O/0931/26

TRADE MARKS ACT 1994

SUPPLEMENTARY DECISION ON THE GOODS AND SERVICES

IN THE MATTER OF APPLICATION NO. 4007426
IN THE NAME OF THE SCOTCH HOUSE ALBA LIMITED
TO REGISTER THE FOLLOWING SERIES OF TWO TRADE MARKS:



AND



IN CLASSES 9, 35 AND 36
AND

IN THE MATTER OF OPPOSITION THERETO
UNDER NO. OP000447909
BY LUFTHANSA AIRPLUS SERVICEKARTEN GMBH

Background

1. On 27 August 2026, I issued a substantive decision in the proceedings identified above,[1] in which I found the opposition brought by Lufthansa AirPlus Servicekarten GmbH ("the opponent") against the trade mark application no. 4007426, in the name of THE SCOTCH HOUSE ALBA LIMITED ("the applicant") was partially successful".

2. It appears that the issued decision erroneously omitted the following class 36 terms from the goods and services analysis:

Class 36: instalment loans for consumers; consumer loans [financing]; mobile consumer banking services; online consumer banking; online consumer banking services rendered in virtual environments; management of consumer credit card accounts, credit accounts and loans for consumers; consumer credit history services; consumer credit account management services; consumer credit agency services; consumer credit assessment services; consumer credit bureau services; consumer credit consultancy services; consumer credit evaluation services; consumer credit information services; consumer credit rating services; consumer credit risk assessment services; consumer credit risk information services; consumer credit scoring and credit scorecard services; consumer credit screening services; consumer credit strategy management services; consumer debt collection services; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.

3. I am therefore issuing this supplementary decision in which I shall compare these omitted services with the opponent's goods and services (as per my earlier findings in relation to fair specification). The goods and services to be compared as therefore as follows:

The opponent's goods and services (as per the fair specification findings)	**The applicant's omitted services**
The '693 mark	*Class 36: instalment loans for consumers; consumer loans [financing];*

[1] BL O/597/26

Class 36: Financial services, including credit card company services, namely the issuing of credit and service cards; concluding monetary transactions with credit cards; […] payments processing, in particular card billing for the services of others, including the gathering and evaluation of data on such. The '057 mark *Class 36: Financial services, including credit card company services, namely the issuing of credit and service cards; concluding monetary transactions with credit cards; […] payments processing, in particular card billing for the services of others, including the gathering and evaluation of data on such.* The '864 mark *Class 9: Computer software […]; Mobile apps; Software; Software and applications for mobile devices; Software for tablet computers; Software related to handheld digital electronic devices; Software products for e-commerce, home banking, card billing systems […]; all the aforementioned in relation to payments and banking; Software for facilitating secure credit card transactions; Encoded debit and credit cards for use in point of sale*	*mobile consumer banking services; online consumer banking; online consumer banking services rendered in virtual environments; management of consumer credit card accounts, credit accounts and loans for consumers; consumer credit history services; consumer credit account management services; consumer credit agency services; consumer credit assessment services; consumer credit bureau services; consumer credit consultancy services; consumer credit evaluation services; consumer credit information services; consumer credit rating services; consumer credit risk assessment services; consumer credit risk information services; consumer credit scoring and credit scorecard services; consumer credit screening services; consumer credit strategy management services; consumer debt collection services; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.*

transactions; Magnetic debit and credit payment cards. *Class 36: Finance services, namely financial services of credit card companies; Issuing of credit and service […] cards with payment functions; Financial services for running credit and service […] card programmes; Financial consultancy relating to the running and management of credit and service […] card programmes; providing of information via the Internet in the field of payment services; financial services for conducting payment and billing transactions […]; Including all the aforesaid services provided online and/or via the Internet; Payment processing; Electronic payment services; Contactless payment services; Electronic processing of payments; Financial payment services; Financial transfers and transactions, and payment services; Money ordering services; Electronic wallet services (payment services), Financial sales transaction management.* The '497 mark *Class 16: Credit cards; Bankers cards.* *Class 36: Banking services; Credit card services.*	

4. As per my original decision, for the purposes of comparing goods and services, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons.[2] I have therefore assessed the applicant's services by dividing the terms into groups as per below. I apply the same case law as set out in my original decision in conducting the following comparison.

