O/0929/26

TRADE MARKS ACT 1994

IN THE MATTER OF REGISTRATION NO. UK00004034752

IN THE NAME OF MYCAREBUBBLE LTD

FOR THE FOLLOWING TRADE MARK:



IN CLASSES 9, 35, 42 AND 44

AND

AN APPLICATION FOR A DECLARATION OF INVALIDITY

UNDER NO. CA000508453

BY

O2 WORLDWIDE LIMITED

BACKGROUND AND PLEADINGS

1. MYCAREBUBBLE LTD[1] ("the proprietor") is the owner of the trade mark shown on the cover page of this decision ("the contested mark"). The contested mark was filed on 4 April 2024 and registered on 28 June 2024. It stands registered for the following goods/services:

Class 9 Computer software programs; Computer software applications; Computer interface software; Computer software for business purposes; Computer application software; Application software; Computer application software for mobile telephones; Web application software; Computer application software for mobile phones; Mobile application software; Application development software; Computer software for application and database integration; Downloadable software applications; Application suites [software]; Downloadable application software; Business application software; Computer software; Smartphone software applications, downloadable; Computer software packages; Downloadable computer software; Computer software [programmes]; Software applications for use with mobile devices; Application software for smart phones; Application software for mobile phones; Downloadable smart phone application software; Application software for mobile devices; Downloadable application software for smart phones; Programs (Computer -) [downloadable software]; Computer programs [downloadable software]; Computer software for accessing computer networks; Computer operating system software; Pre recorded computer software; Software for tablet computers; Financial management software; Operational risk management software.

Class 35 Referral marketing; Administrative services for medical referrals; Administrative services relating to hospital referrals; Administrative services relating to the referral of patients; Compilation of statistics relating to health care utilization; Hospital management; Data management; Health care cost management; Financial records management.

[1] I note that during the course of proceedings the registered proprietor of the contested mark has changed from 'Devon Integrated Social Care Alliance CIC' to MYCAREBUBBLE LTD. The Registry received undertakings from the new owner on 1 September 2026 to confirm they had reviewed the evidence filed, and stand by the same, including any counterstatements made. Further, they accept liability for costs for the whole proceedings in the event that the application is successful.

Class 42 Computer software (Design of -); Computer software design; Computer software development; Development of computer database software; Development of computer software application solutions; Installation and customisation of computer applications software; Developing computer software; Update of computer software; Software (Updating of computer -); Development of computer software; Updating of computer software; Computer software (Updating of -).

Class 44 Home health care services; Provision of health care services; Palliative care; Provision of nursing care; Home-visit nursing care.

2. On 17 February 2025, O2 Worldwide Limited ("the applicant") applied to invalidate the contested mark in respect of the goods/services in Classes 9, 35 and 42, based upon section 5(2)(b) of the Trade Marks Act 1994 ("the Act"). The applicant relies upon the following trade marks:

BUBL ("the 352 mark")

UK Trade Mark no ("UKTM"): UK3527352

Filing date: 27 August 2020; Registration date: 28 May 2021

The mark is registered for goods/services in classes 9, 35, 36, 38, 41 and 42 but the applicant relies upon the goods/services in classes 9, 35 and 42 as set out in Annex 1 for the purposes of these proceedings.

BUBBLES ("the 474 mark")

UK Trade Mark no ("UKTM"): UK3700474

Filing date: 24 September 2021; Registration date: 20 September 2024

The mark is registered for goods/services in classes 9, 35, 36, 38, 39, 41, 42 and 43 but the applicant relies upon the goods/services in classes 9, 35 and 42 as set out in Annex 2 for the purposes of these proceedings.

3. The applicant argues that the respective goods/services are identical or similar and that the marks are similar. I note that the applicant's statement of grounds which accompanies its TM26I refers to the mark 'Our Blueprint' (UKTM No: 4082513), and I note that the proprietor is also referred to by a different name. As this mark is not being relied upon in these proceedings, I assume that this statement has been filed in error and will therefore disregard the same.

4. The proprietor filed a counterstatement stating as follows:

> "O2 Worldwide Limited has claimed that our registered trade mark "My Care Bubble" is similar to an earlier mark and covers identical or similar goods and services.
>
> The earlier mark cited is UK00003527352 for the word "BUBL" only. We also note that O2 has subsequently registered UK00003700474 for "Bubbles", which was added to the register on 24 September 2024 - several months after our trade mark was filed.
>
> We contend that these trade marks bear no similarity to our trade mark UK00004034752 "My Care Bubble". Both cited trade marks are word-only marks and do not resemble our figurative logo, which gives our mark a distinctive and unmistakable visual identity. Consequently, there is no likelihood of confusion. We also contend that there is no similarity in the goods and services offered by O2.
>
> Our mark has been in continuous use within the Health and Social Care sector since 11 May 2023, through the "My Care Bubble" software and later via both android and iso apps, which includes the use of the logo. This software is now well recognized within the Devon Health and Social Care sector and is currently being piloted by the NHS in the Plymouth area."

5. In accordance with section 6 of the Act, based on their earlier filing dates, the marks relied upon by the applicant are considered earlier marks. The marks had not been registered for five years as at the date of application for invalidation of the contested mark and so, in accordance with section 47(2A) of the Act, they are not subject to

proof of use; the applicant may rely upon all the goods/services of its registration as claimed.[2]

6. The proprietor is self-represented. The applicant is represented by Stobbs. Only the proprietor filed evidence in these proceedings. Neither party requested a hearing, however, the applicant filed written submissions in lieu. These will be summarised to the extent that it is considered appropriate/necessary.

RELEVANCE OF EU LAW

7. 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.

EVIDENCE AND SUBMISSIONS

8. The proprietor filed evidence in the form of the witness statement of John Wesley Powell dated 18 December 2025, which is accompanied by 2 exhibits. Mr Powell is the Director of the proprietor.

9. The applicant filed written submissions in lieu dated 7 April 2026.

10. I have taken the evidence and submissions into account in reaching my decision and will refer to them below where necessary.

