

O-376-19

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. 3336248

BY KALPNA KOTECHA

TO REGISTER THE TRADE MARK:

Veganiks

IN CLASS 30

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 600001023

BY VENKATESH SIVARAMAN

BACKGROUND

1. On 05 September 2018 Kalpna Kotecha (“the applicant”) applied to register the trade mark “Veganiks” for a range of goods in class 30.

2. The application was published for opposition purposes on 16 November 2018.

3. The application is opposed by Venkatesh Sivaraman (“the opponent”) under the fast track procedure. The opposition, which is directed against all of the goods in the contested application, is based upon Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”), for the purpose of which the opponent relies upon UK trade mark number 3157605 for the following series of two marks:

veganic

veganics

4. The earlier mark covers a range of goods in classes 29, 30, 31 and 32, all of which are relied upon by the opponent in these proceedings.

5. The earlier mark was applied for on 1 April 2016 and registered on 8 July 2016. The significance of these dates is that (1) the opponent’s mark constitutes an earlier mark in accordance with section 6 of the Act, and (2) it is not subject to the proof of use conditions contained in section 6A of the Act, its registration procedure having been completed less than five years before the publication of the applicant’s mark.

6. The applicant filed a counterstatement in which he denies the ground of opposition.

7. Rules 20(1)-(3) of the Trade Marks Rules (the provisions which provide for the filing of evidence) do not apply to fast track oppositions, but Rule 20(4) does. It reads:

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

8. The net effect of the above is to require parties to seek leave in order to file evidence (other than the proof of use evidence which is filed with the notice of opposition) in fast track oppositions. Neither side sought leave to file evidence. Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if 1) the Office requests it or 2) 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.

9. In these proceedings neither party is professionally represented. A hearing was neither requested nor considered necessary. Neither side filed written submissions.

DECISION

Section 5(2)(b)

10. Section 5(2)(b) of the Act states:

“5. -(2) A trade mark shall not be registered if because-

(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”.

Section 5(2)(b) case law

11. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia*

Sales Germany & Austria GmbH, Case C-120/04, Shaker di L. Laudato & C. Sas v OHIM, Case C-334/05P and Bimbo SA v OHIM, Case C-591/12P.

The principles

- (a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;
- (b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;
- (c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- (d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;
- (e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
- (f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- (g) a lesser degree of similarity between the goods or services may be offset by a great 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;

(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

12. In the judgment of the Court of Justice of the European Union (CJEU) in *Canon*, Case C-39/97, the Court stated at paragraph 23:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary”.

13. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

(a) The respective uses of the respective goods or services;

(b) The respective users of the respective goods or services;

(c) The physical nature of the goods or acts of service;

(d) The respective trade channels through which the goods or services reach the market;

- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be, found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

14. In *YouView TV Ltd v Total Ltd*, [2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

"... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless, the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of 'dessert sauce' did not include jam, or because the ordinary and natural description of jam was not 'a dessert sauce'. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question."

15. In *Beautimatic International Ltd v Mitchell International Pharmaceuticals Ltd and Another*, [2000] F.S.R. 267 (HC), Neuberger J. (as he then was) stated that:

"I should add that I see no reason to give the word "cosmetics" and "toilet preparations"... anything other than their natural meaning, subject, of course, to the normal and necessary principle that the words must be construed by reference to their context."

16. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity

between goods. In *Boston Scientific Ltd v OHIM*, Case T-325/06, the General Court (GC) stated that “complementary” means:

“...there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking”.

17. In *Sanco SA v OHIM*, Case T-249/11, the GC indicated that goods and services may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken* against *transport services for chickens*. The purpose of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amelia Mary Elliot v LRC Holdings Limited* BL-0-255-13:

“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense - but it does not follow that wine and glassware are similar goods for trade mark purposes.”

18. Whilst on the other hand:

“.....it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together”.

19. In *Gérard Meric v OHIM*, Case T- 133/05, the GC stated:

“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 für 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”.

20. For ease of reference, the lists of goods designated by the parties’ marks are reproduced in full in the Annex to this decision. As can be seen, the list is very lengthy and contains a lot of duplication; to avoid repetitions, I shall, where possible, refer to each term once.

21. In approaching the comparison, I bear in mind that the opponent has not offered any explanation as to why it believes any of the contested goods are identical or similar to the earlier goods. Consequently, where the similarity between the parties’ goods is not obvious, I will find that the goods are not similar.

22. The goods sought by the applicant are many and varied. I will go through them in turn but grouping them when it is reasonable to do so. I will compare each term (or group of terms) with the opponent’s goods. I will focus on what I consider to be the opponent’s most similar goods, but I have, of course, borne all the opponent’s goods in mind.

23. Achar pachranga (fruit pickle). The earlier specification includes *Pickled fruit* (class 29). Regardless of the fact that the parties’ goods are in different classes (class 30 and class 29, respectively), they are, at least, highly similar. **The goods are, at least, highly similar.**

24. Cereals; Cereals for food for consumption by humans. The earlier specification includes *Cereal; Prepared Brans; Prepared Grains; Processed Brans; Processed Grains* (class 30). The applicant’s *Cereals* are self-evidently identical to the opponent’s *Cereal*. The applicant’s *Cereals for food for consumption by humans* are encompassed by the opponent’s broad term *Cereal* and so are identical (*Meric*).

25. Before proceeding any further, it is worth setting out what the earlier goods in class 30 cover. The Oxford English dictionary contains the following definition:

cereal

noun

1. a grain used for food, for example wheat, maize, or rye.

a grass producing edible grain that is grown as an agricultural crop: [as modifier]

: cereal crops.

2. [mass noun] a breakfast food made from roasted grain, typically eaten with milk: *a bowl of cereal.*

26. The term *Cereal* covers cereal grains such as wheat, millet, rice, barley, oats and maize (corn) as well as breakfast cereals. I do not consider that the term *Cereal* would cover, per se, cereal preparations, i.e. foodstuff made with cereal flour such as pasta, bread, cakes and other bakery products.

27. The earlier mark also includes *Prepared Brans; Prepared Grains; Processed Brans; Processed Grains*. Grains are the seeds of cereals. Brans are pieces of grain husk separated from flour after milling. I consider that *Prepared Brans; Prepared Grains; Processed Brans; Processed Grains* would cover brans and grains that have been prepared or processed for consumption and conservation. On a fair reading of the terms, this would include products consisting of grains that have been roasted, baked, toasted, cut, crushed, milled and grinded, including flour, which is a powder obtained by grinding grains. I approach the comparison on that basis.

28. Breakfast cereals; Breakfast cereals containing a mixture of fruit and fibre; Breakfast cereals containing fibre; Breakfast cereals containing fruit; Breakfast cereals containing honey; Breakfast cereals flavoured with honey; Breakfast cereals made of rice; Breakfast cereals, porridge and grits; Cereal breakfast foods. Such goods are all breakfast cereals and are encompassed by the opponent's broad term *Cereal* and so are identical. **The goods are identical.**

29. Granola; Food mixtures consisting of cereal flakes and dried fruits. *Granola* is a mixture of oats and various added ingredients (such as brown sugar, raisins, coconut, and nuts) that is eaten for breakfast. *Food mixtures consisting of cereal flakes and dried fruits* could be in the form of preparations for breakfast. As I have already

said, the earlier goods include *Cereal* which would cover breakfast cereals. **The goods are identical.**

30. Cereal preparations coated with sugar and honey; Cereal preparations; Cereal preparations consisting of bran; Cereal preparations consisting of oatbran; Cereal preparations containing oatbran; Bran preparations for human consumption; Cereal based foodstuffs for human consumption; Food preparations based on grains; Extruded food products made of maize; Extruded food products made of rice; Extruded food products made of wheat; Foodstuffs made from cereals; Foodstuffs made from maize; Foodstuffs made from oats; Foodstuffs made of rice; Food preparations based on grains; Foods produced from baked cereals. Such goods could be in the form of breakfast cereals and must also be considered identical to the opponent's *Cereal* and *Processed Grains*. **The goods are identical.**

