>Class 39</u> Transport; packaging and storage of goods; computerised transport information services.</p> <p><u>Class 42</u> Providing temporary use of on-line non-downloadable software.</p>	<p><u>Class 35</u> Order fulfillment services, namely services relating to order processing; supply chain management services; freight logistics management; fleet management services in the nature of tracking of fleet vehicles for commercial purposes in the field of fulfillment, shipping, and last-mile logistics; management and consulting services in the field of fulfillment, shipping, and last-mile logistics.</p> <p><u>Class 39</u> Delivery and storage of goods; delivery of goods; parcel shipping services; delivery services, namely, same day shipment services; warehousing services; warehousing services, namely, storage, distribution, pick-up, packing, and shipping of products for others; storage, packaging, and delivery of goods in the field of fulfillment, shipping, and last-mile logistics; Order fulfillment</p>

	<p>services, namely services relating to the delivery of goods.</p> <p><u>Class 42</u></p> <p>Providing online non-downloadable computer software to facilitate real-time tracking of deliveries in the field of fulfillment, shipping and last-mile logistics; providing online non-downloadable computer software to facilitate the receiving, planning, scheduling, and managing of orders in the field of fulfillment, shipping, and last-mile logistics; providing temporary use of online non-downloadable software to facilitate the receiving, planning, scheduling, and managing of orders in the field of fulfillment, shipping, and last-mile logistics.</p>
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15. When making the comparison, all relevant factors relating to the services in the specifications should be taken into account. 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.”

16. Guidance on this issue has also come from Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

- (a) The respective 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.

17. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court 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 for Lernsysteme v OHIM – Educational Services* (ELS) [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.”

### Class 35

*Order fulfillment services, namely services relating to order processing; management and consulting services in the field of fulfillment, shipping, and last-mile logistics.*

18. In my view, the term “administrative processing of purchase orders” in the specification of the Second Earlier Mark is identical on the principle outlined in *Meric* to the above terms. If I am wrong in that finding, then they will be provided by the same businesses, to the same customers. They will also be similar in nature and method of use. As such, they are similar to at least a medium degree.

*Supply chain management services.*

19. In my view, “packaging and storage of goods” in the specifications of the earlier marks and “administrative processing of purchase orders” in the specification of the Second Earlier Mark can all be part of the process of supply chain management. Consequently, I find these services to be identical on the principle outlined in *Meric*. If I am wrong in that finding, then the opponent’s services could be provided by the same undertaking concerned with optimizing/managing the customer’s supply chain. The users will be the same. There will be an overlap in nature and method of use. In my view, they are similar to at least a medium degree.

*Freight logistics management; fleet management services in the nature of tracking of fleet vehicles for commercial purposes in the field of fulfillment, shipping, and last-mile logistics.*

20. I consider these services may fall within the term “business management” in the specification of the Second Earlier Mark, where they are concerned with management of a business in the transport industry. Consequently, they are identical on the principle outlined in *Meric*. If I am wrong in that finding, then they could be provided through the same trade channels, to the same users as “computerised transport information services”. There may be complementarity.<sup>3</sup> Consequently, even if I am wrong in my primary finding that the services are identical, I would find them to be similar to a medium degree. In reaching this finding, I bear in mind that the applicant’s “freight” services typically refers to the transport of goods, rather than people, but as the

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<sup>3</sup> *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06

opponent's term covers "transport" at large, I find that this could reference the transport of either people or goods.

### Class 39

*Delivery and storage of goods; warehousing services; warehousing services, namely, storage, distribution, pick-up, packing, and shipping of products for others; storage, packaging, and delivery of goods in the field of fulfillment, shipping, and last-mile logistics.*

21. As explained above, the term "transport" covers, in my view, both transport of people and transport of goods. As such, the above services would either be encompassed by this term, or would be identical on the principle outlined in *Merit* to "packaging and storage of goods" in the specifications of both the First and Second Earlier Marks.

*Delivery of goods; parcel shipping services; delivery services, namely, same day shipment services; Order fulfillment services, namely services relating to the delivery of goods.*

22. For the same reasons given above, these terms are identical on the principle outlined in *Merit* to "transport" in the specifications of both the First and Second Earlier Marks. They are also identical on the principle outlined in *Merit* to "delivery services" in the specification of the First Earlier Mark.