Instalment loans for consumers; consumer loans [financing]; management of […] loans for consumers; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.

5. Based on my understanding, loans are a standalone financial product compared to credit card services. However, it is my view that the applicant's loan-related services are similar to the opponent's term *issuing of credit and service […] cards with payment functions.* The services' nature overlaps, as both relate to issuing financial products related to lending. However, their core nature differs slightly in that the applicant's services relate specifically to loans whereas the opponent's services relate to credit card finance. The purpose and users will likely overlap in that both will be used by consumers who need access to additional finance. It is my view that the services' trade channels will overlap. It is considered that the services are not complementary as one is not essential to the other. However, it is likely that the services will be in competition with each other, as users will select between different financing options. Taking these factors into account, it is my view that there is a medium to high degree of similarity between the parties' services.

Mobile consumer banking services; online consumer banking; online consumer banking services rendered in virtual environments; management of consumer credit card accounts [and] credit accounts […]; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.

6. It is my view that these services can be included in the opponent's term *finance services, namely financial services of credit card companies.* It is considered that all of the services above would reasonably be expected to fall within the financial services conducted by credit card companies. It is my view that such companies would

[2] *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38

undertake tasks relating to credit cards, banking, financial management, and credit services. I therefore find them identical to the opponent's *finance services, including financial services of credit card companies* under the principle set out in *Meric.*

Consumer credit history services; consumer credit account management services; consumer credit agency services; consumer credit assessment services; consumer credit bureau services; consumer credit consultancy services; consumer credit evaluation services; consumer credit information services; consumer credit rating services; consumer credit risk assessment services; consumer credit risk information services; consumer credit scoring and credit scorecard services; consumer credit screening services; consumer credit strategy management services; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.

7. It is my view that these services are also included in the opponent's term *finance services, namely financial services of credit card companies.* It is considered that all of the services above would reasonably be expected to fall within the financial services conducted by credit card companies, as it is my view that such companies would undertake these types of services relating to credit. I therefore find them identical to the opponent's *finance services, including financial services of credit card companies* under the principle set out in *Meric.* However, in case I am wrong in this finding, I find them similar nonetheless. This is on the basis that they will overlap as to their users, nature, and purpose, in that they are financially related services which will be used by professionals to assess financial information about consumers in relation to credit. They are likely to be marketed through the same or similar trade channels. There may be an element of complementarity, given that these services relating to credit will be essential for the financial services of credit card companies, and consumers are likely to believe that the responsibility for both lies with the same undertaking. I do not consider that they are likely to be in competition with each other. Taking these factors into account, I find that they are similar to a medium to high degree.

Consumer debt collection services; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.

8. It is my view that these services would fall outside of the services typically provided by credit card companies themselves. Their users differ in that *finance services,*

namely financial services of credit card companies will be used by consumers and professionals who need to access credit, whereas *consumer debt collection services* will be used by professionals who offer credit to consumers and need to retrieve the money owed to them. Their nature and purpose overlaps in that they are both services related to credit, but their core nature differs in that the applicant's services are specific to collecting consumer debt, whereas the opponent's services are financial services of credit card companies. Given the difference in user, they are likely to have different trade channels. However, if they are marketed through the same trade channels, they are likely to appear in different places. They are unlikely to be complementary, as consumers are unlikely to think that the same undertaking is responsible for them (given their difference in purpose). They are not in competition with each other. I therefore find that they are similar to a low degree.

Likelihood of confusion

9. In my original decision, I found a likelihood of indirect confusion for the applicant's goods and services which were similar to the opponent's goods and services to more than a low degree. The omitted services (except *consumer debt collection services*) above are either identical to or similar to a medium to high degree with the opponent's services, I therefore find that there is a likelihood of indirect confusion in respect of them for the same reasons set out in my original decision.

10. However, as *consumer debt collection services* are only similar to a low degree, I do not find that there is a likelihood of confusion in respect of them for the same reasons set out in my original decision.