PRELIMINARY ISSUES

11. I have reviewed the content of Mr Powell's witness statement and note that he has provided evidence of the background to the proprietor's company and details of the mark in use. In respect of the submissions regarding the mark in use, the claim under section 5(2)(b) and the assessment as to a likelihood of confusion is one to be taken

[2] I note the proprietor's submission that the 474 mark was registered after the contested mark. The 474 mark was filed prior to the proprietor's mark and may be relied upon by the applicant as an 'earlier mark'.

on a notional basis in relation to the marks and the goods/services as registered and not in fact how they are being used in the marketplace. The commercial use of the contested mark or the earlier mark is therefore of little relevance in these proceedings. I do not consider that the proprietor's evidence assists me in this assessment, and therefore, I will not comment any further upon this evidence.

DECISION

12. Section 5(2)(b) has application in invalidation proceedings pursuant to section 47 of the Act. Section 47 reads as follows:

> "47. (1) […]
>
> (2) Subject to subsections (2A) and (2G), the registration of a trade mark may be declared invalid on the ground-
>
> > (a) there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or
> >
> > (b) that there is an earlier right in relation to which the condition set out in section 5(4) is satisfied, unless the proprietor of that earlier trade mark or other earlier right has consented to the registration.
>
> (2A) The registration of a trade mark may not be declared invalid on the ground that there is an earlier trade mark unless –
>
> > (a) the registration procedure for the earlier trade mark was completed within the period of five years ending with the date of the application for the declaration,
> >
> > (b) the registration procedure for the earlier trade mark was not completed before that date, or
> >
> > (c) the use conditions are met.

(5) Where the grounds of invalidity exist in respect of only some of the goods or services for which the trade mark is registered, the trade mark shall be declared invalid as regards those goods or services only.

(5A) An application for a declaration of invalidity may be filed on the basis of one or more earlier trade marks or other earlier rights provided they all belong to the same proprietor.

(6) Where the registration of a trade mark is declared invalid to any extent, the registration shall to that extent be deemed never to have been made: Provided that this shall not affect transactions past and closed."

RELEVANT LAW

13. The following standard summary of the principles applicable to the assessment of the likelihood of confusion was approved by the Supreme Court in *Iconix Luxembourg Holdings SARL v Dream Pairs Europe Inc & Anor*, [2025] UKSC 25:

(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, in certain circumstances, be dominated by one or more of its components;

(f) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite 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 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; and

(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

14. The competing goods/services are set out in paragraph 1 and Annexes 1 and 2 of this decision.

15. The term “computer software” appears identically in the specifications of both the applicant’s earlier marks and the proprietor’s mark. Consequently, I will conduct my assessment on the basis that at least some of the goods/services are identical.

AVERAGE CONSUMER AND THE PURCHASING ACT

16. 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.

17. In *Iconix* (cited above), the Supreme Court approved the comments of Arnold LJ in *Lidl Great Britain Ltd & Anor v Tesco Stores Ltd & Anor (Rev1)* [2024] EWCA Civ 262, where he pointed out that:

(a) Consumers who are ill-informed or careless, or consumers with specialised knowledge or who are excessively careful are excluded from consideration;

(b) The average consumer provides a standard which enables the courts to strike a balance between the competing interests involved, such as trade mark owners, their competitors and consumers;

(c) The average consumer is neither a single hypothetical person nor a mathematical average; assessment from the perspective of the average consumer does not involve a statistical test. There is no single meaning rule and if, having regard to the perceptions and expectations of the average consumer, the court considers that a significant proportion of the relevant public is likely to be confused, a finding of infringement may properly be made;

(d) Assessment from the perspective of the average consumer is intended to facilitate adjudication of trade mark disputes by providing an objective criterion, by promoting consistency of assessment and by and enabling courts and tribunals to determine such issues so far as possible without the need for evidence;

(e) The average consumer's level of attention varies according to the category of goods or services in question; and

(f) the average consumer rarely has the opportunity to make direct comparisons between trade marks (or between trade marks and signs) and must instead rely upon the imperfect picture of the trade mark they have kept in their mind.

18. The proprietor has not made any specific submissions regarding the average consumer. The applicant submits as follows:

> "The services are aimed at the public at large. In view of this, the average consumer would be one that has a reasonable degree of attentiveness and circumspection to their involvement with the relevant marks. Some of the goods and services may also be accessed by specialised consumers, but given the public at large would also be targeted or impacted by these goods and services, it is the lower level of attention that must be considered. This being the case, it is fair to say that the level of attention of the consumer will be average".

19. I consider that the goods at issue, being computer software, will be purchased by both the general public and business consumers. The goods will be sold through a range of channels, including from physical premises as well as via the internet and they may be sourced through specialist providers. For both groups of consumers, the selection process would be predominantly visual, although aural considerations will play a part, for example, if advice is obtained from sales assistants. When selecting the goods prior to purchase, the consumer will want to ensure that they are appropriate to their own specific needs, taking into account cost, reviews, quality, ease of use, suitability of the product and the reputation of the provider. I would expect both the general public and business consumers to pay at least an average level of attention, but it may be higher depending on the nature of the software in question.

COMPARISON OF MARKS

20. 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 Court of Justice of the European Union 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."

21. 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.

22. The respective trade marks are shown below:

Earlier trade marks	Contested trade mark
BUBL ("the 352 mark") BUBBLES ("the 474 mark")	

23. The proprietor submits:

> “We contend that these trade marks bear no similarity to our trade mark UK00004034752 "My Care Bubble". Both cited trade marks are word-only marks and do not resemble our figurative logo, which gives our mark a distinctive and unmistakable visual identity. Consequently, there is no likelihood of confusion.”

Overall comparison

24. The earlier marks are both word only marks, being BUBL and BUBBLES. There are no other elements in either mark which contribute to their overall impression, which lies in the words themselves.

25. The contested mark is a figurative mark which comprises of a number of elements. The mark comprises of the words, MY CARE BUBBLE. The words, MY CARE are presented in a simple dark grey/black font. The word BUBBLE appears underneath the words MY CARE and is presented in a simple bold blue font. To the left-hand side of the words is a graphic device. In the centre of the device there is a blue oval with a blue circle above it, which depicts a person. Around that are circles of varying sizes and colours which are arranged in a roughly circular pattern. I consider that the combination of the words themselves play the greater role in the overall impression. Whilst the device contributes to the mark overall, it is to a lesser extent as it will be seen as a decorative element which reinforces the words.