### Class 42

*Providing online non-downloadable computer software to facilitate real-time tracking of deliveries in the field of fulfillment, shipping and last-mile logistics; providing online non-downloadable computer software to facilitate the receiving, planning, scheduling, and managing of orders in the field of fulfillment, shipping, and last-mile logistics; providing temporary use of online non-downloadable software to facilitate the receiving, planning, scheduling, and managing of orders in the field of fulfillment, shipping, and last-mile logistics.*

23. The specification of the Second Earlier Mark includes the term “providing temporary use of on-line non-downloadable software”. I note that in respect of this term in the opponent’s specification, the applicant claims that it is “unduly broad and covers an undefinable extent of protection”. However, no attempt has been made to challenge the validity of the earlier mark and, whilst the term is broad, it is not unclear in a way that it would be permissible to disregard it.<sup>4</sup> Plainly, the opponent’s broad term would cover the services listed here. Consequently, I find the services identical on the principle outlined in *Meric*.

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

24. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purposes 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 services in question: *Lloyd Schuhfabrik Meyer, Case C-342/97*.

25. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

26. The average consumer for the services will be either a business user or (in some circumstances) a member of the general public. In the case of the services that are

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<sup>4</sup> *SkyKick UK Ltd & Anor v Sky Ltd & Ors (Rev1)* [2024] UKSC 36

likely to be used by the general public, such as delivery and parcel shipping services, they are likely to be purchased with varying degrees of frequency and cost (depending on the type and size of goods being delivered/shipped). However, factors such as reliability and customer service standards are likely to be taken into account when purchasing the services. All of the services could be used by businesses, who are likely to take into account the same factors as members of the general public. However, they are likely to pay a higher level of attention where there is a potential impact on their business. Consequently, I find that at least a medium degree of attention will be paid during the purchasing process, but it may be higher than medium in some circumstances.

27. The services are likely to be purchased following perusal of signage on physical premises, delivery vehicles, websites and advertisements. Consequently, I find that the purchasing process will be primarily visual, although I do not discount an aural component to the purchase given that word of mouth recommendations may play a role.



### **Comparison of marks**

28. It is clear from *Sabel* 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 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.”

29. It would be wrong, therefore, to dissect the trade marks artificially, 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.

30. The respective trade marks are shown below:

Opponent's trade marks	Applicant's trade marks
<p style="text-align: center;">BOLT (the First Earlier Mark)</p> <p style="text-align: center;"><b>Bolt</b> (the Second Earlier Mark)</p>	<p style="text-align: center;">GOBOLT (the First Application)</p> <p style="text-align: center;"> (the Second Application)</p> <p style="text-align: center;"> (the Third Application)</p>

Overall Impression

31. The First Application consists of the letters GOBOLT. I recognise that there will be some average consumers who view this as an invented word. However, I consider that there will be a significant proportion of average consumers who break the mark down into two conjoined dictionary words, being GO and BOLT. For those average consumers, the overall impression will lie in the combination of these words.

32. The Second Application consists of the letters GOBOLT alongside a lightning bolt device. In this mark, the letters will easily be broken down into the words GO and

BOLT, partly because of the capitalisation used but also partly because of the presence of the lightning bolt device which will bring the word bolt more readily to mind. In my view, the words play the greater role in the overall impression of the mark, with the device playing a lesser role. The use of colour plays a much lesser role.

33. The Third Application consists of the same mark as the Second Application, but in greyscale. The same findings apply in relation to this mark.

34. The First Earlier Mark consists of the word BOLT. There are no other elements to contribute to the overall impression, which lies in the word itself.

35. The Second Earlier Mark consists of the word BOLT presented in a slightly stylised font. The overall impression of the mark resides in the word BOLT, with the stylisation playing a much lesser role.

### Visual Comparison

#### *The First Application*

36. The First Earlier Mark appears at the end of the First Application. The letters GO at the start of the First Application are clearly a point of visual difference. I bear in mind that the beginning of marks tend to make more of an impact than the ends.<sup>5</sup> In my view, the marks are visually similar to a slightly higher than medium degree.

37. The same applies to the comparison with the Second Earlier Mark. Whilst I note that the Second Earlier Mark is presented in a stylised font, I bear in mind that this plays a very small role in the overall impression and the First Application can be used in any font (being a word only mark). In my view, the marks are visually similar to a slightly higher than medium degree.

