O/0930/26

TRADE MARKS ACT 1994

IN THE MATTER OF
INTERNATIONAL REGISTRATION NO. WO0000001881098
IN THE NAME OF SOFITECT
IN RESPECT OF THE TRADE MARK:



IN CLASSES 9 AND 42

AND

IN THE MATTER OF FAST TRACK OPPOSITION THERETO
UNDER NO. 600003923
BY MUHAMMAD SHAHBAZ

BACKGROUND AND PLEADINGS

1. SOFITECT ("the holder") applied to protect the International Trade Mark shown on the cover of this decision in the UK (trade mark no: WO0000001881098) on 17 June 2025. The International Registration ("IR") was registered on 17 June 2025 and has a priority date of 8 April 2025.[1] With effect from 17 June 2025 the holder designated the UK as a territory in which it seeks to protect the IR under the terms of the Protocol of the Madrid Agreement. The IR was accepted and published in the Trade Marks Journal on 2 January 2026 in respect of the following goods and services:

Class 9 Scientific, research, navigation, surveying apparatus and instruments; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices.

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; providing temporary use of online non-downloadable software for designing, creating, hosting, customizing, editing, modifying, maintaining and updating websites, web pages for others and interactive applications, on a global computer network, mobile devices and social media sites and applications; cloud computing featuring software for use by others in designing, creating, customizing, modifying, editing, maintaining and updating websites, web pages and interactive applications, on a global computer network, mobile devices and social media sites and applications; computer services, namely, cloud hosting provider services; developing and hosting a server on a global computer network for the purpose of facilitating e-commerce transactions; providing temporary use of online non-downloadable software for use by others to customize, modify, edit, maintain and update websites, web pages and interactive applications, on a global computer

[1] Arising from an EU trade mark, no: 019169550

network, mobile devices and social media sites and applications; website design and development for others.

2. On 12 January 2026, Muhammad Shahbaz (“the opponent”) opposed the protection of the IR in the UK based upon Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). This is on the basis of its earlier Trade Mark:

UKTM No: UK4153170 (Series of two)





Filing date: 27 January 2025; Registration date: 18 April 2025

For goods and services in classes 9, 35, 36, 42 and 45 as set out in Annex 1.

3. The opponent argues that the respective goods and services are identical or similar and that the marks are similar. The opponent has made no submissions aside from answering the tick box questions within their TM7.

4. The holder filed a counterstatement denying the claims made, which I will refer to as and when appropriate.

5. In accordance with section 6 of the Act, the mark relied upon by the opponent is considered an earlier mark. The mark has not been registered for five years at the date of application for the contested mark and so, in accordance with section 6A of the Act, it is not subject to proof of use; the opponent may rely upon all the goods and services as identified.

6. Rule 6 of the Trade Marks (Fast Track Opposition (Amendment) Rules 2013, S.I. 2013/2235 disapplies paragraphs 1-3 of Rule 20 of the Trade Mark Rules 2008, but it provides that Rule 20(4) shall continue to apply. Rule 20(4) states that:

> "(4) The registrar may, at any time, give leave to either party to file evidence upon such terms as the registrar thinks fit."

7. The effect of the above is to require parties to seek leave in order to file evidence in fast track oppositions. Further, Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if (i) the Office requests it, or (ii) either party to the proceedings requests it and the registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost; otherwise, written arguments will be taken.

8. In this case, pursuant to paragraph 7 of Tribunal Practice Notice ("TPN") 2/2013, the holder sought leave to file evidence. The Registry allowed this on the basis that any evidence filed was to be limited to "that which shows that both marks have existed side by side in the same part of the UK market for a significant period of time and without confusion". I will address this in more detail as a preliminary issue below.

9. Both parties are self-represented. A hearing was neither requested nor was it considered necessary. The holder filed evidence in these proceedings. Neither party elected to file written submissions in lieu. This decision is taken following a careful consideration of all papers on file.

RELEVANCE OF EU LAW

10. 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

11. The holder filed evidence in the form of the witness statement of Mr Marius Telespan dated 16 June 2026, which is accompanied by 3 exhibits (MT-1 to MT-3). Mr Telespan is the Director and founder of the holder.

