O/0976/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00004048314

BY UWATCH LTD

TO REGISTER THE TRADE MARK:



IN CLASS 9

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 449280 BY

AMAZON TECHNOLOGIES, INC.

BACKGROUND AND PLEADINGS

1. On 7 May 2024, uWatch Ltd ("the applicant") applied to register the trade mark shown on the cover page of this decision, in the UK. The application was published for opposition purposes on 24 May 2024 and protection is sought in respect of the following goods:

Class 9 Electronic security systems for home network; Personal security alarms; Home automation systems; Security cameras; Security alarms; Home automation software; Home automation hubs; Security software; Home remote controls; Security alarm systems [other than for vehicles]; Security surveillance apparatus; Smart home hubs; Safety, security, protection and signalling devices.

2. On 23 August 2024, the application was opposed by Amazon Technologies, Inc ("the opponent") based upon sections 5(2)(b) and 5(3) of the Trade Marks Act 1994 ("the Act"). For both grounds, the opponent relies upon UKTM no. 3329561 for the mark RING which was filed on 6 August 2018 and registered on 30 October 2020. Priority is claimed from 27 February 2018. The opponent relies upon a variety of goods and services for which that mark is registered including *doorbells* and *security cameras* in class 9. That mark qualifies as an earlier mark pursuant to section 6 of the Act.

3. Under section 5(2)(b) of the Act, the opponent claims that the marks are similar and the goods and services are identical or similar, with the result that there is a likelihood of confusion.

4. Under section 5(3) of the Act, the opponent claims a reputation for, amongst other things, the goods identified in paragraph 2 above, and claims that use of the applicant's mark, without due cause, would take unfair advantage of, and/or be detrimental to, the distinctive character and/or repute of the earlier mark.

5. The applicant filed a counterstatement denying the grounds of opposition, but admitting the opponent's claimed reputation.[1]

HEARING AND REPRESENTATION

6. A hearing took place before me on 6 October 2026, by video conference. The opponent was represented by Maxwell Keay of Counsel, instructed by Winston Taylor International LLP. The opponent filed a skeleton argument in advance of the hearing.

7. The applicant was represented by its Director, Norman Guiver. The applicant was previously represented in these proceedings by Robertson IP Limited.

EVIDENCE AND SUBMISSIONS

8. The opponent filed evidence in chief in the form of the witness statement of Aimee Mahan dated 20 December 2024, which is accompanied by 28 exhibits. Ms Mahan is Senior Manager, Trademarks of the opponent, a position she has held since September 2017 (although she has been employed by the opponent since November 2008).

9. The applicant filed evidence in the form of the witness statement of Christopher John Robertson dated 28 February 2025. Mr Robertson is a Director of Robertson IP Limited, who were representing the applicant at the time. Mr Robertson's evidence was accompanied by 6 exhibits (CJR1 to CJR6).

10. The opponent filed evidence in reply in the form of the witness statement of Christian Durr dated 25 April 2025, which is accompanied by 13 exhibits (CD1 to CD13). Mr Durr is an Associate and Chartered Trade Mark Attorney acting on behalf of the opponent in these proceedings.

[1] See paragraph 39 of the counterstatement.

RELEVANCE OF EU LAW

11. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK's withdrawal from the EU.

DECISION

12. As the earlier mark had not completed its registration process more than 5 years prior to the filing date of the application in issue, it is not subject to the use provisions in section 6A of the Act. Consequently, the opponent can rely upon all of the goods and services identified in its Form TM7. However, for the purposes of this decision, I need only focus upon *doorbells* and *security cameras* in class 9.

13. I will begin by assessing this opposition under section 5(3) of the Act. I will return to consider the section 5(2)(b) ground only to the extent that I consider necessary.

Application to file further evidence

14. At the hearing, Mr Guiver sought to give evidence. The focus of this evidence was around the quality of the product offered by the opponent. At the hearing, I confirmed to Mr Guiver that the evidence rounds had closed and, as such, I could not take into account any additional evidence unless it was the subject of a successful application to file further evidence. In that regard, I explained that I would not be prepared to grant any such request in respect of the evidence described. The reason for this, which I explained at the hearing, is because a reputation can exist irrespective of the quality of the product offered under the mark; it is a knowledge threshold, rather than a question of quality.