Visual Comparison

26. The applicant submits:

> “Visually, the signs are highly similar as they both contain BUBBLE or a clearly identifiable variant of BUBBLE. The contested mark is a series of standard words, where the BUBBLE element would be distinctive, and dominant in fact given that MY and CARE are not particularly distinctive in relation to the goods and services given that they simply indicate that these goods and services in some manner related to personal care services.

> The only variation seen in the contested mark is the addition of two words, which does not distinguish this mark from the mark of the cancellation applicant, it is still clearly a highly similar mark. This is especially the case given that the BUBBLE element is presented in a separate colour.
>
> …
>
> When comparing the cancellation applicant's BUBBLES and BUBL marks to the contested mark, it is clear that the dominant elements are identical or at least almost identical visually. The cancellation applicant submits that the earlier rights are visually at least highly similar to the present contested mark."

The 352 mark

27. The earlier mark comprises of the word, BUBL. The marks overlap visually in that BUBBLE in the proprietor's mark shares four out of six letters with BUBL, which is the only element of the applicant's mark. The marks differ insofar as the contested mark contains the additional letters B and E, as well as the pictorial element, which is not present in the earlier mark, along with the words MY CARE. Weighing up the similarities and the differences, I consider that the marks are visually similar to a low degree.

The 474 mark

28. The earlier mark comprises of the word, BUBBLES. The marks overlap visually in that BUBBLES is the plural of the word, BUBBLE, which appears in the proprietor's mark. The marks differ insofar as the contested mark contains a pictorial element, which is not present in the earlier mark, along with the words MY CARE. Weighing up the similarities and the differences I consider that the marks are visually similar to a low to medium degree.

Aural Comparison

29. The applicant submits that:

> "Aurally, the BUBBLE/BUBL/BUBBLES element of all marks will sound identical".

The 352 Mark

30. Despite the contested mark being a figurative mark, the device will not play a part when the words are articulated. I find the applicant's mark, BUBL, to be a misspelling of the word BUBBLE, and I agree that it will be pronounced in the same way. The other words in the contested mark are English dictionary words and will be pronounced in the normal way.

31. I consider that the contested mark will be articulated in full and will not be shortened. The point of aural overlap lies with the word BUBL/BUBBLE, as I have found this will be pronounced identically in both marks. The contested mark has two additional words, MY CARE, making the whole mark four syllables long, whereas the earlier mark has two syllables. The point of aural overlap lies in the entirety of the earlier mark and at the end of the contested mark. Therefore, I consider the marks to be aurally similar to a medium degree.

The 474 Mark

32. The 474 mark is BUBBLES, being the plural of BUBBLE, and therefore the only verbal difference between these words will be the S at the end of the word. The contested mark has two additional words, as set out above. Again, the point of aural overlap lies in the entirety of the earlier mark and at the end of the contested mark. I consider the marks to be aurally similar to a medium degree.

Conceptual Comparison

33. The applicant submits:

> "Conceptually, the contested mark and the cancellation applicant's marks both refer to a thing [sic] sphere of liquid. They are conceptually identical in terms of the distinctive elements of the marks.

Consequently, the cancellation applicant concludes that the mark, MY CARE BUBBLE, is at least very similar to its earlier rights due to the fact that it is visually, aurally and conceptually highly similar.

The cancellation applicant submits that the Hearing Officer should find that there is a high degree of similarity between the marks in question (or at the very least a medium degree of similarity) based on the normal assessment of these things".

34. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer[3]. The word BUBBLE has several dictionary meanings including:

a. A ball of gas that appears in a liquid, or a ball formed of air surrounded by liquid that floats in the air;
b. A good period (i.e. a temporary period of very successful economic performance in a particular country or sector, often followed by sudden failure);
c. A group (i.e. a group of people who have a lot of contact with each other but limited contact with people outside the group, for example as a way to avoid spreading disease).[4]

35. The applicant submits that the marks will be understood as meaning a ball of gas or liquid, which I agree with in respect of the earlier marks, including the 352 mark which I have found will be understood to be a misspelling of the word, BUBBLE.

36. In respect of the contested mark, the device includes a graphic depiction of a person surrounded by circles or bubbles, and therefore this reinforces that in this instance the word BUBBLE refers to a group of people. The words, MY CARE BUBBLE, when taken together, suggest a group of people who regularly provide care, support, or companionship to someone and I find that this is reinforced by the device element of the mark. When considering the contested mark as a whole (both the words

[3] *Ruiz Picasso v OHIM* [2006] e.c.r.-I-643; [2006] E.T.M.R
[4] BUBBLE | English meaning - Cambridge Dictionary

and the device), it brings to mind a different concept to that of the earlier marks, as set out above, as the words form a unit with a different meaning to the meanings of its separate components.[5] Therefore, I find that the marks are conceptually similar to a low degree at best.

DISTINCTIVE CHARACTER OF THE EARLIER MARKS

37. 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)."

38. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic

[5] *Whyte and Mackay Ltd v Origin Wine UK Ltd* [2015] EWHC 1271 (Ch)

of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

39. The proprietor has not made any specific submissions regarding the distinctive character of the earlier marks. The applicant submits as follows:

> "In relation to the goods and services covered by the Owner, the BUBL and BUBBLES marks are highly distinctive marks. This is due to the fact that they either clearly refer to or would be understood to refer to a thin sphere of liquid. Although the BUBL mark does remove some letters, it would still be pronounced as the word "BUBBLE" and would be understood to be a slightly playful variant of the word "BUBBLE" by a consumer.
>
> As can be seen in *Sabel* (para 24) The more distinctive a mark, the greater will be the likelihood of confusion. In determining the distinctive character of a mark an overall assessment has to be made 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 other undertakings.
>
> These BUBL and BUBBLES marks are inherently very strong and very distinctive. Strength in this context is equivalent to "degree" of distinctiveness in ECJ language. As we well know, the greater the degree of distinctiveness, the greater scope of protection afforded".

40. The applicant has not filed evidence of use of its mark. Therefore, I have only the inherent position to consider.

41. The 352 mark is a word only mark consisting of the word BUBL. As stated above, I have found that this will be understood to be a misspelling of BUBBLE, which I note that the applicant agrees with. The meaning of this will be understood by the average consumer. As this is not descriptive or allusive of the goods/services and I consider the earlier mark to be inherently distinctive to between a medium and high degree.