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

PRELIMINARY ISSUES

13. On 13 May 2026, the holder sought permission to file evidence in support of its application, stating as follows:

> "The Holder seeks permission to file evidence demonstrating, inter alia:
>
> - the independent creation and development of the SOFITECT SIMPLIFYING TECHNOLOGY logo and branding;
> - documentation relating to the acquisition/design process of the logo;
> - evidence of use of the SOFITECT SIMPLIFYING TECHNOLOGY sign and logo in commerce;
> - timelines and supporting materials showing the bona fide adoption of the mark independently from the Opponent's mark.
>
> The Holder submits that such evidence will assist the Tribunal in determining the matter fairly and proportionately, particularly because the evidence is relevant to rebut any implication that the figurative elements of the Holder's mark were inspired/copied from or intentionally designed to resemble those relied upon by the Opponent."

14. On 18 May 2026, the Registry responded confirming that it would allow evidence to be filed in relation to bullet point 4, above, and that the holder should limit this evidence to that which shows that both marks have existed side by side in the same part of the UK market for a significant period of time and without confusion.

15. I have reviewed the content of Mr Telespan's witness statement and note that he has provided evidence of the creation of the trade mark, background to the holder's company and details regarding confusion in the marketplace. 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 on a notional basis in relation to the marks and the goods and 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 holder's evidence assists me in this assessment, and therefore, I will not comment any further upon this evidence.

DECISION

Section 5(2)(b)

16. Section 5(2)(b) of the Act is 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".

17. Section 5A of the Act states as follows:

> "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."

THE PRINCIPLES

18. 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

19. The goods and services to be compared are set out in paragraph 1 and Annex 1 of this decision.

20. In *Gérard Meric v Office for Harmonisation in the Internal Market,* Case T- 133/05, the General Court ("GC") stated that:

> "29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut fur 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."

21. Some of the contested goods and services, e.g. *computer software* and *recorded and downloadable media, computer software, blank digital or analogue recording and storage media* are identical to the goods and services on which the opposition is based (on the principle outlined in *Meric*). For reasons that will become clear, I will proceed

on the basis that the contested goods and services are identical to those covered by the earlier trade mark. If the opposition fails even where the goods and services are identical, it follows that the opposition will also fail where the goods and services are only similar.

AVERAGE CONSUMER AND THE PURCHASING ACT

22. 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.

23. 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 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.

24. The average consumer of the goods and services is likely to be either a member of the general public or a professional. The goods and services will be selected with varying degrees of frequency, and the associated costs are likely to range from low for regular purchases to high for those goods and services which are purchased infrequently and are at a higher price point. In approaching the selection, the average consumer will likely consider factors such as compatibility, quality and the reputational standing of the provider. I find the general public will likely apply a medium degree of attention to the purchase and this is likely to be medium to high for business-related purchases or goods and services that are particularly costly and/or technical.

25. I would expect the consumer to come into contact with the marks alongside goods and services selected online or in retail premises, from printed material and various forms of advertising, for example. The marks' visual impression is likely to play a greater part in the selection process, though I do not discount the relevance of the marks' aural impression, as orders may be made over the telephone, or advice may be sought in store, for example.

COMPARISON OF MARKS

26. 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."

27. 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.

28. The respective trade marks are shown below:

Earlier trade mark (series of two)	Contested trade mark
COPROMS INTELLIGENT MANAGEMENT COPROMS INTELLIGENT MANAGEMENT	SOFITECT SIMPLIFYING TECHNOLOGY

29. The holder submits:

"The word elements of the respective marks are entirely different. The Holder's mark prominently features the word "SOFITECT" together with the tagline "SIMPLIFYING TECHNOLOGY", whereas the Opponent's earlier mark prominently features the word "COPROMS" together with the tagline "INTELLIGENT MANAGEMENT". The word elements are the dominant and distinctive components of both marks. They are visually, phonetically and conceptually different. "SOFITECT" and "COPROMS" share no letters in common sequence, bear no phonetic resemblance, and evoke entirely different conceptual associations. The respective taglines ("SIMPLIFYING TECHNOLOGY" and "INTELLIGENT MANAGEMENT") are likewise wholly distinct.