31. Corn flakes; Cornflakes; Flakes (Corn -); Flaked wheat; Flakes (Corn); Flakes (Maize -); Flakes (Oat -); Instant porridge; Cereal seeds, processed; Barley prepared for human consumption; Barley (Crushed -); Barley flakes; Barley for use as a coffee substitute; Barley (Husked -); Barley meal; Crushed barley; Crushed oats; Corn kernels being roasted; Corn kernels being toasted; Corn, milled; Corn (Processed -); Corn, roasted; Fried corn; Buckwheat, processed; Cracked wheat; Kettle corn [popcorn]; Corn (Pop -). Such goods are all types of cereals or grains which have undergone some sort of preparation and/or processing. As such, they are covered by the earlier *Cereal*; *Prepared Brans*; *Prepared Grains*; *Processed Brans*; *Processed Grains* and so are identical. **The goods are identical.**

32. Artificial rice [uncooked]; Brown rice; Wholemeal rice; Instant rice; Flavoured rice; Flavoured rices; Enriched rice; Enriched rice [uncooked]; Cooked rice; Glutinous rice; Dried cooked-rice; Frozen prepared rice. The earlier goods include (unprocessed) *Rice* in class 31 as well as *Cereal* per se (in class 30) which would encompass (processed) rice since rice is a type of cereal and a grain. Consequently, all of these goods fall within the ambit of earlier term *Cereal* (in class 30) or are highly similar to the earlier *Rice* (in class 31). **The goods are identical or highly similar.**

33. Adlay flour for food; Cereal flour; Cereal powders; Cereals for use in making pasta; Barley flour [for food]; Barley flour for food; Buckwheat flour; Buckwheat flour [for food]; Buckwheat flour for food; Corn flour; Corn flour [for food]; Cornflour; Flour of barley; Flour of corn; Flour of millet; Flour of oats; Flour of rice; Glutinous rice flour; Dough flour; Cake flour; Edible flour; Flour for baking; Flour for doughnuts; Flour for food; Flour for making dumplings of glutinous rice; Flour preparations for food; Flour ready for baking; Flour mixes; Flour mixtures for use in baking; Chinese batter flour; Coixseed flour; Enriched farina [meal]; Farina; Farina [meal]; Flour concentrate for food; Corn meal; Cornmeal; Barley meal; Bread improvers being cereal based preparations. The earlier *Processed Grains* would encompass products obtained from the milling of grains into flours and would encompass all of the above so must be considered identical. **The goods are identical.**

34. Corn starch flour; Corn starch [for food]; Cornstarch for culinary purposes. Starch may take the consistency of flour and be used to thicken other foodstuffs on account of their starch content. These goods are in competition with the earlier *Processed Grains* (Flours), will be located near the flour or in the baking aisle (which is close to the flour section) and target the same public. **The goods are similar to a medium degree.**

35. Batters and mixes therefor; Brownie mixes; Bun mix; Cake mixes; Cake mixures; Cake preparations; Doughnut mixes; Bread mixes; Bread concentrates; Biscuit mixes; Cookie mixes; Instant pancake mixes; Instant doughnut mixes; Batter for making crepes; Cake batter; Batter for making pancakes; Batter mixes for Japanese–style pancakes (Okonomiyaki); Batter mixes for okonomiyaki [Japanese savory pancakes]; Batter mixes for okonomiyaki [Japanese savoury pancakes]; Batter mixes. Such goods are batters and mixtures containing flours and other ingredients used for the cooking of various dough-based goods. Grain flours, which is covered by the opponent's *Processed Grains*, are a major constituent of the applied for batters and mixes. That, of itself does not mean that the goods are similar, but neither does it mean that they are not similar: the matter is one that must be considered on the facts. Flour is used to make bread and other dough-based goods, such as those for the preparation of which the applied

for batters and mixes are used, so the uses and users are the same. Flour is complementary to the applied for batters and mixes in the sense of being indispensable and, in my experience, is a product which is found in close proximity to the applied for batters and mixes in the aisle of a supermarket. It is also in competition with the applied for batters and mixes; the choice is either to purchase the applicant's ready-made batters and mixes or to use a separate mix of flour, yeast and other ingredients. **The goods are similar to a medium degree.**

36. Alimentary paste [dough]; Farinaceous food pastes for human consumption; Farinaceous food pastes; Dough; Bread doughs; Frozen dough; Frozen cookie dough; Frozen biscotti dough; Frozen brownie dough; Brownie dough; Biscotti dough; Cookie Dough; Dough for cakes; Cake dough; Cake doughs; Empanada dough; Filo dough; Filo doughs; Frozen pastry sheets; Filo pastry. The position is somewhat similar to the assessment made with regard to batters and mixes. However, due to the fact that the goods are unlikely to be found in close proximity to the earlier *Processed Grain* (flours), the dough-based and paste-based goods being likely to come in the form of frozen or refrigerated goods, I consider that is a lesser degree of similarity. **The goods are similar to a low to medium degree.**

37. Instant pudding mixes; Instant dessert puddings; Custard mixes; Custard powder; Instant ice cream mixes; Ice cream powder; Ice cream powders; Kheer mix (rice pudding). Such goods are instant food products that are manufactured in a powder form and used to create instant puddings and desserts. Contrary to the batters and mixes I assessed above, which use flour as an ingredient, these goods are produced using sugar, flavoring agents and thickeners as primary ingredients. The goods are a step removed. However, I still find a similarity with the earlier *Fruit Dessert* (class 29) as the goods coincide in terms of users, uses and purpose and are competitive to a degree. **The goods are similar to a very low degree degree.**

38. Cheese flavored puffed corn snacks; Cheese curls [snacks]; Cheese puffs; Cream puffs; Cheese balls [snacks]; Corn curls; Corn chips; Chips [cereal products]; Crisps made of cereals; Grain-based chips; Wholewheat crisps; Cereal snack foods flavoured with cheese; Cereal snacks; Cereal based prepared snack foods; Cereal based snack foods; Cereal based snacks; Cereal-

based savoury snacks; Grain-based snack foods; Corn-based savoury snacks; Corn-based snack foods; Extruded corn snacks; Extruded snacks containing maize; Extruded wheat snacks. The opponent's goods include (potato) *Crisps* and *Potato puffs*. Whilst the the nature of the competing goods is different on account of the cereal base of the applied for crisps and puffs, they have the same purpose and method of use, target the same consumers, are directly in competition and will be located next to each other in the packaged snack foods aisles of supermarkets. I consider that the applied for *Cheese flavored puffed corn snacks; Cheese puffs* and *Cream puffs* are highly similar to the opponent's *Potato puffs* (class 29) and that the applied for *Corn chips; Chips [cereal products]; Crisps made of cereals; Grain-based chips; Wholewheat crisps* are highly similar to the opponent's *Crisps* (class 29). I extend the same conclusion to the applied for *Cheese balls [snacks]; Cheese curls [snacks]; Corn curls* , all of which are puffed corn snacks and *Cereal snacks; Cereal based prepared snack foods; Cereal based snack foods; Cereal based snacks; Cereal-based savoury snacks; Grain-based snack foods; Corn-based savoury snacks; Corn-based snack foods; Extruded corn snacks; Extruded snacks containing maize; Extruded wheat snacks; Cereal snack foods flavoured with cheese* since, on a fair reading of these terms, they cover cereal puffs and cereal crisps. **The goods are similar to a high degree.**

39. Cereal bars; Cereal bars and energy bars; Cereal based energy bars; Cereal based food bars; Cereal-based bars; Cereal-based meal replacement bars; Cereal products in bar form; Bars based on wheat; Granola bars; Granola-based snack bars; Cereal-based snack bars; Chocolate-coated bars¹. The opponent goods include *Fruit based snack food*, which covers fruit bars. The position is somewhat similar to the assessment made with regards to cereal puffs and cereal crisps. **The goods are similar to a high degree.**

40. Candy coated popcorn; Candy-coated popcorn; Caramel coated popcorn; Caramel coated popcorn with candied nuts; Caramel popcorn; Caramel-coated popcorn; Corn candy; Flavoured popcorn; Glazed popcorn. Such goods are sweet corn-based snacks. The earlier mark cover *Cereal, Prepared Grains* and

¹ To the extent that the term cover chocolate-coated cereal bars.