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

### *The Second and Third Applications*

38. The same finding applies to the comparison between the First Earlier Mark and the Second and Third Applications as made in relation to the First Application. However, the lightning bolt device is an additional point of difference. In my view, the marks are visually similar to a medium degree.

39. The same applies to the comparison with the Second Earlier Mark. Whilst I recognise that the Second Earlier Mark is presented in a stylised font, it is very similar to that used in the Second and Third Applications. Consequently, I find the marks to be visually similar to a medium degree.

### Aural Comparison

40. The earlier marks will be pronounced identically i.e. as the ordinary dictionary word BOLT. The applications will also be pronounced identically (for the significant proportion of average consumers who recognise the First Earlier Mark as the word GO and BOLT conjoined), i.e. as the dictionary words GO and BOLT. The same finding, therefore, applies to all of the comparisons. In my view, they are aurally similar to a slightly higher than medium degree.

### Conceptual Comparison

41. For those average consumers who recognise the word BOLT in all of the marks, it will carry the identical meaning across all of the marks. The device in the Second and Third Applications is likely to reinforce a particular meaning of BOLT (being a lightning bolt) for the average consumer. However, the presence of the word GO in the applications is a point of conceptual difference between the marks. In my view, the combination of the words GO and BOLT will be understood as directing people to the services of BOLT as suggested by the opponent (e.g. “go and use Bolt’s services”) or will be understood as a reference to an on-the-go service or a service that involves travel/transport. Taking all of this into account, I find the marks to be conceptually similar to a slightly higher than medium degree.

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

42. 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-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).”

43. 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 services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctive character of a mark can be enhanced by virtue of the use made of it. I note that in its written submissions, the opponent relies upon a finding of this Tribunal in a previous decision in which its mark was found to have enhanced distinctive character.<sup>6</sup> However, in this case, the

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<sup>6</sup> BL O/552/22

opponent has filed no evidence of use to support a finding of enhanced distinctiveness. Consequently, I have only the inherent position to consider.

44. The earlier marks both consist of the word BOLT, which is an ordinary dictionary word. I recognise that this word may have some mild allusion to speed in the context of these services. Although the Second Earlier Mark is stylised, I do not consider that this materially increases the distinctiveness of the mark as a whole. In my view, both earlier marks are inherently distinctive to a slightly lower than medium degree.

### **Likelihood of confusion**

45. 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 that the marks are not the same but puts the similarity that exists between them and the 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 marks may be offset by a greater degree of similarity between the services, and vice versa. As I mentioned above, it is necessary for me to take into account the distinctive character of the earlier marks, the average consumer for the 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.

46. I have found as follows:

- a. The services vary from being similar to a medium degree to identical.
- b. The average consumer is a member of the general public or a business user who will pay at least a medium degree of attention during the purchasing process (although this is likely to be higher in some circumstances).

- c. The purchasing process is predominantly visual, although I do not discount an aural component.
- d. The First Application and the earlier marks are visually, aurally and conceptually similar to a slightly higher than medium degree.
- e. The Second and Third Applications and the earlier marks are visually similar to a medium degree, and aurally and conceptually similar to a slightly higher than medium degree.
- f. The earlier marks are distinctive to a slightly lower than medium degree.

47. In my view, the presence of the word GO at the start of the applications are sufficient to avoid the marks being mistakenly recalled or misremembered as each other, even when used on identical services. Consequently, I do not consider there to be a likelihood of direct confusion.

48. I will now consider whether there is a likelihood of indirect confusion. In *L.A. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

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

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

- (a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right ('26 RED TESCO' would no doubt be such a case).
- (b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as 'LITE', 'EXPRESS', 'WORLDWIDE', 'MINI' etc.).
- (c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension ('FAT FACE' to 'BRAT FACE' for example)".

49. In my view, the addition of the word GO to the word BOLT may be seen as referring to a service that is 'on the go' or it may be seen as a slogan encouraging people to use BOLT instead of other providers. In either circumstance, I find that the average consumer will consider there to be an economic connection between the providers of the services offered under the marks, notwithstanding that the word BOLT is mildly allusive. Alternatively, the addition of the word GO might be seen as a non-distinctive (or weakly distinctive) addition in the context of transport/travel related services, which would be consistent with a brand extension or sub brand. As such, there is a likelihood of indirect confusion.