15. Further, the question of whether the opponent had a reputation or not was not a matter to be decided in the case before me. This is because the applicant had admitted

that a reputation existed in its counterstatement (see above) and the entire case had proceeded on the basis of that admission. Consequently, I would not have been prepared to allow an application to file further evidence in respect of the quality of the opponent's products, even if such an application had been made.

Preliminary Issue

16. At the hearing, Mr Guiver suggested that the word RING has become generic for the relevant goods. For the avoidance of doubt, there is no attack against the validity of the earlier mark and there is no evidence before me to support this claim. Consequently, I need consider it no further.

Section 5(3)

17. Section 5(3) of the Act states:

> "5(3) A trade mark which -
>
> > (a) is identical with or similar to an earlier trade mark, […] shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark."

18. Section 5(3A) of the Act states:

> "Subsection (3) applies irrespective of whether the goods and services for which the trade mark is to be registered are identical with, similar to or not similar to those for which the earlier trade mark is protected."

19. The relevant case law can be found in the following judgments of the CJEU: *Case C-375/97, General Motors, Case 252/07, Intel, Case C-408/01, Adidas-Salomon, Case C-487/07, L'Oreal v Bellure and Case C-323/09, Marks and Spencer v Interflora*

and Case C383/12P, Environmental Manufacturing LLP v OHIM. The law appears to be as follows.

(a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors, paragraph 24.*

(b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors, paragraph 26*.

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas Saloman, paragraph 29 and Intel, paragraph 63.*

(d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark's reputation and distinctiveness; *Intel, paragraph 42*

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel, paragraph 68*; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel, paragraph 79.*

(f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel, paragraphs 76 and 77 and Environmental Manufacturing, paragraph 34.*

(g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel, paragraph 74.*

(h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact on the earlier mark; *L'Oreal v Bellure NV, paragraph 40.*

(i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora, paragraph 74 and the court's answer to question 1 in L'Oreal v Bellure*).

20. The conditions of section 5(3) are cumulative. Firstly, the opponent must show that the earlier mark and the applicant's mark are similar. Secondly, it must be established that the earlier mark has achieved a level of knowledge/reputation amongst a significant part of the public. This has been conceded in this case, although I will review the evidence to establish the strength of that reputation. Thirdly, it must be established that the level of reputation and the similarities between the marks will cause the public to make a link between them in the sense of the earlier mark being brought to mind by the later mark. Finally, assuming the first three conditions have been met, section 5(3) requires that one or more of the types of damage will occur. It is unnecessary for the purposes of section 5(3) that the goods/services be similar, although the relative

distance between them is one of the factors which must be assessed in deciding whether the public will make a link between the marks.

Similarity of marks

21. Both marks consist of, or contain, the word RING. Consequently, I consider them to be sufficiently similar to satisfy this requirement.

Reputation

22. In *General Motors,* Case C-375/97, the CJEU held that:

> "25. It cannot be inferred from either the letter or the spirit of Article 5(2) of the Directive that the trade mark must be known by a given percentage of the public so defined.
>
> 26. The degree of knowledge required must be considered to be reached when the earlier mark is known by a significant part of the public concerned by the products or services covered by that trade mark.
>
> 27. In examining whether this condition is fulfilled, the national court must take into consideration all the relevant facts of the case, in particular the market share held by the trade mark, the intensity, geographical extent and duration of its use, and the size of the investment made by the undertaking in promoting it.
>
> 28. Territorially, the condition is fulfilled when, in the terms of Article 5(2) of the Directive, the trade mark has a reputation 'in the Member State'. In the absence of any definition of the Community provision in this respect, a trade mark cannot be required to have a reputation 'throughout' the territory of the Member State. It is sufficient for it to exist in a substantial part of it."

23. As noted above, the applicant has conceded that the opponent has a reputation as pleaded. However, the opponent did not specify the strength of the pleaded reputation, which is a relevant factor when assessing whether a link will be made.

Consequently, I will review the opponent's evidence of use for the purpose of assessing the strength of the reputation claimed.

24. There are clearly issues with the opponent's evidence. Firstly, I have not been provided with any turnover figures or advertising expenditure. Secondly, Ms Mahan provides evidence that the RING application has received over 10 million downloads on Google Play, but no information is provided as to what proportion of these downloads were made by UK consumers. Thirdly, there are parts of the evidence which focus upon the reputation of Amazon (being another brand owned by the opponent), but that is not relevant to the strength of the reputation in the mark RING.