Processed Grains, which would include pop corn. Pop corn is the basic ingredient of these goods. The uses and users, and type of goods is the same and there is complementarity in the sense that the earlier pop corn is indispensable for the pop-corn based snack products. **The goods are similar to a high degree.**

41. Alternatively, the goods are normally eaten as sweet snacks the same as the opponent's *Dried Fruit based snacks, Candied nuts and Flavoured Nuts*. Whilst the nature of the goods is different, the fact that both set of goods can be eaten as a sweet treat creates a point of similarity as the goods have the same use, relevant public and distribution channels. Furthermore, they are in competition and whilst they may not be located next to each other, in my experience, the respective shelves will be in the same aisle together with crisps, nuts and other snacks. **The goods are similar to a medium degree.**

42. Cakes (Rice -); Candied cakes of popped rice; Chocolate-coated rice cakes; Dried sugared cakes of rice flour (rakugan); Glutinous pounded rice cake coated with bean powder (injeolmi); Injeolmi [glutinous rice cakes coated with powdered beans]. Such goods can be classed as sweet rice-based snacks. The position is similar to the assessment made above to the extent that (a) the earlier rice is complementary to the applied for rice-based goods in the sense of being indispensable and (b) there is a similarity in terms of purpose of use between the applied for rice-based snacks and the opponent's *Dried Fruit based snacks* comparable to that I found in relation pop-corn based snacks. I come to the same finding as above. **The goods are similar to, at least, a medium degree.**

43. Flapjacks; Flapjacks [griddle cakes]; Cereal cakes for human consumption; Confectionery bars; Cake bars; Fruit cake snacks. Flapjacks are sweet cakes made from oats served in a rectangles and bar form. They can contain dried fruits and nuts, both of which are covered by the earlier goods. On the basis that such goods are normally eaten as sweet snacks the same as the opponent's *Dried Fruit based snacks* and have a similar nature, there is a high degree of similarity. Since *Confectionery bars; Cereal cakes for human consumption; Cake bars; Fruit cake snacks* could come in the form of flapjacks, I reach the same conclusion in relation to these goods. **The goods are similar to a high degree.**

44. Nachos; Crackers; Crackers [edible]; Crackers made of prepared cereals; Crackers filled with cheese; Crackers flavoured with cheese; Crackers flavoured with fruit; Crackers flavoured with herbs; Crackers flavoured with meat; Graham crackers; Crackers flavoured with spices; Crackers flavoured with vegetables; Cream crackers; Crispbread²; Crisp breads; Crispbread snacks; Bread sticks; Breadsticks; Biscuits [savoury]; Soft pretzels; Gingersnaps; Aperitif biscuits; Biscuits for cheese; Cheese-flavored biscuits; Biscuits [sweet]; Biscotti; Biscuits; Biscuits containing fruit; Biscuits flavoured with fruit; Biscuits for human consumption made from cereals; Biscuits for human consumption made from malt; Biscuits containing chocolate flavoured ingredients; Biscuits having a chocolate coating; Biscuits having a chocolate flavoured coating; Chocolate biscuits; Chocolate coated biscuits; Chocolate covered biscuits; Biscuits with an iced topping; Butter biscuits; Chocolate coated marshmallow biscuits containing toffee; Edible wafers; Chocolate caramel wafers; Chocolate wafers; Egg roll cookies; Danish butter cookies; Fortune cookies; Farinaceous foods; Foodstuffs made from dough³.

Such goods could be made with cereal flour, which is covered by the earlier *Processed Grains* and could all be eaten as savoury or sweet snacks, the same as the opponent's *Crisps, Potato Puffs, Dried Fruit based snacks* and *Fruit-based snack food*. There is an obvious element of competition and whilst the goods are not of the same nature and may not be located next to each other, in my experience, the respective aisles namely the snack aisle and the crackers and biscuits aisle, are not that far from each other. **The goods are similar to a low degree.**

45. Bakery goods; Confectionery; Confectionery (Non-medicated -); Confectionery items (Non-medicated -); Confectionery products (Non-medicated -); Flour confectionery; Dessert pudding; Fresh pies; Fruit pies; Apple pies; Blueberry pies; Apple tarts; Covered tarts; Fruit cakes; Iced fruit cake; Fruit pastries; Fruit pies; Pastries containing fruit; Pastries filled with fruit; Pastries with fruit; Pastries containing creams and fruit; Pastry; Fruit filled

² Crisp bread, in my experience, is a flat dry cereal product which is found close to the biscuit aisle of a supermarket, alongside crackers and suchlike.

³ *Farinaceous foods; Foodstuffs made from dough;* include all of the above biscuits and crackers

pastry products; Bread casings filled with fruit. The earlier specification includes *Fruit Desserts* (class 29) and *Fruit Jellies* which would include fruit-based desserts, such as for example, fruit trifle and fruit jellies. *Dessert pudding; Confectionery; Confectionery (Non-medicated -); Confectionery products (Non-medicated -); Confectionery items (Non-medicated -); Flour confectionery and Bakery goods* are all broad terms which would include baked desserts and flour confectionery products containing some sort of fruit. The other goods listed above are all bakery and confectionery products containing fruit. There is an obvious similarity in purpose and nature with the earlier *Fruit Desserts* and *Fruit Jellies* as the competing goods (1) are all dessert-type goods which could be eaten as a sweet treat at the end of a meal and (2) on account of the fruit base of the applied for goods. The goods are not complementary, but there may be a degree of competition. **The goods are similar to a high degree.**

46. Dessert mousses [confectionery]; Chocolate creams; Chocolate mousses; Dessert puddings; Dessert souffles; Chocolate desserts; Cheesecake; Cheesecakes; Crème brûlées; Creme brulees; Crème caramel; Creme caramels; Dulce de leche; Custards; Imitation custard; Custards [baked desserts]; Baklava; Bavarian cream; Meringue; Meringues; Egg tarts; Custard tarts; Creamed rice; Eight-treasure rice pudding; Bread pudding; Brownies; Cakes; Cream cakes; Sponge cake; Sponge cakes; Iced cake; Iced cakes; Iced confectionery (Non-medicated -); Iced sponge cakes; Breakfast cake; Chocolate cake; Chocolate cakes; Chocolate covered cakes; Deep chocolate cake made with chocolate sponge; Candy cake; Cupcakes; Sponge fingers [cakes]; English muffins; Fondants; Fondants [confectionery]; Chocolate pastries; Cream pies; Chocolate waffles; Bean jam buns; Cream buns; Jam buns; Filled buns; Jam filled brioches; Eclairs; Bean-jam filled wafers (monaka); Doughnuts; Fried dough cookies; Fried dough cookies (karintoh); Fried dough twists; Crepes; Croissants; Chocolate topped pretzels; Danish pastries; Flan base wafers; Flans; Floating islands; Gâteaux; Gateaux; Fruited scones; Christmas puddings. Such goods all in the nature of desserts, cakes, bakery and flour confectionery products all of which could be eaten as a sweet treat at the end of a meal. This creates a similarity of purpose with the opponent's *Fruit Desserts* and *Fruit Jellies* at the most general of level which is for consumption and a degree of

competition. The goods share the same channels of trade as the earlier *Fruit Desserts* and *Fruit Jellies*, as they may all be purchased from supermarkets and the cakes and desserts aisles are likely to be close to each other. **The goods are similar to a medium degree.**