## **CONCLUSION**

50. The oppositions are successful and, subject to any appeal, the applications are refused.

## **COSTS**

51. The opponent has been successful and is, therefore, entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023. In making this award, I bear in mind that whilst the opponent paid an official fee of £200 for each opposition, this was due to its initial reliance upon sections 5(3) and 5(4)(a) of the Act. As it failed to file evidence to support these grounds, I award only the lower official fee of £100 for each opposition. Similarly, whilst I bear in mind that there were three Notices of opposition filed, given the similarity between each of them, I have not made a full award in respect of each. In the circumstances, I award the opponent the sum of **£1,100**, calculated as follows:

Preparing Notices of opposition and considering the counterstatements	£450
Written submissions in lieu	£350
Official fee (x3)	£300
<b>Total</b>	<b>£1,100</b>

52. I therefore order Bolt Technologies Incorporated to pay Bolt Technology OÜ the sum of **£1,100**. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

**Dated this 30<sup>th</sup> day of September 2025**

**S WILSON**  
**For the Registrar**

## ANNEX

The earlier marks are registered for the following goods and services:

### **The First Earlier Mark**

#### Class 39

Transport; travel arrangements; arranging passenger transport services for others via an online application; car sharing services; bicycle sharing services; transport, vehicle reservation; taxi services; arranging taxi transport; transport information; computer reservation services for passenger transport; transport brokerage; computerized transport information services; computerized information services relating to passenger transportation; computerized information services relating to travel reservations; providing travel route information; vehicle rental and hire; scooter rental; delivery services; courier services [forwarding of messages or goods]; food delivery services; package delivery; temporary storage of consignments; packaging and storage of goods.

### **The Second Earlier Mark**

#### Class 9

Magnetic data carriers, recording discs; Laser discs; DVDs; Digital recording media; Cash registers; Calculators; Data processing equipment; Computers; Software; Computer operating programs, recorded; Computer programs [downloadable software]; Computer software downloaded from the internet; Computer software applications, downloadable; Interfaces for computers; Downloadable graphics for mobile phones; Computer application software for mobile telephones; Mobile applications for booking taxis; none of the afore-said provided in the field of staffing services, staffing platform services, recruitment services, employment outsourcing services, personnel management and HR services, employee-assignment matching services, employer-employee matching services, headhunting services, job board services; none of the afore-said in relation to providing mobile plan extra allowances.

#### Class 35

Advertising; Business management; Clerical services; Business intermediary and advisory services in the field of selling products and rendering services; Price comparison services; Tariff information and advisory services; Procurement of contracts [for others]; Administrative processing of purchase orders; Telephone order-taking services for others; Ordering services for third parties; Data processing; Compilation of computer databases; Systemization of information into computer databases; Updating and maintenance of data in computer databases; Data search in computer files for others; Providing business information, also via internet, the cable network or other forms of data transfer; Business analysis; Preparing business reports; Economic information services for business purposes; Provision of sales analyses; Business statistical information services; Market studies; Market reporting services; Arranging of commercial and business contacts; Loyalty, incentive and bonus program services; Provision of advertising space, time and media; none of the afore-said in relation to providing mobile plan extra allowances.

#### Class 39

Transport; Packaging and storage of goods; Travel arrangement; Taxi transport; Arrangement of taxi transport; Transportation information; Computerised reservation services relating to the carriage of passengers; Transport brokerage; Computerised transport information services; Computerised information services relating to the carriage of passengers; Computerised information services relating to travel reservations; Provision of information relating to travel routes; Vehicle rental.

#### Class 42

Science and technology services; Research services; Design services; Industrial analysis and research services; Design and development of computer hardware; Software design and development; Software as a service [SaaS]; Rental of computer software and programs; Rental and maintenance of computer software; Providing temporary use of on-line non-downloadable software; Data warehousing; Rental services relating to data processing equipment and computers; Providing information, advice and consultancy services in the field of computer software; Advisory services relating to man-machine interfaces for computer software; Advisory services relating to the rental of computers or computer software; none of the afore-said provided in the field of staffing services, staffing platform services, recruitment services, employment

outsourcing services, personnel management and HR services, employee-assignment matching services, employer-employee matching services, headhunting services, job board services; none of the afore-said in relation to providing mobile plan extra allowances.