However, it should be noted that the above medium distinctiveness of this mark arises due to the misspelling.[6]

42. The 474 mark is a word only mark consisting of the word BUBBLES. The word is a widely used dictionary word which will be familiar to the average consumer in the UK. Being a dictionary word which is not descriptive or directly allusive of the goods/services, I therefore consider the earlier mark to be inherently distinctive to a medium degree.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion

43. 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/services down to the responsible undertakings being the same or related.

44. 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/services and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the applicant's trade mark, the average consumer for the goods/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.

45. I have found as follows:

- I have found that the term "computer software" appears identically in the specifications of both the applicant's earlier marks and the proprietor's mark.

[6] *Kurt Geiger v A-List Corporate Limited*, BL O-075-13

Consequently, I have conducted my assessment on the basis that at least some of the goods/services are identical;

- I have identified that the average consumer will be members of the general public and business consumers. They will select the goods primarily by visual means, although I do not discount an aural component. Both groups of consumers will pay at least an average level of attention, but it may be higher depending on the nature of the software in question.

- The contested mark is visually similar to the 352 mark to a low degree and visually similar to the 474 mark to between a low and medium degree;

- The contested mark is aurally similar to the earlier marks to a medium degree;

- I have found the contested mark and the earlier marks to be conceptually similar to a low degree;

- I have found the 352 mark to be inherently distinctive to between a medium and high degree and the 474 mark to be inherently distinctive to a medium degree;

The 352 Mark

46. Taking all of the above into account and bearing in mind the principle of imperfect recollection, I do not consider that consumers would misremember or inaccurately recall which mark was which. Although I have found that BUBL/BUBBLE will be articulated identically, I have found the purchase of the goods/services will be primarily via visual means. I find that the marks are unlikely to be mistakenly recalled for one another, particularly given that I have found the marks to be visually and conceptually similar to a low degree. Further, in my view, the misspelling of BUBL will be recognised by the consumer when encountered visually, which will assist in distinguishing one mark from the other. As a result, I do not find that consumers will be directly confused by the marks as a result of the presence of BUBL/BUBBLE and I do not find that the consumer is likely to mistake one mark for another. Consequently, I do not consider that there exists a likelihood of direct confusion between the marks, even on identical goods/services.

47. Moving on to consider indirect confusion. Indirect confusion was described in the following terms by Iain Purvis QC (as he then was), sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*:[7]

> "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 recognised 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.).

[7] BL O/375/10

(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)."

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

49. These three categories are not exhaustive; rather, they were intended to be illustrative of the general approach, as has been confirmed by the Court of Appeal[8]. I recognise that a finding of indirect confusion should not be made merely because the competing marks share a common element. In this connection, it is not sufficient that a mark merely calls to mind another mark; this is mere association not indirect confusion[9]. The Court of Appeal has also emphasised that, where there is no direct confusion, there must be a "proper basis" for finding indirect confusion.

50. I give consideration to the case of *Whyte and Mackay*, where Arnold J. (as he then was) considered the impact of the CJEU's judgment in *Bimbo,* Case C-591/12P, on the court's earlier judgment in *Medion v Thomson.* The judge said:

"18 The judgment in *Bimbo* confirms that the principle established in *Medion v Thomson* is not confined to the situation where the composite trade mark for which registration is sought contains an element which is identical to an earlier trade mark, but extends to the situation where the composite mark contains an element which is similar to the earlier mark. More importantly for present purposes, it also confirms three other points.

[8] *Liverpool Gin Distillery and others v Sazerac Brands, LLC and others* [2021] EWCA Civ 1207
[9] *Duebros Limited v Heirler Cenovis GmbH,* BL O/547/17

19 The first is that the assessment of likelihood of confusion must be made by considering and comparing the respective marks — visually, aurally and conceptually — as a whole. In *Medion v Thomson* and subsequent case law, the Court of Justice has recognised that there are situations in which the average consumer, while perceiving a composite mark as a whole, will also perceive that it consists of two (or more) signs one (or more) of which has a distinctive significance which is independent of the significance of the whole, and thus may be confused as a result of the identity or similarity of that sign to the earlier mark.

20 The second point is that this principle can only apply in circumstances where the average consumer would perceive the relevant part of the composite mark to have distinctive significance independently of the whole. It does not apply where the average consumer would perceive the composite mark as a unit having a different meaning to the meanings of the separate components. That includes the situation where the meaning of one of the components is qualified by another component, as with a surname and a first name (e.g. BECKER and BARBARA BECKER).

21 The third point is that, even where an element of the composite mark which is identical or similar to the earlier trade mark has an independent distinctive role, it does not automatically follow that there is a likelihood of confusion. It remains necessary for the competent authority to carry out a global assessment taking into account all relevant factors."

51. In my view, the average consumer will consider that the words in the contested mark form a unit with a distinct concept which is immediately graspable, and that this counteracts the aural similarities that arise due to the common use of the word BUBL/BUBBLE. Therefore, in line with paragraph 20 of the judgment in *Whyte and Mackay Ltd,* I do not consider that the word BUBBLE in the contested mark has a distinctive element independent of the whole, and I find that, on balance, the mark is more likely to be perceived as a unit and therefore the average consumer is unlikely to rely on the word BUBL/BUBBLE as being indicative of common origin. Furthermore, I do not consider that consumers would view the differences between BUBL and MY

CARE BUBBLE as alternations or additions that constitute a logical brand extension or sub-brand as the contested mark has its own meaning that is distinct from that of the applicant's mark (which also has its own meaning). I can see no other basis upon which indirect confusion might arise. Consequently, I consider that there exists no likelihood of indirect confusion, even when the marks are viewed on identical goods/services.

52. When taking into account the fact that I have found the 352 mark to be inherently distinctive to between a medium and high degree, this does not alter my findings in respect of the likelihood of confusion due to the high level of distinctiveness in the earlier mark arising from an element which is absent from the contested mark (i.e. the misspelling).