The holder denies the Opponent's assertion that the pictorial representation of the marks is "virtually identical". Whilst both marks incorporate circular graphic elements alongside a word element, the overall visual impression produced by the marks is different when assessed as a whole. The presence of generic geometric shapes (such as circles) in both marks does not, in itself, establish the degree of similarity required under Section 5(2)(b). The average consumer's attention is primarily drawn to the word elements which serve as the primary means of identifying and referring to the marks in question. The visual, aural and conceptual differences between the word elements outweigh any superficial similarity in the figurative elements".

30. The opponent submits:

"Furthermore, the visual structure and composition of the applicant's mark are confusingly similar to the earlier mark. The pictorial representation (specifically the circles, their number, positioning, pattern and layout) is virtually identical. Both marks feature circular icons on the left, a vertical border line in the middle and the brand name on the right. Because the visual impact of the logo element is a dominant feature of both marks, this high degree of visual similarity will cause the relevant public to mistake the applicants mark for the opponents.

Circular icons (Logo) is the main representation of opponent's business representation".

Overall Impression

31. The contested figurative mark comprises the words SOFITECT SIMPLIFYING TECHNOLOGY presented in upper case letters in a plain black font. SOFITECT is presented in bold. The word SOFITECT appears above the words SIMPLIFYING TECHNOLOGY, which are in considerably smaller font. On the left-hand side is a circular graphic made up of yellow dots of varying sizes. The dots are arranged in a symmetrical pattern. A vertical black line separates the graphic from the text. Since the eye is naturally drawn to the element of a mark that can be read, and given its relative size and central position, the word SOFITECT naturally draws the eye and plays the greater role in the overall impression of the mark. Whilst not negligible, the words SIMPLIFYING TECHNOLOGY play a lesser role, due to their size and position and because they will be seen as allusive of the nature of the goods and services provided by the undertaking. The device contributes to the mark overall, but to a lesser extent as it will be seen as a decorative element.

32. The earlier figurative mark (series of two) comprises the words COPROMS INTELLIGENT MANAGEMENT presented in upper case letters. COPROMS is presented in bold, in a gold gradient and appears above the words INTELLIGENT MANAGEMENT, which appear in considerably smaller plain gold font. On the left-hand side is a circular graphic made up of gold dots of differing sizes, which are arranged in a symmetrical pattern. A vertical gold line separates the graphic from the text. Given its relative size and central position, the word COPROMS plays the greater role in the overall impression of the mark. The words INTELLIGENT MANAGEMENT, whilst not negligible, play a lesser role due to their size and position and because they will be seen as allusive of the nature of the goods and services provided by the undertaking. The device contributes to the mark overall, but to a lesser extent as it will be seen as a decorative element. The series of marks only differ insofar as one of the marks is presented on a white background, whereas the other is presented on a blue/green background.

Visual comparison

33. The respective marks overlap to the extent that the device elements are identical, save for the fact that it appears in yellow in the contested mark and gold in the earlier

mark. Both marks have a vertical line separating the device from the words, albeit that in the contested mark the line is black and in the earlier mark the line is gold. There is no overlap in the words in either mark. The earlier mark is a series of two, one is presented on a white background, whereas the other is presented on a blue/green background, which I find only serves to accentuate the mark as a whole. Whilst the devices overlap and contribute to the marks overall, they do so to a lesser extent, on the basis that they will merely be seen as decorative elements. Overall, I find the marks to be visually similar to a low degree.

Aural comparison

34. Aurally, there is no point of similarity between the parties' marks. They are made up of three entirely different words which create completely different visual and aural impacts. I consider the marks to be aurally dissimilar.

Conceptual comparison

35. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer[2]. The assessment must, therefore, be made from the point of view of the average consumer.

36. Both SOFITECT and COPROMS will be understood by the average consumer as invented words and therefore will not have any meaning. I have found that both words play the greater role in the overall impression of the marks.