47. Confectionery items formed from chocolate; Chocolate confections; Chocolate confectionery; Dairy confectionery; Confectionery chocolate products; Chocolate confectionery products; Chocolate flavoured confectionery; Chocolate confectionery having a praline flavour; Confectionery containing jam; Confectionery containing jelly. The same applies to these goods, since they are broad enough to include some of the goods listed in para 45 above, i.e. chocolate mousse, chocolate dessert. **The goods are similar to a medium degree.**

48. Frozen confectionery; Frozen confections; Frozen cakes; Frozen pastries; Frozen pastry⁴; Frozen custards; Frozen dairy confections; ice creams, frozen yogurts and sorbets; Sorbets; Sorbets [ices]; Sorbets [water ices]; Cream (Ice -); Dairy ice cream; Fruit ice cream; Fruit ice creams; Frozen confectionery containing ice cream; Ice cream; Ice cream bars; Ice cream cakes; Ice cream confectionery; Ice cream confections; Ice cream desserts; Ice cream gateaux; Ice cream sandwiches; Ice cream stick bars; Ice cream substitute; Ice cream with fruit; Ice creams; Ice creams containing chocolate; Ice creams flavoured with chocolate; Imitation ice cream; Frozen yoghurt; Frozen yoghurt [confectionery ices]; Frozen yoghurts; Frozen yogurt; Frozen yogurt cakes; Frozen yogurt [confectionery ices]; Frozen yogurt confections; Frozen yogurt pies. The consideration I made in the preceding paragraph applies *mutatis mutandi* to these products which consist of ice cream, frozen yogurt, sorbets and frozen confectionery (which would include ice cream). Whilst the nature of the goods is different, the earlier *Fruit Desserts* is broad enough to cover fruit desserts which must be kept in refrigerators and would not be located too far from the applied for frozen sweet goods. **The goods are similar to a low degree.**

⁴ These include frozen pastries filled with fruit.

49. The application also includes a variety of ices. Although there may be an element of competition between fruit desserts and ice creams, the element of competition does not extend to ices; this would be a step too far. The same is true for a range of applied for confectionery goods not flour based and made primarily of chocolate and sugar, including candies/sweets, chocolates, chewing gums, bubble gums and bonbons, which although are sweet food that can be eaten as a treat any time of the day, would not be chosen as an alternative to a fruit dessert or a fruit jelly at the end of a meal. **I find that those goods are not similar.**

50. Frozen prepared rice with seasoning; Frozen prepared rice with seasoning and vegetable; Prepared rice dishes; Frozen meals consisting primarily of rice; Freeze-dried dishes with the main ingredient being rice; Dry and liquid ready-to-serve meals, mainly consisting of rice; Prepared rice dishes; Bibimbap [Korean dish consisting primarily of cooked rice with added vegetables and beef]; Bibimbap [rice mixed with vegetables and beef]; Gimbap [Korean rice dish]; Boxed lunches consisting of rice, with added meat, fish or vegetables; Freeze-dried dishes with the main ingredient being rice; Frozen prepared rice with seasonings and vegetables; Fried rice; Dry and liquid ready-to-serve meals, mainly consisting of rice; Glutinous rice wrapped in bamboo leaves (Zongzi).

Such goods have a certain similarity with the the earlier Cereal (including rice) (in classes 30) and Rice (in class 31). The main ingredient of these goods is rice. Although there may be a difference between rice as an ingredient and a ready-made meal based on rice, the goods are similar in nature and purpose, target the same end consumers and are distributed through the same channels. Furthermore, the goods share the same origin, are complementary and competitive to a degree. **The goods are similar to a medium degree.**

51. Couscous; Couscous [semolina]; Dried wheat gluten; Dried pieces of wheat gluten (fu, uncooked); Gluten prepared as foodstuff; Pasta; Dried pasta foods; Dried pasta; Deep frozen pasta; Fresh pasta; Cannelloni; German ravioli [Maultaschen]; Filled pasta; Spaghetti; Flour-based gnocchi; Gnocchi; Dried tortellini; Dried and fresh pastas and noodles; Dried noodles; Asian noodles; Chinese noodles; Egg noodles; Chinese noodles [uncooked]; Chinese rice noodles (bifun, uncooked); Buckwheat noodles; Flat bread; Baguettes; Biscuit

rusk; Dutch rusk; Bread; Breads; Bread and buns; Bread biscuits; Bread buns; Bread crumbs; Breadcrumbs; Bread flavored with spices; Bread flavoured with spices; Bread (Ginger -); Ginger bread; Gingerbread; Dutch gingerbread (taai taai); Bread rolls; Bread-based stuffing mixes; Crumb; Crumble; Crisp rolls; Croutons; Croûtons; Crusty rolls; Currant bread; Danish bread; Danish bread rolls; Bagels; Brioches (which is a sweet bread); Buns; Crumpets; French toast; Fresh bread; Fruit bread; Fruit breads; Gluten-free bread; Barm Cake; Naan Bread; Fruted malt loaf; Garlic bread. Whilst the opponent's goods cover *Cereal, Prepared grains and Processed grain*, I do not consider that it would cover preparations made of cereal. Grain flour (which is encompassed by the earlier term *Processed Grains*) is the major ingredient of those goods so the earlier processed grain (flour) is complementary to the aforementioned goods in the sense of being indispensable. The use and users are the same, and the channels of trade are the same. **The goods are similar to a low degree.**

52. However, there is no information (and it is not within my knowledge) as to whether processed grain (flour) may be incorporated into **Bread with soya bean; Bread made with soya beans; Bread with sweet red bean**, or where they may be purchased. **The goods are not similar.**

53. Fruit coulis [sauces]; Fruit sauces. The earlier goods cover *Fruit Dips and Fruit Jellies* which could be used, for example, as an accompaniment, in a way similar to that of the applied for *Fruit coulies*. The goods have a similar purpose and the nature is not too different. **In my view the goods are similar to a high degree.**

54. Aerated drinks [with coffee, cocoa or chocolate base]; Aerated beverages [with coffee, cocoa or chocolate base]; Beverages based on tea; Beverages (Chocolate-based -); Beverages (Cocoa-based -); Beverages (Coffee-based -); Beverages consisting principally of chocolate; Beverages consisting principally of cocoa; Beverages consisting principally of coffee; Beverages containing chocolate; Beverages made from chocolate; Beverages made from cocoa; Beverages made from coffee; Beverages made of coffee; Beverages made of tea; Beverages made with chocolate; Beverages (Tea-based -); Beverages with a chocolate base; Beverages with a cocoa base; Beverages with a coffee base;

Beverages with a tea base; Beverages with coffee base; Chamomile-based beverages; Chocolate based products; Chocolate beverages; Chocolate beverages containing milk; Chocolate beverages with milk; Chocolate-based beverages; Chocolate-based beverages with milk; Chocolate flavoured beverages; Chocolate food beverages not being dairy-based or vegetable based; Cocoa-based beverages; Cocoa beverages; Cocoa beverages with milk; Cocoa drinks; Cocoa products⁵; Drinking chocolate; Drinks based on chocolate; Drinks based on cocoa; Drinks containing chocolate; Drinks containing cocoa; Drinks flavoured with chocolate; Drinks prepared from chocolate; Drinks prepared from cocoa; Coffee in brewed form; Espresso; Coffee based beverages; Coffee-based beverages; Coffee based drinks; Coffee beverages; Coffee beverages with milk; Coffee drinks; Carbonated and non-carbonated tea based beverages; Coffee-based beverage containing milk; Coffee-based beverages containing ice cream (affogato); Cappuccino; Such goods consist of drinks and beverages products with a coffee, tea, cocoa or chocolate base. The earlier goods include *Coconut Drinks; Edible Drinks; Fresh Drinks; Natural Drinks; Organic Drinks; Prepared Drinks; Processed Drinks; Unprocessed Drinks* (class 32). The goods have a similar nature, i.e. non-alcoholic beverages/drinks, and method of use, target the same consumers, are distributed through the same channels and are in competition to a certain degree. **I consider there to be a medium degree of similarity.**