The 474 Mark

53. Taking the above into account and bearing in mind the principle of imperfect recollection, I do not consider that consumers would misremember or inaccurately recall which mark was which. Even though both marks share the words BUBBLE/BUBBLES, as I have found that the additional elements in the contested mark play a role in the overall impression, which will not be overlooked. As a result, I find that consumers will be aware of those differing elements when recalling the marks and, therefore, will not confuse one for another. Consequently, I do not consider that there exists a likelihood of direct confusion between the marks, even on identical goods/services.

54. Moving on to consider indirect confusion. As above, I find that the contested mark forms a unit and that BUBBLE will not be relied upon to denote the origin of the goods/services. When considering the categories set out in *LA Sugar*, I do not consider that in this instance the average consumer would interpret the use of BUBBLE as being indicative of a sub-brand or brand extension. Consequently, I consider that there exists no likelihood of indirect confusion, even when the marks are viewed on identical goods/services.

Final Remarks

56. For the avoidance of doubt, my finding set out above applies to all of the goods and services in the specification of the contested mark that were subject to these proceedings. When accounting for the interdependency principle, as there is no likelihood of confusion when considering identical goods, it follows that there will also be no likelihood of confusion where the goods and services are only similar. In reaching this finding, I have considered whether there is a lower level of attention applicable to any of the other goods/services in the parties' specifications which might put the applicant in a stronger position. For the avoidance of doubt, there is not and I would have reached the same findings in that regard as discussed above.

CONCLUSION

55. The application to invalidate UK trade mark registration number 4034752 under section 5(2)(b) of the Act is unsuccessful in its entirety, subject to any successful appeal.

COSTS

56. As the invalidation has been unsuccessful, it would ordinarily be the proprietor that would be entitled to an award of costs. However, as it has not instructed professional representatives, it was invited by the Tribunal to indicate whether it intended to make a request for an award of costs, including accurate estimates of the numbers of hours spent on a range of activities and any travel costs relating to defending the proceedings.

57. It was made clear by way of the Tribunal's correspondence dated 8 March 2026 that, if the pro-forma was not completed by 7 April 2026, costs, other than official fees arising from the action (excluding extensions of time), may not be awarded. The proprietor did not return a completed pro-forma to the Tribunal and, as it did not incur any official fees in these proceedings, I hereby make no order as to costs.

Dated this 14th day of October 2026

LA Bailey

For the Registrar

Annex 1

Class 9 Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; apparatus for the transmission of sound and image; telecommunications apparatus; mobile telecommunication apparatus; mobile telecommunications handsets; digital telecommunication apparatus and instruments; digital tablets; tablet computers; computer hardware; computer application software; computer software downloadable from the Internet; recorded computer software; software applications; mobile software applications, downloadable applications for multimedia devices; computer games; computer game software; computer software applications, downloadable; computer games programs; PDAs (Personal Digital Assistants); pocket PCs; mobile telephones; selfie sticks [hand-held monopods]; smart rings; smartphones; smartwatches; wearable technology, namely wearable communication apparatus, telecommunication apparatus, smart phones, watches, monitors, displays, computer hardware, activity trackers, audio equipment, video display monitors, digital electronic devices capable of providing access to the Internet; laptop computers; linear actuators [electric]; telecommunications network apparatus; drivers software for telecommunications networks and for telecommunications apparatus; protective clothing; protective helmets; televisions; headphones; global positioning system [GPS] apparatus; satellite navigation devices; sensors none being goods relating to liquids or gases; Internet of Things [IOT] electronic devices, sensors and gateways; computer hardware and software for use in and with Internet of Things [IOT] devices none being goods relating to liquids or gases; computer software recorded onto CD Rom; SD-Cards (secure digital cards); smart meters; glasses; spectacle glasses; sunglasses; protective glasses and cases therefor; contact lenses; cameras; camera lenses; MP3 players; audio tapes, audio cassettes; audio discs;

audio-video tapes; audio-video cassettes; audio-video discs; video tapes; video cassettes; video discs; CDs, DVDs; downloadable electronic publications; downloadable image files; downloadable music files; mouse mats; magnets; mobile telephone covers; mobile telephone cases; hands free kits for phones; magnetic cards; encoded cards; mobile phone application software; software for telecommunication; software for the processing of financial transactions; electronic notice boards; electric batteries; battery chargers; security alarms; security cameras; security warning apparatus; security control apparatus; security surveillance apparatus; computer software for security purposes; computer software for insurance purposes; SIM cards; interactive touch screen terminals; aerials; alarms; electric cables; chemistry apparatus and instruments; recorded computer operating programs; computer peripheral devices; data processing apparatus; diagnostic apparatus, not for medical purposes; distance measuring apparatus; distance recording apparatus; downloadable ring tones for mobile phones; electronic tags for goods; eyepieces; goggles for sports; magnetic identity cards; intercommunication apparatus; loudspeakers; magnetic data media; mathematical instruments; modems; electric monitoring apparatus; television apparatus; testing apparatus not for medical purposes; telecommunication transmitters; mobile device management apparatus; software for mobile device management; middleware for management of software functions on electronic devices; computer virus software; computer antivirus software; smart home software; smart home devices, namely, smart doorbells, smart speakers, smart televisions, smart radios, smart alarms, smart security systems, smart video monitors, smart monitoring apparatus and instruments, smart telephones, smart meters, smart locks and padlocks, smart door locks; home automation devices; in-car entertainment systems; privacy protection software; printers; printer programmes, servers, sharers, cables, hubs and converters; photo printers; parts and fittings for all the aforesaid goods; none of the aforementioned goods in relation to mobile marketing services or geolocation based advertising.