25. I am left, therefore, to examine the press coverage evidence that has been filed by the opponent and to make what I can from these documents. I note that many of the articles relied upon refer to RING as being the 'best' video doorbell, but I do not accept that that is the same as being well known; these lists are compiled by journalists, rather than being based upon a survey or vote by readers (for example). These products being described as 'the best', therefore, reflects only the opinion of the author. However, I do accept that the coverage of the RING brand in a number of national publications in the years leading up to the relevant date is likely to have resulted in it being brought to the attention of the relevant public. For example, there has been coverage in *The Daily Star* (2021),[2] *The Independent* (2021),[3] *The Sun* (2022),[4] *The Mirror* (2023),[5] *The Mail Online* (2023),[6] *The Guardian* (2020)[7] and *The Telegraph* (2020).[8]

26. There are parts of these articles which do shed light upon how well known the RING brand is. For example, *The Independent* described RING as having "long been a popular choice for its ease of use and simple fitting".[9] In a list identifying the 10 best home security cameras in *The Mirror*, RING was listed as the first, with the

[2] Exhibit 5
[3] Exhibit 6
[4] Exhibit 8
[5] Exhibit 10
[6] Exhibit 11
[7] Exhibit 12
[8] Exhibit 12
[9] Exhibit 5

commentary saying: “The first of our video doorbells to feature in this line-up is one of the best-selling devices on the market, the Ring Video Doorbell.”[10] The commentary in the *Mail Online* describes RING as “the go-to device for many people wanting to keep a close eye on their homes while they’re away”.[11] An article from *The Independent* in 2023 stated that “Ring is perhaps the best-known brand on the video doorbell circuit”.[12] Finally, an article from *Wales Online* dated March 2024 stated that “Ring has become one of the most popular video doorbell brands on the market in the UK with more than 100,000 people in the country owning one”.[13] The parts of these articles that I have highlighted here speak to its popularity within the UK market. It is difficult to see how it could have become so popular without the opponent having made intensive use of the mark and having invested in promoting it. These articles also refer to the fact that use has been longstanding, and the fact that more than 100,000 people in the country own a RING doorbell suggests that use is likely to be reasonably geographically widespread. It is also a reasonable inference that the opponent has a reasonable market share given that it is described as being one of the most popular brands on the market. It is important to note that whilst the references in much of this material refer to doorbells, it is clear from the narrative that these also function as security cameras i.e. they are doorbells fitted with a security camera function.

27. It strikes me that the opponent has somewhat left its success under this ground to chance by failing to file turnover and advertising expenditure or any other information that would put it beyond doubt that they had a strong reputation. Whilst it is clear from the press coverage that the opponent does have a reputation for *doorbells* and *security cameras*, I am unable to conclude that that reputation is any more than reasonable on the basis of the very limited evidence that I have before me.

Link

28. Whether the public will make the required mental ‘link’ between the marks must take account of all relevant factors. The factors identified in *Intel* are (i) the degree of

[10] Exhibit 10
[11] Exhibit 11
[12] Exhibit 16
[13] Exhibit 22

similarity between the conflicting marks; (ii) the nature of the goods and services for which the conflicting marks are registered, or proposed to be registered, including the degree of closeness or dissimilarity between those goods and services, and the relevant section of the public; (iii) the strength of the earlier mark's reputation; (iv) the degree of the earlier mark's distinctive character, whether inherent or acquired through use and (v) whether there is a likelihood of confusion.

The degree of similarity between the conflicting marks

29. At the hearing, Mr Guiver referred to the fact that the company names behind the two marks are entirely different. He submitted that this means that there will be no confusion. There also appeared to be some submission on Mr Guiver's part that RING is actually the name of the opponent (not a trade mark), which is plainly not correct. For the avoidance of doubt, the comparison that must be undertaken is between the marks as applied-for/registered, without reference to the names of the parties. With that in mind, the marks to be compared are as follows:

Opponent's mark	**Applicant's mark**
RING	

30. The earlier mark consists of the word RING. There are no other elements to contribute to the overall impression which lies in the word itself.

31. The applicant's mark consists of the word RING above the word FENCE. The first letter of each word is presented in white, and the remaining letters are in grey. Above the letters are a red dot and two curved red lines. All of these elements are presented within a green border on a black rectangular background. The eye is naturally drawn

to the elements of the mark that can be read, and so the words RING FENCE play the greatest role in the overall impression. The use of colour, the dot/line device and the border/background all play a lesser role.