55. Chocolate drink preparations; Chocolate drink preparations flavoured with banana; Chocolate drink preparations flavoured with mint; Chocolate drink preparations flavoured with mocha; Chocolate drink preparations flavoured with nuts; Chocolate drink preparations flavoured with orange; Chocolate drink preparations flavoured with toffee; Cocoa [in drinks]; Coffee [in drinks]; Coffee; Coffee (Artificial -); Coffee substitutes; Coffee substitutes [grain or chicory based]; Coffee, teas and cocoa and substitutes therefor; Caffeine-free coffee; Chicory based coffee substitute; Chicory [coffee substitute]; Coffee substitutes [artificial coffee or vegetable preparations for use as coffee]; Chocolate coffee; Flavoured coffee; Acanthopanax tea (Ogapicha); Apple flavoured tea [other than

⁵ These include cocoa drinks

for medicinal use]; Aromatic teas [other than for medicinal use]; Apple flavoured tea [other than for medicinal use]; Artificial coffee; Artificial coffee and tea; Artificial tea; Artificial tea [other than for medicinal use]; Asian apricot tea (maesilcha); Fruit flavoured tea [other than medicinal]; Barley tea; Barley-leaf tea; Black tea; Black tea [English tea]; Burdock root tea (Woongcha); Chai tea; Chai tea; Chalupas; Chamomile tea; Chinese matrimony vine tea (Gugijacha); Chrysanthemum tea (Gukhwacha); Citron tea; Darjeeling tea; Earl Grey tea; Earl grey tea; Fruit flavoured tea [other than medicinal]; Ginger tea; Ginseng tea; Ginseng tea [insamcha]; Burdock root tea (Woongcha); Chrysanthemum tea (Gukhwacha); Citron tea; Fruit flavoured tea [other than medicinal]; Fruit tea [other than for medical purposes]; Fruit teas; Ginger tea; Ginseng tea; Ginseng tea [insamcha]; Iced tea; Iced teas; Iced tea (Non-medicated -). I extend the same conclusions I have reached in the preceding paragraph in relation to these goods, to the extent that they are ready-to-drink prepared beverages, i.e. drink preparations, or could be sold as ready-made drinks, as opposed to in roasted, powdered or granulated form. **I consider there to be a medium degree of similarity.**

56. However, in relation to other goods, which could be used to make beverages but are not sold in the form of drinks and/or beverages, i.e. *Coffee in whole-bean form; Coffee mixtures; Coffee pods; Instant tea* I find that the goods are two steps removed from the earlier goods and are not similar.

57. Coated nuts [confectionery]; Confectionery items coated with chocolate; Cashew nuts (prepared); Chocolate coated fruits; Chocolate coated macadamia nuts; Chocolate coated nuts; Chocolate-coated nuts; Chocolate-covered nuts; Candy coated apples; Candy coated confections; Chocolate coated fruits; Chocolate coated macadamia nuts; Gingerbread nuts; Chocolate coated fruits.

The earlier goods include a range of processed and unprocessed fruits and nuts in classes 29 and 31 including a range of fresh fruits and dried fruits, such as *Flavoured Nuts, Candied nuts, Candied fruits and Dried fruit-based snacks*. I find the above goods and the earlier goods have a similar nature and purpose, i.e. healthy eating/snacks, target the same consumers and are distributed through the same channels, i.e. supermarkets and health food shops. Further, the goods are competitive and complementary in the sense that “customers may think that responsibility for the

goods lies with the same undertaking". **On that basis I find that the goods are similar to a high degree.**

58. Almond cake; Almond confectionery; Almond cookies; Almond paste; Almond pastries; Almonds covered in chocolate; Marzipan; Chocolate marzipan. The earlier goods include *Almond butter* (class 29) and *Almonds* (class 31). The position is somewhat similar to the assessment made with regard to pasta and bread, i.e. the goods are complementary in the sense of being indispensable. I adopt the same finding. **The goods are similar to a low degree.**

59. Chili paste for use as a seasoning; Chili pepper paste being condiment; Chili pepper pastes being condiments; Chili sauce; Fermented hot pepper paste (gochujang); Chili powder; Chili powders; Chili seasoning; Chili seasonings; Dried chili peppers seasoning; Chili oil for use as a seasoning or condiment; Chili oils being condiments. Such goods are all chili-based condiments in the form of powders, pastes, oils and seasoning. The goods are made from chili peppers, which are a type of vegetable. The earlier goods cover (1) *Processed vegetable and fruit paste* and *Processed vegetable and fruit powder* in class 29 (2) chillies (unprocessed) in class 31 and (3) *Chilli* and *Chilli oil* in class 29. The competing chili oils are, if not identical, highly similar. The applied for chili pastes, chili powders and chili seasoning are highly similar to the opponent's vegetable pastes and powders, which must include pastes and powder made from chillies and red peppers. They are also highly similar to the opponent chillies in the sense of being indispensable. The goods coincide in terms of uses, users, nature and purpose, are competitive and complementary. **The goods are similar to a high degree.**

60. Basil, dried; Cilantro, dried; Coriander, dried; Dried basil; Dried chives; Dried cilantro; Dried and fresh dumplings; Dried coriander; Dried coriander for use as seasoning; Dried coriander seeds for use as seasoning; Dried cumin seeds; Dried herbs; Dried herbs for culinary purposes; Dried mint; Dried sauce in powder form. Such goods are garden herbs, processed for seasoning. It is considered that they are similar to a low degree to the earlier *Fresh garden herbs* in Class 31 as they usually coincide in relevant public and distribution channels. Furthermore, they are in competition. **The goods are similar to a low degree.**

61. In relation to the remaining goods in the applicant's specification, in the absence of any submission from the opponent as to why I should find that the goods are similar to any of the earlier goods, I find that beyond the fact that the goods in comparison are food products, there is no real similarity with the goods of the earlier mark. In making my comparison between the remainder of the applicant's goods in class 30 and the opponent's goods, I will not list each good separately but will approach the applicant's goods in terms of homogenous categories:

62. Sugar, honey, syrups, treacle, yeast, baking-powder, salt, spices, vinegar, food dressing, sauces and other condiments, flavourings, binding agents, gums, essences, extracts [other than essential oils]. The applied for goods include a variety of goods which fall within those categories. These goods are in the nature of condiments or cooking aids. They are not of the same nature as the opponent's cereal-based goods in class 30 and whilst the opponent's specification contains a number of cooking ingredients such as fats and oils and vegetable dips and pastes (class 29), the goods are different in terms of uses, nature, purpose and methods of use. They share the same channels of trade as the opponent's goods insofar as they may all be purchased from supermarkets, but within those channels of trade they are not to be found on the same shelves as the opponent's products. They will not be bought as an alternative to the opponent's cereal-based products, oils and fats and vegetable and fruit pastes/dips. Whilst they can be used together with the opponent's products in various recipes, they are not complementary in the sense of being indispensable to the opponent's products. **The goods are not similar.**

63. Ices, frappes, ice lollies. I refer to what I have said above at paragraph 49.

64. Sugar confectionery including boiled confectionery, candies, jellies and chocolates. I refer to what I have said above at paragraph 49.

65. Food based-cake decorations and christmas tree decorations. Beyond the fact that the goods in comparison are food products, I see no real similarity with the goods of the earlier mark.

66. Coffee beans, cocoa powders and mixes (including beverages powders and instant mixes). I refer to what I have said above at paragraph 56.