37. The words INTELLIGENT MANAGEMENT and SIMPLIFYING TECHNOLOGY in the marks will be regarded as allusive of the nature of the goods and services on offer and therefore possess only a low degree of distinctive character. Although those words introduce a conceptual difference between the marks, that difference is not significant because the words carry limited distinctive weight within the respective overall impressions. The device elements will be perceived as purely decorative and will convey no conceptual meaning. Overall, I find the marks to be conceptually neutral.

[2] *Ruiz Picasso v OHIM* [2006] e.c.r.-I-643; [2006] E.T.M.R 29

DISTINCTIVE CHARACTER OF THE EARLIER TRADE MARK

38. 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)."

39. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The parties have not made any specific submissions regarding the distinctive character of the earlier marks, and as such, I only have the inherent position to consider.

40. The earlier mark consists of the words, COPROMS INTELLIGENT MANAGEMENT, which is presented as set out above. COPROMS plays the greater

role in the overall impression of the mark and will be understood as an invented word by the average consumer.

41. I have found the words INTELLIGENT MANAGEMENT to be allusive of the goods and services at issue, and the device element of the mark to be decorative. Overall, I consider that the earlier mark is inherently distinctive to a high degree.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion

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

43. I have found as follows:

- At least some of the goods and services are *Meric* identical;
- The average consumer will be a member of the general public or professional, who will pay a medium degree of attention during the purchasing process. However, this is likely to increase to a medium to high degree for business-related purchases or where the goods are particularly technical and/or costly;
- The purchasing process for the goods and services will be predominantly visual, although I do not discount an aural component;

- The marks are visually similar to a low degree;
- The marks are aurally dissimilar;
- COPROMS / SOFITECT are conceptually neutral. The additional words in the marks will be regarded as allusive of the nature of the goods/services on offer and are a point of conceptual difference between the marks, although not significantly so. The device element of the mark is decorative;
- The earlier mark is inherently distinctive to a high degree.

44. I begin by considering a likelihood of direct confusion. The competing marks both have three words, however, there is no overlap between those words. I have found the device element of the marks to be identical (save that one is gold, and one is yellow), however, I have also found that this will be seen as a decorative element with no meaning, and that COPROMS / SOFITECT will play the greater role in the overall impression of the mark. I find that these differences will be obvious to the average consumer paying between a medium and high level of attention. Taking the above into account and given that there is no overlap in the words in either mark, it is my view that the differences between the competing marks are likely to be sufficient for consumers to distinguish between them and avoid mistaking them for one another. Accordingly, notwithstanding the principles of imperfect recollection and interdependency, it follows that there will be no direct confusion.

45. This leads me to consider indirect confusion. In *L.A. Sugar Limited v By Back Beat Inc*, 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)."

46. 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[3]. 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[4]. The Court of Appeal has also emphasised that, where there is no direct confusion, there must be a "proper basis" for finding indirect confusion.

47. For indirect confusion to arise the average consumer must consider that as a result of the common element, there is an economic connection between the respective

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

marks, such that the goods provided under one are regarded as a brand extension or sub brand of the other, for example.

48. In this instance, both marks share an overlapping element in the form of the device, however, the earlier mark overall is highly distinctive due to the inclusion of the invented word COPROMS. In my view, none of the categories set out in *LA Sugar* apply in this case and I can see no other basis upon which the average consumer would conclude that there is an economic connection between the marks solely based upon the fact that they both feature the same decorative device element. As there are no other overlapping elements in the marks, I do not consider that two marks featuring an identical decorative device is consistent with a sub-brand or brand extension, and although the additional words in the marks have been found to be allusive of the goods and services on offer, I do not consider that they will be entirely overlooked. Taking all of the above into account, I do not consider that there exists a likelihood of indirect confusion between the marks, even when used on identical goods and services.

FINAL REMARKS

49. 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 and services, 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 and services in the parties' specifications which might put the opponent 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

50. The opposition has failed entirely and, subject to any successful appeal, the holder's mark will proceed to protection in the UK.