Class 35 Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty and incentive schemes; retail services and online retail services connected with the sale of scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling,

checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images; retail services and online retail services connected with the sale of magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, fire-extinguishing apparatus, apparatus for the transmission of sound and image, telecommunications apparatus, mobile telecommunication apparatus, mobile telecommunications handsets; retail services and online retail services connected with the sale of digital telecommunication apparatus and instruments, digital tablets, computer hardware, computer application software, computer software downloadable from the Internet, recorded computer software, software applications, mobile software applications, downloadable applications for multimedia devices, computer games, computer game software, computer games programs, PDAs (Personal Digital Assistants); retail services and online retail services connected with the sale of pocket PCs, mobile telephones, laptop computers, telecommunications network apparatus, drivers software for telecommunications networks and for telecommunications apparatus, protective clothing, protective helmets, televisions, headphones, global positioning system [GPS] apparatus, satellite navigation devices, computer software recorded onto CD Rom, SD-Cards (secure digital cards), glasses, spectacle glasses, sunglasses; retail services and online retail services connected with the sale of protective glasses and cases therefor, contact lenses, cameras, camera lenses, MP3 players, audio tapes, audio cassettes, audio discs, audio-video tapes, audio-video cassettes, audio-video discs, video tapes, video cassettes, video discs, CDs, DVDs, downloadable electronic publications, downloadable image files, downloadable music files, mouse mats, magnets, mobile telephone covers, mobile telephone cases; retail services and online retail services connected with the sale of hands free kits for phones, magnetic cards, encoded cards, mobile phone application software, software for telecommunication, software for the processing of financial transactions, electronic notice boards, electric batteries, battery chargers, security alarms, security cameras, security warning apparatus, security control apparatus, security surveillance apparatus, computer software for security purposes; retail services and online retail services connected with the sale of computer software for insurance purposes, SIM

cards, aerials, alarms, electric cables, chemistry apparatus and instruments, recorded computer operating programs, computer peripheral devices, data processing apparatus, diagnostic apparatus, not for medical purposes, distance measuring apparatus, distance recording apparatus, downloadable ring tones for mobile phones, electronic tags for goods; retail services and online retail services connected with the sale of electronic tags for goods, eyepieces, goggles for sports, magnetic identity cards, intercommunication apparatus, loudspeakers, magnetic data media, mathematical instruments, modems, electric monitoring apparatus, television apparatus, testing apparatus not for medical purposes, telecommunication transmitters, paper, cardboard, printed matter, photographs, stationery; retail services and online retail services connected with the sale of office requisites, instructional and teaching material, packaging material, educational equipment, writing implements, writing instruments, writing materials, books, catalogues, cards, instruction manuals, magazines, mail order catalogues, newspapers, pamphlets, periodical publications, calendars, diaries, labels, maps, printed publications, postcards, posters, printed tariffs, printed forms; retail services and online retail services connected with the clothing, footwear, headgear, household or kitchen utensils and containers, cookware, tableware, food cooking equipment, cutlery, cleaning articles, gardening articles, jewellery, horological and chronometric instruments, musical instruments, apparatus for lighting, textiles, household textile articles, furniture, furnishing, bags, luggage, toiletries, cosmetics, pharmaceutical preparations, cleaning preparations; retail services and online retail services connected with the sale of bags, luggage, games and playthings, gymnastic articles, sporting articles, sporting equipment, meat, fish, poultry, game, food, foodstuffs, confectionery, desserts, baked goods, delicatessen products, fruit, flowers, coffee, tea, cocoa, sugar, rice, beers, mineral waters, aerated waters and other non-alcoholic drinks, alcoholic beverages, matches, tobacco; retail services and online retail services relating to interactive touch screen terminals, selfie sticks [hand-held monopods], smart rings, smartphones, smartwatches, automobile accessories, automobile parts, vehicles, fuels, building materials, metal hardware, electronic components, recorded content; business management of retail outlets; arranging subscriptions to telecommunications for others; compilation and systemisation of information into computer databases; compilation of statistics; cost price analysis; arranging of competitions for advertising purposes; recruitment services; employment recruitment; employment consultancy; employment agencies;

providing employment information; providing employment information in connection with youth programme schemes; commercial administration of the licensing of the goods and services of others; commercial information and advice for consumers [consumer advice shop]; opinion polling; personnel recruitment; price comparison services; procurement services for others [purchasing goods and services for other businesses]; rental of advertising space; rental of advertising time on communication media; sales promotion for others; sponsorship search; negotiation of business contracts for others; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network; none of the aforementioned services in relation to mobile marketing services or geolocation based advertising.

Class 42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; calibration [measuring]; cloud seeding; computer programming; computer rental; computer software consultancy; computer software design; updating of computer software; computer system analysis; computer system design; construction drafting; consultancy in the design and development of computer hardware; consultancy in the field of energy-saving; conversion of data or documents from physical to electronic media; creating and maintaining web sites for others; data conversion of computer programs and data [not physical conversion]; digitization of documents [scanning]; duplication of computer programs; engineering; hosting computer sites [web sites]; industrial design; installation of computer software; scientific laboratory services; land surveying; maintenance of computer software; material testing; mechanical research; monitoring of computer systems by remote access; packaging design; technical project studies; providing search engines for the internet; provision of scientific information, advice and consultancy in relation to carbon offsetting; quality control; recovery of computer data; rental of computer software; rental of web servers; research and development for others; surveying; technical research; it services; computer programming services; programming of data processing equipment; consultancy in the field of computer hardware; rental of

computer hardware; application service provider (ASP); consultancy in the field of computer software; creating and maintaining blogs for others; expert advice and expert opinion relating to technology; rental of data processing apparatus and computers; technical services relating to projection and planning of equipment for telecommunications; product research services; weather forecasting; research in the field of telecommunication technology; monitoring of network systems in the field of telecommunications; technical support services relating to telecommunications and apparatus; data security services; data security services [firewalls]; research relating to security; computer security system monitoring services; maintenance of computer software relating to computer security and prevention of computer risks; updating of computer software relating to computer security and prevention of computer risks; IT security, protection and restoration; internet security consultancy; computer security system monitoring services; programming of internet security programs; professional consultancy relating to computer security; consultancy in the field of security software; computer security threat analysis for protecting data; design and development of electronic data security systems; design and development of internet data security systems; computer virus protection services; unlocking of mobile phones; hosting of web portals; web portal design; software as a service [SAAS] services; consulting services in the field of software as a service [SaaS]; platform as a Service [PaaS]; leasing of computers and tablet computers; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network; none of the aforementioned services in relation to mobile marketing services or geolocation based advertising.