67. Bacon buns; Apple fritters; Banana fritters; Instant and fried noodles; Calzone, Canapes, Canned pasta, Canned spaghetti; Cheeseburgers [sandwiches]; Chicken pies; Chicken sandwiches; Chicken wraps; Pizza; Pizza and prepared meals including pasta dishes; Pastries (savory); Sausage rolls; Sandwiches; Filled rolls. I see no real similarity with any of the goods of the earlier mark. Whilst I found pasta, bread and noodles to be similar to the earlier processed grain (flours), these goods are prepared meals and are one step removed. The closest one gets is that the opponent's *Soup* can be eaten as meal as can these goods, however, any complementarity on this basis is not of the type that "customers may think that responsibility for the goods lies with the same undertaking". The nature of the goods is quite different as are their locations in a store and they do not strike me as meaningfully competitive.

68. Accordingly, without knowing more, I find that there is no meaningful similarity between the earlier goods and the following:

Acid drops [confectionery]; Aerated chocolate; Agave syrup for use as a natural sweetener; Agave syrup [natural sweetener]; Aioli; Alimentary seasonings; Allspice; Angelica; Aniseed; Aniseeds for use as a seasoning; Apple fritters; Apple sauce [condiment]; Aromatic preparations for cakes; Aromatic preparations for candies; Aromatic preparations for food; Aromatic preparations for ice-creams; Aromatic preparations for making non-medicated infusions; Aromatic preparations for making non-medicated tisanes; Aromatic preparations for pastries; Artichoke sauce; Bacon buns; Baking powder; Baking powders; Baking soda; Baking soda [bicarbonate of soda for baking purposes]; Baking soda [bicarbonate of soda for cooking purposes]; Baking spices; Baking-powder; Banana fritters; Baozi [stuffed buns]; Baps; Barbecue sauce; Bars of sweet jellied bean paste (Yohkan); Bases for making milk shakes [flavourings]; Bean meal; Bean paste; Bean-starch noodles (harusame, uncooked); Bee glue; Beer vinegar; Beverages (Flavorings [flavourings], other than essential oils, for -); Beverages (flavorings [flavourings], other than essential oils, for -); Bicarbonate of soda for cooking purposes; Bicarbonate of soda for cooking purposes [baking soda];

Binding agents for edible ices; Binding agents for ice cream; Binding agents for ice cream [edible ices]; Binding preparations for ice cream [edible ices]; Biological honey for human consumption; Black treacle; Blends of seasonings; Boiled confectionery; Boiled sugar; Boiled sugar confectionery; Boiled sugar sweetmeats; Boiled sweets; Bonbons; Bonbons made of sugar; Bread made with soya beans; Bread with soy bean; Bread with sweet red bean; Breath mints for use as a breath freshener; Breath-freshening chewing gum; Brine for cooking; Brine for pickling; Brine for use in cocktails; Brittle; Brown sauce; Brown sugar; Bubble gum; Bubble gum [confectionery]; Buckwheat jelly (Memilmuk); Bulgur; Burgers contained in bread rolls; Burritos; Butterscotch chips; Cachou [confectionery], other than for pharmaceutical purposes; Cake decorations made of candy; Cake frosting; Cake frosting [icing]; Cake icing; Cake Pops; Cake powder; Cakes (Flavorings [flavourings], other than essential oils, for -); Calzones; Canapes; Candies; Candies (Non-medicated -); Candies (Non-medicated -) with alcohol; Candies (Non-medicated -) with honey; Candies (Non-medicated -) with mint; Candies [sweets]; Candy; Candy bars; Candy cake decorations; Candy canes; Candy decorations for cakes; Candy mints; Candy (Non-medicated -); Candy, other than for medical purposes; Candy [sugar]; Candy with caramel; Candy with cocoa; Canned pasta foods; Canned sauces; Canned spaghetti in tomato sauce; Capers; Caramel; Caramelised sugar; Caramels; Caramels [candy]; Caraway seeds for use as a seasoning; Carbohydrate preparations for food; Castor sugar; Catchup; Catsup; Celery salt; Chalupas; Cheese sauce; Cheeseburgers [sandwiches]; Chemical seasonings [cooking]; Chewing candy; Chewing gum; Chewing gum for breath freshening; Chewing gum, not for medical purposes; Chewing gums; Chewing sweets (Non-medicated -); Chewing sweets (Non-medicated -) having liquid fruit fillings; Chicken gravy; Chicken pies; Chicken sandwiches; Chicken wraps; Chicory and chicory mixtures, all for use as substitutes for coffee; Chicory extracts for use as substitutes for coffee; Chicory for use as substitutes for coffee; Chicory mixtures, all for use as substitutes for coffee; Chicory mixtures for use as substitutes for coffee; Chilled pizzas; Chimichanga; Chimichangas; Chinese steamed dumplings (shumai, cooked); Chinese stuffed dumplings; Chinese stuffed dumplings (gyoza, cooked); Chocolate; Chocolate bark containing ground coffee beans; Chocolate bars; Chocolate based fillings; Chocolate bunnies; Chocolate candies; Chocolate candy with fillings; Chocolate chips; Chocolate coated nougat bars; Chocolate coating; Chocolate confectionery containing pralines; Chocolate decorations for cakes;

Chocolate decorations for christmas trees; Chocolate decorations for confectionery items; Chocolate eggs; Chocolate essences for the preparation of beverages; Chocolate extracts; Chocolate extracts for the preparation of beverages; Chocolate fillings for bakery products; Chocolate flavoured beverage making preparations; Chocolate flavoured coatings; Chocolate flavourings; Chocolate fondue; Chocolate for confectionery and bread; Chocolate for toppings; Chocolate fudge; Chocolate pastes; Chocolate powder; Chocolate sauce; Chocolate sauces; Chocolate shells; Chocolate spread; Chocolate spreads; Chocolate spreads containing nuts; Chocolate spreads for use on bread; Chocolate sweets; Chocolate syrup; Chocolate syrups; Chocolate syrups for the preparation of chocolate based beverages; Chocolate topping; Chocolate truffles; Chocolate vermicelli; Chocolate with alcohol; Chocolate with Japanese horseradish; Chocolate-based bars; Chocolate-based fillings for cakes and pies; Chocolate-based meal replacement bars; Chocolate-based ready-to-eat food bars; Chocolate-based spreads; Chocolate-coated sugar confectionery; Chocolates; Chocolates in the form of pralines; Chocolates in the form of sea horses; Chocolates in the form of sea shells; Chocolates presented in an advent calendar; Chocolates with mint flavoured centres; Chow chow [relishes]; Chow mein; Chow mein [noodle-based dishes]; Chow mein noodles; Chow-chow [condiment]; Christmas tree decorations [edible]; Christmas trees (Confectionery for decorating -); Churros; Chutney; Chutneys; Chutneys [condiment]; Chutneys [condiments]; Cinnamon; Cinnamon powder [spice]; Cinnamon rolls; Cinnamon [spice]; Cinnamon sticks; Clear gums [confectionery]; Clove powder [spice]; Cloves; Cloves [spice]; Cocoa; Cocoa based creams in the form of spreads; Cocoa extracts for human consumption; Cocoa for use in making beverages; Cocoa mixes; Cocoa powder; Cocoa preparations; Cocoa preparations for use in making beverages; Cocoa [roasted, powdered, granulated]; Cocoa-based ingredients for confectionery products; Coconut meal for human consumption; Coffee bags; Coffee based fillings; Coffee beans; Coffee capsules; Coffee concentrates; Coffee essence; Coffee essences; Coffee essences for use as substitutes for coffee; Coffee extracts; Coffee extracts for use as substitutes for coffee; Coffee flavorings; Coffee flavorings [flavourings]; Coffee flavourings; Coffee in ground form; Coffee in whole-bean form; Coffee [roasted, powdered, granulated]; Coffee mixtures; Coffee oils; Coffee pods; Coffee (Unroasted -); Common salt for cooking; Concentrated sauce; Condiments; Condiments in powder form; Cones for ice cream; Cones for icecream; Confectioners' glaze; Confectionery chips for baking;