32. Visually, the word RING, which makes up the entirety of the earlier mark, is replicated in the applicant's mark. The word FENCE and the various device elements in the applicant's mark all act as points of visual difference. The word RING in the applicant's mark is the first word element of the mark, which is important because this is where the average consumer tends to focus.[14] I bear in mind that the earlier mark is word only, and so could be used in any font and colour. In my view, the marks share between a low and medium degree of visual similarity.

33. Aurally, the only point of difference between the marks is the word FENCE in the applicant's mark, which has no counterpart in the earlier mark. In my view, the marks are aurally similar to a medium degree.

34. Conceptually, the earlier mark consists of the word RING, which will be attributed one of its various meanings in the English language (such as to call someone, a band to be placed on the finger or the sound that a bell makes). In my view, there will be a significant proportion of average consumers who are likely to understand the words RING FENCE (particularly in the context of security related goods) as referring to the enclosure of a particular area of land.[15] The word RING qualifies the word FENCE. If the dot/line device in the applicant's mark is understood as being indicative of wireless communication, as suggested by the applicant, then that will be an additional point of difference. In my view, the marks are conceptually dissimilar.

<u>The nature of the goods or services for which the conflicting marks are registered, or proposed to be registered, including the degree of closeness or dissimilarity between those goods or services, and the relevant section of the public</u>

35. The opponent has a reputation for doorbells and security cameras.

[14] *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02
[15] Exhibit CJR4

36. The applicant's goods with which this decision is concerned are those within its specification. I note that Mr Guiver made reference to the fact that the specification does not actually reflect what the applicant does; what the applicant actually sells is jammer detectors i.e. products that detect when someone is attempting to jam the signal of a security device. Whilst I sympathise with Mr Guiver's position that he finds himself with a specification that he does not consider reflects his actual product offering, I must undertake a notional assessment based upon the goods covered by the applicant's specification, rather than the goods that the applicant actually sells.

37. The applicant's *Electronic security systems for home network, personal security alarms, security cameras, security alarms, security software, security alarm systems [other than for vehicles], security surveillance apparatus* and *safety, security, protection and signalling devices* are all either identical to the goods for which the opponent has a reputation or would be sold through the same trade channels to the same user and share the same purpose of being for security. They may also be complementary. Consequently, I find them to be similar to at least a medium degree.

38. The terms *Home automation systems, Home automation software, Home automation hubs, Home remote controls* and *Smart home hubs* in the applicant's specification are all goods that might be used in conjunction with a security system (which might feature the opponent's goods). They are likely to be sold through the same trade channels to the same users. Consequently, I find them to be similar to at least a low degree.

The strength of the earlier mark's reputation

39. The earlier mark has a reasonable reputation in the UK.

The degree of the earlier mark's distinctive character, whether inherent or acquired through use

40. 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 1-2779, paragraph 49).
>
> 23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

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

42. The word RING is an ordinary dictionary word with which the average consumer will be familiar. In respect of the goods for which the opponent has a reputation, this is likely to be understood as a reference to the sound that might be made when an alert is issued or when a bell rings. In my view, it is distinctive to only a low degree.

43. However, as noted above, the opponent has filed evidence of use. Whilst the tests for reputation and enhanced distinctiveness are different, the factors relevant to both

are the same. In my view, for the same reasons discussed above, the distinctiveness of the earlier mark has been enhanced through use for the relevant goods to a slightly higher than medium degree.

Whether there is a likelihood of confusion

44. Given that the distinctiveness of the earlier mark has been enhanced through use to a slightly higher than medium degree, I find that the average consumer would assume that only one undertaking could be using it in relation to goods which are similar to those for which the opponent has a reputation. Whilst I bear in mind that there are conceptual differences between the marks, this will be counteracted when used in relation to goods which are the same or similar to those for which the opponent has a reputation/enhanced distinctiveness. Consequently, I find that there is a likelihood of confusion.