Annex 2

Class 9 Scientific, surveying, measuring, signalling, checking (supervision), life-saving apparatus and instruments none being goods relating to liquids or gases; nautical, photographic, cinematographic, optical, weighing, teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; apparatus for the transmission of sound and image; telecommunications apparatus; mobile telecommunication apparatus; mobile telecommunications handsets; digital telecommunication apparatus and instruments; digital tablets; tablet computers; computer hardware; computer application software; computer software downloadable from the Internet; recorded computer software; software applications; mobile software applications, downloadable applications for multimedia devices; computer games; computer game software; computer software applications, downloadable; computer games programs; PDAs (Personal Digital Assistants); pocket PCs; mobile telephones; selfie sticks [hand-held monopods]; smart rings; smartphones; smartwatches; wearable technology, namely wearable communication apparatus, telecommunication apparatus, smart phones, watches, monitors, displays, computer hardware, activity trackers, audio equipment, video display monitors, digital electronic devices capable of providing access to the Internet; laptop computers; linear actuators [electric]; telecommunications network apparatus; drivers software for telecommunications networks and for telecommunications apparatus; protective clothing; protective helmets; televisions; headphones; global positioning system [GPS] apparatus; satellite navigation devices; sensors none being goods relating to liquids or gases; Internet of Things [IOT] electronic devices, sensors and gateways; computer hardware and software for use in and with Internet of Things [IOT] devices none being goods relating to liquids or gases; computer software recorded onto CD Rom; SD-Cards (secure digital cards); smart meters; glasses; spectacle glasses; sunglasses; protective glasses and cases therefor; contact lenses; cameras; camera lenses; MP3 players; audio tapes, audio cassettes; audio discs; audio-video tapes; audio-video cassettes;

audio-video discs; video tapes; video cassettes; video discs; CDs, DVDs; downloadable electronic publications; downloadable image files; downloadable music files; mouse mats; magnets; mobile telephone covers; mobile telephone cases; hands free kits for phones; magnetic cards; encoded cards; mobile phone application software; software for telecommunication; software for the processing of financial transactions; electronic notice boards; electric batteries; battery chargers; security alarms; security cameras; security warning apparatus; security control apparatus; security surveillance apparatus; computer software for security purposes; computer software for insurance purposes; SIM cards; interactive touch screen terminals; aerials; alarms; electric cables; chemistry apparatus and instruments; recorded computer operating programs; computer peripheral devices; data processing apparatus; diagnostic apparatus, not for medical purposes; distance measuring apparatus; distance recording apparatus; downloadable ring tones for mobile phones; electronic tags for goods; eyepieces; goggles for sports; magnetic identity cards; intercommunication apparatus; loudspeakers; magnetic data media; mathematical instruments; modems; electric monitoring apparatus; television apparatus; testing apparatus not for medical purposes; telecommunication transmitters; mobile device management apparatus; software for mobile device management; middleware for management of software functions on electronic devices; computer virus software; computer antivirus software; smart home software; smart home devices, namely, smart doorbells, smart speakers, smart televisions, smart radios, smart alarms, smart security systems, smart video monitors, smart monitoring apparatus and instruments, smart telephones, smart meters, smart locks and padlocks, smart door locks; home automation devices; in-car entertainment systems; privacy protection software; printers; printer programmes, servers, sharers, cables, hubs and converters; photo printers; downloadable virtual goods, namely, digital art, photographs, videos, or audio recordings; downloadable digital artwork and images; downloadable software for providing access to, and related to, digital art and collectibles, crypto-collectibles, non-fungible tokens nfts, application tokens, and digital currencies; downloadable software for use in electronically buying, selling, receiving, sending, storing, trading, and processing transactions to and related to digital art and collectibles, crypto-collectibles, nfts, application tokens, and digital currencies; downloadable software for providing information, communications, and authentications for social media, digital art and collectibles, crypto-collectibles, nfts, application tokens, and digital currencies;

downloadable software for downloading, receiving, sending, and storing software, data, links, video files, and image files from the internet; downloadable software for providing access to digital marketplaces and auctions; computer application software for blockchain-based platforms; parts and fittings for all the aforesaid goods; none of the aforementioned goods in relation to mobile marketing services or geolocation based advertising.

Class 35 Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty and incentive schemes; retail services and online retail services connected with the sale of scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images; retail services and online retail services connected with the sale of magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, fire-extinguishing apparatus, apparatus for the transmission of sound and image, telecommunications apparatus, mobile telecommunication apparatus, mobile telecommunications handsets; retail services and online retail services connected with the sale of digital telecommunication apparatus and instruments, digital tablets, computer hardware, computer application software, computer software downloadable from the Internet, recorded computer software, software applications, mobile software applications, downloadable applications for multimedia devices, computer games, computer game software, computer games programs, PDAs (Personal Digital Assistants); retail services and online retail services connected with the sale of pocket PCs, mobile telephones, laptop computers, telecommunications network apparatus, drivers software for telecommunications networks and for telecommunications apparatus, protective clothing, protective helmets, televisions, headphones, global positioning system [GPS] apparatus, satellite navigation devices, computer software recorded onto CD Rom, SD-Cards (secure digital cards), glasses, spectacle glasses, sunglasses; retail services and online retail services connected with the sale of protective glasses and cases therefor, contact lenses, cameras, camera lenses, MP3

players, audio tapes, audio cassettes, audio discs, audio-video tapes, audio-video cassettes, audio-video discs, video tapes, video cassettes, video discs, CDs, DVDs, downloadable electronic publications, downloadable image files, downloadable music files, mouse mats, magnets, mobile telephone covers, mobile telephone cases; retail services and online retail services connected with the sale of hands free kits for phones, magnetic cards, encoded cards, mobile phone application software, software for telecommunication, software for the processing of financial transactions, electronic notice boards, electric batteries, battery chargers, security alarms, security cameras, security warning apparatus, security control apparatus, security surveillance apparatus, computer software for security purposes; retail services and online retail services connected with the sale of computer software for insurance purposes, SIM cards, aerials, alarms, electric cables, chemistry apparatus and instruments, recorded computer operating programs, computer peripheral devices, data processing apparatus, diagnostic apparatus, not for medical purposes, distance measuring apparatus, distance recording apparatus, downloadable ring tones for mobile phones, electronic tags for goods; retail services and online retail services connected with the sale of electronic tags for goods, eyepieces, goggles for sports, magnetic identity cards, intercommunication apparatus, loudspeakers, magnetic data media, mathematical instruments, modems, electric monitoring apparatus, television apparatus, testing apparatus not for medical purposes, telecommunication transmitters; retail services and online retail services connected with the sale of surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, artificial eyes, artificial teeth, orthopedic articles, suture materials, therapeutic and assistive devices adapted for persons with disabilities, massage apparatus, apparatus for nursing infants, sexual activity apparatus, apparatus for lighting, apparatus for heating, apparatus for cooling, apparatus for steam generating, apparatus for cooking, apparatus for drying, apparatus for ventilating, apparatus for water supply, apparatus for sanitary purposes; paper, cardboard, printed matter, photographs, stationery; retail services and online retail services connected with the sale of office requisites, instructional and teaching material, packaging material, educational equipment, writing implements, writing instruments, writing materials, books, catalogues, cards, instruction manuals, magazines, mail order catalogues, newspapers, pamphlets, periodical publications, calendars, diaries, labels, maps, printed publications, postcards, posters, printed tariffs, printed forms; retail services and online retail