Confectionery for decorating Christmas trees; Confectionery having liquid fruit fillings; Confectionery having liquid spirit fillings; Confectionery having wine fillings; Confectionery ices; Confectionery in liquid form; Confectionery in the form of tablets; Confectionery made of sugar; Cooking essences; Cooking salt; Cooking sauces; Cooling ice; Corn starch derivatives in powder form for making into drinks; Corn syrup; Corn syrup for culinary purposes; Cotton candy; Crab boil [seasoning]; Cranberry sauce [condiment]; Cream of tartar for cooking purposes; Cream of tartar for culinary purposes; Crystal sugar [not confectionery]; Crystal sugar pieces [confectionery]; Cube sugar; Culinary herbs; Cumin powder; Curried food pastes; Curry mixes; Curry paste; Curry pastes; Curry powder; Curry powder [spice]; Curry powders; Curry sauces; Curry [seasoning]; Curry [spice]; Curry spice mixes; Curry spices; Custard-based fillings for cakes and pies; Dairy chocolate; Dairy-free chocolate; Dashi-tsuyu; Decorations [edible] for christmas trees; Deep-fried dough sticks (Youtiao); Dental health gum [other than medicated]; Deproteinised flour for use in the production of beer; Dragees [non-medicated confectionery]; Dressings for food; Dressings for salad; Dried and fresh dumplings; Dried fig-based condiment; Dried sauce in powder form; Dried seaweed rolls [gimbap]; Drinking cocoa paste; Drinks in powder form containing cocoa; Drip bag coffee; Dry and liquid ready-to-serve meals, mainly consisting of pasta; Dry condiments; Dry seasoning mixes for stews; Dry seasonings; Dumpling skins; Dumplings; Easter eggs; Edible essences for foodstuffs [other than etheric substances and essential oils]; Edible fruit ices; Edible ice; Edible ice powder for use in icing machines; Edible ice sculptures; Edible ices; Edible paper; Edible rice paper; Edible salt; Edible spices; Edible turmeric; Egg pies; Egg rolls; Empanadas; Enchiladas; Essences for cooking [other than essential oils]; Essences for food [other than essential oils]; Essences for foodstuffs, except etheric essences and essential oils; Essences for use in cooking [other than essential oils]; Essences for use in food preparation [other than essential oils]; Extracts of cocoa for use as flavours in beverages; Extracts of cocoa for use as flavours in foodstuffs; Extracts of coffee for use as flavours in beverages; Extracts of coffee for use as flavours in foodstuffs; Extracts used as flavoring [not essential oils]; Fajitas; Fermenting malted rice (Koji); Ferments for pastes; Filled baguettes; Filled bread rolls; Filled caramels; Filled chocolate; Filled chocolate bars; Filled chocolates; Filled rolls; Filled sandwiches; Filled sweetmeats; Filled yeast dough with fillings consisting of fruits; Filled yeast dough with fillings consisting of meat; Filled yeast dough with fillings consisting of

vegetables; Filters in the form of paper bags filled with coffee; Flaky pastry containing ham; Flavored ices; Flavoring syrup; Flavorings and seasonings; Flavorings [flavourings], other than essential oils, for beverages; Flavorings [flavourings], other than essential oils, for cakes; Flavorings for beverages; Flavorings for beverages, other than essential oils; Flavorings for cakes; Flavorings, other than essential oils, for beverages; Flavorings, other than essential oils, for cakes; Flavour enhancers for food [other than essential oils]; Flavoured sugar confectionery; Flavoured vinegar; Flavouring syrups; Flavourings and seasonings; Flavourings for beverages; Flavourings for butter; Flavourings for cakes; Flavourings for cakes other than essential oils; Flavourings for cheeses; Flavourings for foods; Flavourings for snack foods [other than essential oils]; Flavourings for soups; Flavourings for soups [other than essential oils]; Flavourings in the form of concentrated sauces; Flavourings in the form of dehydrated sauces; Flavourings made from fruits; Flavourings made from fruits [other than essential oils]; Flavourings made from lobsters; Flavourings made from meat; Flavourings made from pickles; Flavourings made from poultry; Flavourings made from shrimps; Flavourings made from snails; Flavourings made from vegetables [other than essential oils]; Flavourings [not essential oils]; Flavourings of almond; Flavourings of almond for food or beverages; Flavourings of almond, other than essential oils, for food or beverages; Flavourings of lemons; Flavourings of lemons for food or beverages; Flavourings of lemons, other than essential oils, for food or beverages; Flavourings of tea; Flavourings of tea for food or beverages; Flavourings, other than essential oils, for beverages; Flavourings, other than essential oils, for butter; Flavourings, other than essential oils, for cakes; Flavourings, other than essential oils, for cheeses; Flavourings, other than essential oils, for foods; Flavourings, other than essential oils, for soups; Flaxseed for culinary purposes [seasoning]; Flowers or leaves for use as tea substitutes; Foamed sugar pastilles; Foamed sugar sweets; Food condiment consisting primarily of ketchup and salsa; Food dressings [sauces]; Food essences [except etheric essences and essential oils]; Food flavorings [non-essential oils]; Food flavorings, other than essential oils; Food flavourings; Food flavourings, other than essential oils; Food flavourings [other than essential oils]; Food leavening agents; Food seasonings; Foods with a cocoa base; Foodstuffs containing chocolate [as the main constituent]; Foodstuffs containing cocoa [as the main constituent]; Foodstuffs (Essences for -), except etheric essences and essential oils; Foodstuffs made of a sweetener for making a dessert; Foodstuffs made

of a sweetener for sweetening desserts; Foodstuffs made of sugar for making a dessert; Foodstuffs made of sugar for sweetening desserts; Frankfurter sandwiches; Frappes; Freeze-dried coffee; Freeze-dried dishes with main ingredient being pasta; Fresh pasties; Fresh pies; Fresh pizza; Fresh pizzas; Fresh sausage rolls; Fried noodles; Frosting [icing] (Cake -); Frosting mixes; Frostings; Frozen ices; Frozen lollipops; Frozen meals consisting primarily of pasta; Frozen pastry stuffed with vegetables; Frozen pizzas; Fructose for food; Fructose syrup for use in the manufacture of foods; Fruit drops [confectionery]; Fruit flavorings, other than essential oils; Fruit flavoured water ices in the form of lollipops; Fruit flavourings, except essences; Fruit flavourings for food or beverages, except essences; Fruit gums [other than for medical use]; Fruit ice; Fruit ice bars; Fruit ices; Fruit infusions; Fruit jellies [confectionery]; Fruit jelly candy; Fruit sugar; Fruit vinegar; Fudge; Garden herbs, preserved [seasonings]; Garlic juice; Garlic powder; Garlic puree; Gelatin-based chewy candies; Ginger [powdered spice]; Ginger puree; Ginger [spice]; Ginseng confectionery; Glucose for culinary purposes; Glucose for food; Glucose powder for food; Glucose preparations for food; Glucose syrup for use as a fermenting aid for food; Glucose syrup for use as a gelling agent for food; Glucose syrup for use as a preservative for food; Glucose syrup for use as a sweetener for food; Glucose syrup for use as a texture improver for food; Glucose syrup for use in the manufacture of foods; Glucose syrups for food; Glutamate for food; Gluten additives for culinary purposes; Glutinous starch syrup (mizu-ame); Golden syrup; Ice confections; Ice cream (Binding agents for -); Ice cream cone mixes; Ice cream cones; Ice cubes; Ice for refreshment; Ice [frozen water]; Ice; Ice in block form; Ice lollies; Ice lollies being milk flavoured; Ice lollies containing milk; Ice milk bars; Ice, natural or artificial; Ice pops; Iced lollies; Iced tea mix powders; Ices; Ices and ice; Ices (Binding agents for edible -); Ices (Edible -); Ices (Powder for edible -); Ices (Powders for edible -); Icing; Icing for cakes; Icing mixes; Icing sugar; Icings; Imitation chocolate; Imitation mayonnaise; Infusions, not medicinal; Instant chinese noodles; Instant cocoa powder; Instant cooking noodles; Instant noodles; Instant powder for making tea [other than for medical use]; Instant soba noodles; Instant tea; Instant tea [other than for medicinal purposes]; Instant udon noodles; Instant yeast; Invert sugar; Invert sugar cream [artificial honey]; Japanese arrowroot powder for culinary purposes; Jellies (Fruit -) [confectionery]; Jelly beans; Jiaozi [stuffed dumplings]; Kasha [meal]; Ketchup; Ketchup [sauce]; Ketchups; Marzipan substitutes; Milk chocolate; Pasta dishes; Pasta