Conclusions on link

45. Taking all of the above factors into account, upon encountering the word RING in the applicant's mark, in circumstances where there is identity/similarity between the applied-for goods and those for which the distinctiveness of the earlier mark has been enhanced through use, I find that a link will be made in the mind of the relevant public. For the avoidance of doubt, even if I had found no likelihood of confusion, I would still have found a link.[16]

Damage

Unfair advantage

46. In *Jack Wills Limited v House of Fraser (Stores) Limited* [2014] EWHC 110 (Ch) Arnold J. (as he then was) considered the earlier case law and concluded that:

[16] *Intra-Presse SAS v OHIM,* Joined cases C-581/13P & C-582/13P

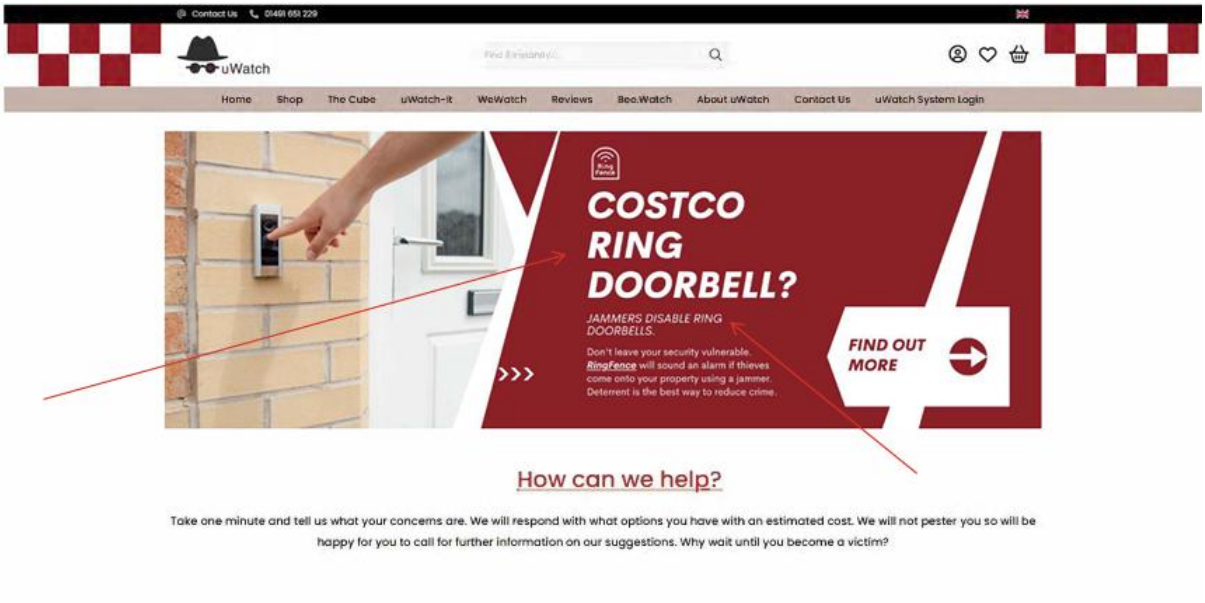
> "80. The arguments in the present case give rise to two questions with regard to taking unfair advantage. The first concerns the relevance of the defendant's intention. It is clear both from the wording of Article 5(2) of the Directive and Article 9(1)(c) of the Regulation and from the case law of the Court of Justice interpreting these provisions that this aspect of the legislation is directed at a particular form of unfair competition. It is also clear from the case law both of the Court of Justice and of the Court of Appeal that the defendant's conduct is most likely to be regarded as unfair where he intends to benefit from the reputation and goodwill of the trade mark. In my judgment, however, there is nothing in the case law to preclude the court from concluding in an appropriate case that the use of a sign the objective effect of which is to enable the defendant to benefit from the reputation and goodwill of the trade mark amounts to unfair advantage even if it is not proved that the defendant subjectively intended to exploit that reputation and goodwill."