services connected with the clothing, footwear, headgear, household or kitchen utensils and containers, cookware, tableware, food cooking equipment, cutlery, cleaning articles, gardening articles, jewellery, horological and chronometric instruments, musical instruments, apparatus for lighting, textiles, household textile articles, furniture, furnishing, bags, luggage, perfumery, perfumes, essential oils, soap, toiletries, cosmetics, cosmetic preparations, hair lotions, hair preparations, hair brushes, hammam oils, pharmaceutical preparations, sanitary preparations for medical purposes, dietetic substances adapted for medical use, dentifrices, cleaning preparations, polishing preparations, scouring preparations, bleaching preparations, substances for laundry use; retail services and online retail services connected with the sale of bags, luggage, games and playthings, gymnastic articles, sporting articles, sporting equipment, meat, fish, poultry, game, food, foodstuffs, food for babies, confectionery, desserts, baked goods, delicatessen products, fruit, flowers, coffee, tea, cocoa, sugar, rice, beers, mineral waters, aerated waters and other non-alcoholic drinks, alcoholic beverages, matches, tobacco; retail services and online retail services relating to interactive touch screen terminals, selfie sticks [hand-held monopods], smart rings, smartphones, smartwatches, automobile accessories, automobile parts, vehicles, fuels, building materials, metal hardware, electronic components, recorded content; business management of retail outlets; arranging subscriptions to telecommunications for others; compilation and systemisation of information into computer databases; compilation of statistics; cost price analysis; arranging of competitions for advertising purposes; recruitment services; employment recruitment; employment consultancy; employment agencies; providing employment information; providing employment information in connection with youth programme schemes; commercial administration of the licensing of the goods and services of others; commercial information and advice for consumers [consumer advice shop]; opinion polling; personnel recruitment; price comparison services; procurement services for others [purchasing goods and services for other businesses]; rental of advertising space; rental of advertising time on communication media; sales promotion for others; sponsorship search; negotiation of business contracts for others; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; providing an online marketplace for the creation, display, sale, and transfer of non-fungible token (nft) artwork; providing an online marketplace

for buyer and sellers of nfts and crypto-collectibles; information and advisory services relating to the aforesaid services provided over a telecommunications network; none of the aforementioned services in relation to mobile marketing services or geolocation based advertising.

Class 42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; calibration [measuring]; cloud seeding; computer programming; computer rental; computer software consultancy; computer software design; updating of computer software; computer system analysis; computer system design; construction drafting; consultancy in the design and development of computer hardware; consultancy in the field of energy-saving; conversion of data or documents from physical to electronic media; creating and maintaining web sites for others; data conversion of computer programs and data [not physical conversion]; digitization of documents [scanning]; duplication of computer programs; engineering; hosting computer sites [web sites]; industrial design; installation of computer software; scientific laboratory services; land surveying; maintenance of computer software; material testing; mechanical research; monitoring of computer systems by remote access; packaging design; technical project studies; providing search engines for the internet; provision of scientific information, advice and consultancy in relation to carbon offsetting; quality control; recovery of computer data; rental of computer software; rental of web servers; research and development for others; surveying; technical research; it services; computer programming services; programming of data processing equipment; consultancy in the field of computer hardware; rental of computer hardware; application service provider (ASP); consultancy in the field of computer software; creating and maintaining blogs for others; expert advice and expert opinion relating to technology; rental of data processing apparatus and computers; technical services relating to projection and planning of equipment for telecommunications; product research services; weather forecasting; research in the field of telecommunication technology; monitoring of network systems in the field of telecommunications; technical support services relating to telecommunications and apparatus; data security services; data security services [firewalls]; research relating to security; computer security system monitoring services; maintenance of computer software relating to computer security and prevention of computer risks; updating of

computer software relating to computer security and prevention of computer risks; IT security, protection and restoration; internet security consultancy; computer security system monitoring services; programming of internet security programs; professional consultancy relating to computer security; consultancy in the field of security software; computer security threat analysis for protecting data; design and development of electronic data security systems; design and development of internet data security systems; computer virus protection services; unlocking of mobile phones; hosting of web portals; web portal design; software as a service [SAAS] services; consulting services in the field of software as a service [SaaS]; platform as a Service [PaaS]; leasing of computers and tablet computers; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; web-based services related to blockchain-based non-fungible tokens (nfts), including for creating, providing information about, authentication, grading, valuation, selling, auctioning and trading nfts; digital token exchange services; digital token trading; digital art and collectibles, digital token transfer services; platform as a service (paas) and software as a service (saas) featuring software platforms for providing access to and related to digital art and collectibles, crypto-collectibles, nfts, application tokens, and digital currencies; platform as a service (paas) and software as a service (saas) featuring software platforms for use in electronically buying, selling, receiving, sending, storing, trading, and processing transactions to and related to digital art and collectibles, crypto-collectibles, nfts, application tokens, and digital currencies; platform as a service (paas) and software as a service (saas) featuring software platforms for downloading, receiving, sending, and storing software, data, links, video files, and image files from the internet; platform as a service (paas) and software as a service (saas) featuring software platforms for providing access to digital marketplaces and auctions; technology services including artificial intelligence and learning technologies for digital art and collectibles, crypto-collectibles, nfts, application tokens, and digital currencies; information and advisory services relating to the aforesaid services provided over a telecommunications network; none of the aforementioned services in relation to mobile marketing services or geolocation based advertising.