Conclusion

11. In summary, the opposition under section 5(2)(b) has been partially successful. Subject to any successful appeal, the application will be refused registration for the following good and services:

> *Class 9: Consumer credit cards; magnetic consumer cards; encoded consumer cards; consumer chip cards; consumer smart cards; Magnetic data carriers; Card readers for credit cards; credit card terminals; Applications for consumer banking, consumer payments and consumer credit services; computer*

programs and software for consumer banking, consumer payments and consumer credit services; consumer credit bureau software; consumer credit consultancy software; […] software relating to consumer account management (including consumer credit accounts); […] software relating to consumer bank accounts; […] software relating to consumer bank account sort codes; […] software relating to consumer billing; […] software relating to consumer credit application processing; […] software relating to consumer credit assessment and consumer credit screening; […] software relating to consumer credit scorecards; […] software relating to consumer credit strategy management; […] software relating to consumer customer profiling; […] software relating to consumer financial information; Databases, data sets […] relating to consumer account management (including consumer credit accounts); databases, data sets […] relating to consumer bank accounts; databases, data sets […] relating to consumer bank account sort codes; databases, data sets […] relating to consumer billing; databases, data sets […] relating to consumer credit application processing; databases, data sets […] relating to consumer credit assessment and consumer credit screening; databases, data sets […] relating to consumer credit scorecards; databases, data sets […] relating to consumer credit strategy management; databases, data sets […] relating to consumer financial information; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.

Class 35: Consumer credit card registration services, provision of consumer credit card rewards based programs; Preparation of monthly statements of account for consumer services; provision of monthly statements for consumer services; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.

Class 36: Consumer banking; consumer e-wallet payment services; consumer financial management; consumer financing services; instalment loans for consumers; issuance of consumer credit cards; issuance of consumer credit; issuance of prepaid gift cards to consumers; consumer loans [financing]; mobile consumer banking services; online consumer banking; online consumer banking services rendered in virtual environments; processing of

consumer credit card payments; processing of consumer debit card payments; Providing consumer financial information; providing consumer financial information via a website; Savings bank services; *issuance of credit cards, credit lines and loans to consumers; management of consumer credit card accounts, credit accounts and loans for consumers; consumer credit history services; consumer credit account management services; consumer credit agency services; consumer credit assessment services; consumer credit bureau services; consumer credit consultancy services; consumer credit evaluation services; consumer credit information services; consumer credit rating services; consumer credit risk assessment services; consumer credit risk information services; consumer credit scoring and credit scorecard services; consumer credit screening services; consumer credit strategy management services; consumer financial database services; fraudulent consumer credit application detection services; preparation of consumer credit reports; consumer credit application processing services; consumer financial services; consumer monetary affairs; consumer banking credit care services; consumer credit services; consumer credit card services; consumer debit card services; magnetic card services for consumers; chip card services for consumers; smart card services for consumers; electronic funds transfer services for consumer services; issuance of credit, debit and magnetic cards to consumers; consumer credit card payment processing; consumer lending services; advisory, consultancy and information services related to all of the aforesaid; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.*

12. It will proceed to registration for the following goods and services:

Class 9: Consumer database management software; […] software relating to individual biometric data; […] software relating to individual candidate verification; […] software relating to individual identity documents; […] software relating to individual identity verification and authentication; […] software relating to names of individuals; […] software relating to public record information about individuals; databases, data sets […] relating to individual biometric data; databases, data sets […] relating to individual candidate

verification; databases, data sets […] relating to consumer customer profiling; databases, data sets […] relating to individual identity documents; databases, data sets […] relating to individual identity verification and authentication; databases, data sets […] relating to names of individuals; databases, data sets […] relating to public record information about individuals; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.

Class 36: Consumer debt collection services; None of the aforementioned in relation to Corporate Payments, Business Travel, Procurement or Travel Trade.

Costs

13. Notwithstanding the omission of some of the class 36 terms from the original decision, the opponent has still enjoyed the greater degree of success and is entitled to a contribution towards its costs. I do not find that my findings above require any amendment to the amount awarded to the opponent, and therefore this paragraph replaces paragraph 146 (i.e. the costs paragraph) of my original decision. In the circumstances I therefore award the opponent the sum of £1,430 as a contribution towards the cost of the proceedings, which is calculated as follows:

Official fees: £100

Preparing a statement: £220

Preparing evidence £800

Preparing submissions in lieu £310

14. I therefore order THE SCOTCH HOUSE ALBA LIMITED to pay Lufthansa AirPlus Servicekarten GmbH the sum of £1,430. 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

K SERRAVALLE

For the Registrar