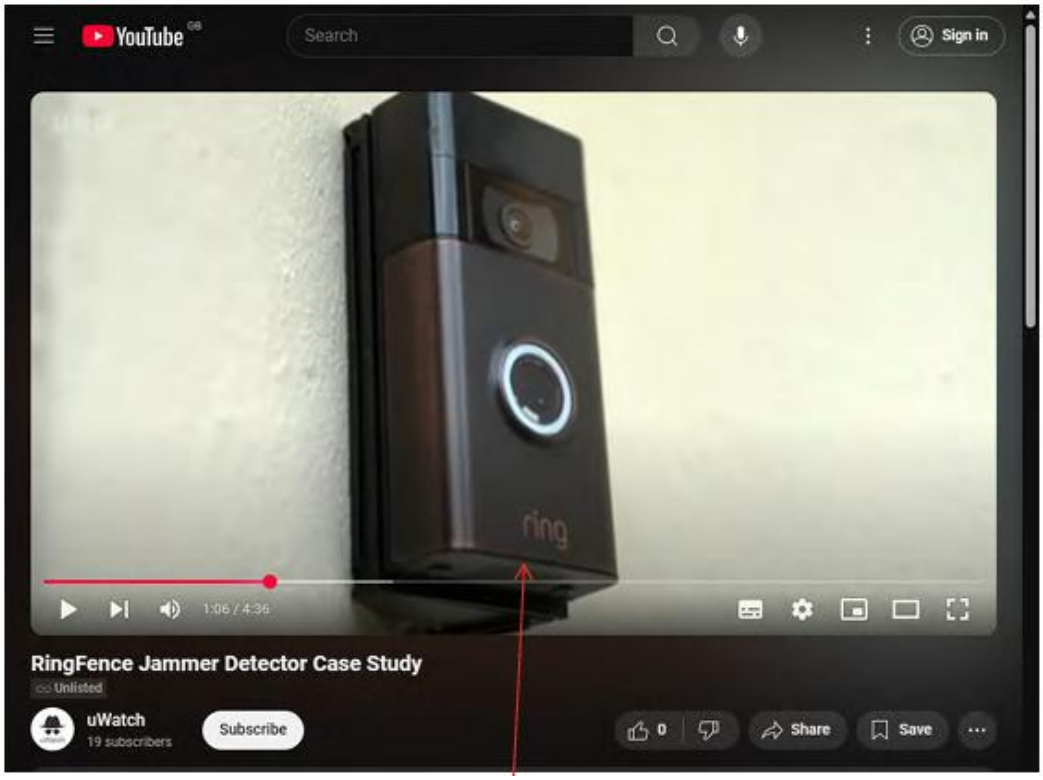
47. To the extent that the relevant public believe that the goods of the applicant are those of the opponent, there will plainly be unfair advantage. However, in addition to this, the applicant is likely to benefit from an immediate familiarity due to a link being made with the opponent's brand, which is an advantage that it would otherwise only have been able to secure through its own investment. Consequently, this is unfair advantage. As unfair advantage is made out, I do not need to consider the other heads of damage pleaded.

Final Remarks

48. I note that the opponent did not plead that there was any intention to take unfair advantage. However, there is evidence before me that the applicant has in fact been explaining the purpose of its product by reference to the opponent's goods. For example:[17]

[17] Exhibits CD2 and CD10





49. This evidence demonstrates another type of advantage that would be available to the applicant by including the word RING in its mark i.e. the ability to immediately convey to the consumer that its products are compatible with the opponent's goods. This, therefore, conveys a message to the consumer without any need for the applicant to educate them through marketing/promotional materials like it would otherwise have to do. This, therefore, fortifies my finding above.

50. The opposition based upon section 5(3) of the Act is successful.

Section 5(2)(b)

51. As the opponent has been entirely successful under section 5(3) of the Act, I do not need to consider this ground in any detail. However, for the avoidance of doubt, I would also have found a likelihood of confusion under section 5(2)(b). The reason for this is that the distinctiveness of the earlier mark has been enhanced through use to a slightly higher than medium degree. This, in my view, means that the earlier mark is sufficiently distinctive that the average consumer would expect only one undertaking to be using it in relation to identical/similar goods. Consequently, I find there to be a likelihood of indirect confusion. However, as explained above, I would still have found a link under section 5(3) even if there was no confusion.

CONCLUSION

52. The opposition is successful and, subject to any successful appeal, the application is refused.

COSTS

53. The opponent has been successful and is entitled to a contribution towards its costs based upon the scale set out in Tribunal Practice Notice 1/2023. In the circumstances, I award the opponent the sum of **£2,250** calculated as follows:

Preparing a Notice of opposition and considering the counterstatement	£350
Preparing evidence and considering the applicant's evidence	£800
Preparing for and attending hearing	£900

Official fee	£200
Total	**£2,250**

54. I therefore order uWatch Ltd to pay Amazon Technologies, Inc the sum of **£2,250**. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 29th day of October 2026

S WILSON
For the Registrar