COSTS

51. As the holder has been successful, it is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023 which governs costs in Fast Track proceedings. In the circumstances, I award the holder the sum of £250 as a contribution towards the costs of proceedings. The sum is calculated as follows:

Considering the Notice of Opposition and filing a Counterstatement	£250
TOTAL	**£250**[5]

52. I therefore order Muhammad Shahbaz to pay SOFITECT the sum of £250. The above sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 15th day of October 2026

LA Bailey

For the Registrar

[5] As per paragraph 13, Mr Telespan filed a witness statement providing a background to the holder's company and details of confusion in the marketplace. I did not find that this evidence assisted me in this assessment and as such, I have not made an award for the same.

Annex 1

Class 9 Software; Computer software; Computer software packages; Software for computers; Computer software development tools; Software applications; Multimedia software; Workflow software; Downloadable computer software; Computer e-commerce software; E-commerce software; Telecommunications software; Server software; Business software; Accounting software; Smartphone software; Software suites; Intranet software; Embedded software; Computer software for advertising; Optimisation software; Mobile software; Utility software; Software for smartphones; Communications software; Downloadable software applications; Business technology software; Computer software for database management; Databases; Database server software; Database management software; Computer software for creating searchable databases of information and data; Computer databases; Interactive databases; Computer software for application and database integration; Databases (electronic); Electronic databases; Computer software programs for database management; Computer software for accessing databases; Computer programs in machine readable form for use in database management; Computer software for accessing, browsing and searching online databases; Computer programs for accessing, browsing and searching online databases; Computer software to enable searching and retrieval of data; Software for searching and retrieving information across a computer network; Computer software to enable retrieval of data; Computer software to enable the searching of data; Computer software to enable searching of data; Computer software for the collection of positioning data.

Class 35 Database management; Computerized database management; Computer database management; Compilation of data in computer databases; Compilation of computer databases; Collating of data in computer databases; Updating and maintenance of data in computer databases; Computerized database management services; Management and compilation of computerised databases; Computerised database management services; Database management services; Compilation of information onto computer databases; Computer database management services; Management of computer databases; Compiling of information into computer databases; Compilation and systemization of information into computer databases; Compilation and systemisation of information into computer databases;

Compilation and input of information into computer databases; Collection and systematisation of information into computer databases; Systemization of information into computer databases; Computer databases (Systemization of information into -); Systemisation of information into computer databases; Computerised compilation of customer indexes; Business information services provided on-line from a computer database or the internet; Business information services provided online from a computer database or the internet; Commercial information provided by means of a computer database; Commercial information services provided by access to a computer database; Computerised data-base management; Data-base management (Computerised -); Provision of commercial business information by means of a computer database; Computerised data management; Collection of data; Compilation of data.

Class 36 Financial information provided by means of a computer database.

Class 42 Computer software integration; Computer software development; Development of computer software; Software engineering; Software development in the framework of software publishing; Computer software design; Software design (Computer -); Design of computer software; Software development; Development of software; Computer software installation; Installation of computer software; Testing of computer software; Design of software; Software design; Installation of software; Software installation; Computer software maintenance; Maintenance of computer software; Leasing of computer software; Computer software design services; Services for the design of computer software; Design of computer database software; Developing computer software; Database design; Updating of software databases; Design of computer database; Rental of database management software; Rental of computer database software; Programming of software for database management; Development of computer database software; Maintaining databases; Hosting of databases; Database development services; Installation, maintenance and updating of database software; Installation and maintenance of database software; Development, updating and maintenance of software and database systems; Development and maintenance of computer database software; Design of computer databases; Database design and development; Rental of a database server (to third parties); Design and development of computer database software; Hosting of

computerized data, files, applications and information; Design and development of electronic database software; Design and development of computer database programs; Electronic storage services for archiving databases, images and other electronic data; Design and development of software for database management; Updating of software data bases; Online data storage; Electronic storage services for archiving databases; Computerised data storage; Design and development of computer databases; Consultancy relating to the design and development of computer database programs; Updating of software for data processing; Design and development of databases.

Class 45 Licensing of databases.