salad; Pasta sauce; Peanut brittle; Peppermint bonbons [other than for medicinal use]; Peppermint candy; Peppermint for confectionery; Peppermint pastilles [confectionery], other than for medicinal use; Peppermint sweets; Pizza; Pralines; Salsas; Sandwiches; Soft caramels; Soft ices; Spring rolls; Sugar candies (Non-medicated -); Sugar candy [for food]; Sugar confectionery; Sugar confectionery (Non-medicated -); Sweets (Non-medicated -) in compressed form; Sweets (Non-medicated -) in the nature of caramels; Sweets (Non-medicated -) in the nature of chocolate eclairs; Sweets (Non-medicated -) in the nature of fudge; Sweets (Non-medicated -) in the nature of nougat; Sweets (Non-medicated -) in the nature of sugar confectionery; Sweets (Non-medicated -) in the nature of toffees; Sweets (Peppermint -).

69. As some degree of similarity is required for there to be a likelihood of confusion, the application can proceed in respect of the above goods.

The average consumer and the nature of the purchasing act

70. As the case law cited in paragraph 13 indicates, it is necessary for me to determine who the average consumer is for the goods at issue; I must then determine the manner in which these goods will be selected in the course of trade. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

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

71. The average consumer is a member of the general public. The various goods will be selected with no more than an average level of care and consideration through

primarily visual means, with the goods most often being selected from supermarket shelves (or the online equivalents).

Comparison of marks

72. 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 them, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

“.....it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

73. It would be wrong, therefore, to dissect the marks artificially, although it is necessary to take into account their distinctive and dominant components and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks. The marks to be compared are:

Applied-for mark	Earlier marks
Veganiks	veganic veganics

Overall impression

74. All the marks consist of one word, with no other elements or stylisation. This is the overall impression they will convey.

Visual similarity

75. The closest mark I can see in the earlier series is 'veganics'. Both words are made up of 8 letters, seven of which are identical. The marks differ in the penultimate letter, which in the later mark is a K and in the earlier mark is a C. Whilst there is also a difference on account of the first letter being in upper case in the applied for mark and in lower case in the earlier mark, this difference is not relevant because the applied for mark is a word mark which would cover use in the same casing as the earlier mark. The marks are visually similar to a high degree.

Aural similarity

76. Aurally, the letter K in the later mark will be pronounced as the letter C in the earlier mark. The marks are aurally identical.

Conceptual similarity

77. Both marks are invented words however, in the context of the goods, all of which are foodstuffs, they will both be perceived as a play on the word vegan or veganism and, as such, evoke the concept of vegan, i.e. a person who does not eat animal products. To the extent that both words will be perceived as conveying the same concept, the marks are conceptually highly similar.

Distinctive character of the earlier mark

78. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated at paragraphs 22 and 23 that:

“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).

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).”

79. As no evidence of use has been filed by the opponent, I have only the inherent distinctive character to consider. The opponent’s earlier mark consists of an invented word. Normally invented words are considered to have a very high degree of distinctive character, however, as the word will be understood as having allusive connotations to the word vegan or veganism, the mark is, as a consequence, only endowed with a normal level of inherent distinctive character.

Likelihood of confusion

80. In determining whether there is a likelihood of confusion, 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 marks may be offset by a greater degree of similarity between the respective goods and vice versa. I must also keep in mind the average consumer for the goods, the nature of the purchasing process and the fact that the

average consumer rarely has the opportunity to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has retained in his mind.

81. There are two types of relevant confusion to consider: direct confusion (where one mark is mistaken for the other) and indirect confusion (where the respective similarities lead the consumer to believe that the respective goods come from the same or a related trade source). This distinction was summed up by Mr Iain Purvis Q.C. sitting as the Appointed Person in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10:

“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).”

82. Earlier in my decision I found that the goods are similar to varying degrees from very low to high and that some goods are identical. The average consumer will select the goods primarily visually, paying no more than an average degree of attention during that process. The marks are aurally identical and visually and conceptually highly similar. Given that the only difference between the marks consists of one letter which is placed in the penultimate position in both marks and as are both marks will be articulated in the same way, it is highly likely that, taking into account the principle of imperfect recollection, there will be confusion, both direct (in relation to identical or highly similar goods) and indirect (in relation to goods which are similar to a lower degree.) **There is a likelihood of confusion.**

CONCLUSION

83. The opposition has been partially successful. The opposition is successful in respect of all of the goods which I have found to be identical or similar to the earlier goods (see paragraphs 23-60). The goods against which the opposition is successful will be refused registration.

84. The goods against which the opposition fails (and which can proceed to registration) are the goods which I found to be not similar to the earlier goods. These are listed at paragraph 68, and are as follows:

Acid drops [confectionery]; Aerated chocolate; Agave syrup for use as a natural sweetener; Agave syrup [natural sweetener]; Aioli; Alimentary seasonings; Allspice; Angelica; Aniseed; Aniseeds for use as a seasoning; Apple fritters; Apple sauce [condiment]; Aromatic preparations for cakes; Aromatic preparations for candies;

Aromatic preparations for food; Aromatic preparations for ice-creams; Aromatic preparations for making non-medicated infusions; Aromatic preparations for making non-medicated tisanes; Aromatic preparations for pastries; Artichoke sauce; Bacon buns; Baking powder; Baking powders; Baking soda; Baking soda [bicarbonate of soda for baking purposes]; Baking soda [bicarbonate of soda for cooking purposes]; Baking spices; Baking-powder; Banana fritters; Baozi [stuffed buns]; Baps; Barbecue sauce; Bars of sweet jellied bean paste (Yohkan); Bases for making milk shakes [flavourings]; Bean meal; Bean paste; Bean-starch noodles (harusame, uncooked); Bee glue; Beer vinegar; Beverages (Flavorings [flavourings], other than essential oils, for -); Beverages (flavorings [flavourings], other than essential oils, for -); Bicarbonate of soda for cooking purposes; Bicarbonate of soda for cooking purposes [baking soda]; Binding agents for edible ices; Binding agents for ice cream; Binding agents for ice cream [edible ices]; Binding preparations for ice cream [edible ices]; Biological honey for human consumption; Black treacle; Blends of seasonings; Boiled confectionery; Boiled sugar; Boiled sugar confectionery; Boiled sugar sweetmeats; Boiled sweets; Bonbons; Bonbons made of sugar; Bread made with soya beans; Bread with soy bean; Bread with sweet red bean; Breath mints for use as a breath freshener; Breath-freshening chewing gum; Brine for cooking; Brine for pickling; Brine for use in cocktails; Brittle; Brown sauce; Brown sugar; Bubble gum; Bubble gum [confectionery]; Buckwheat jelly (Memilmuk); Bulgur; Burgers contained in bread rolls; Burritos; Butterscotch chips; Cachou [confectionery], other than for pharmaceutical purposes; Cake decorations made of candy; Cake frosting; Cake frosting [icing]; Cake icing; Cake Pops; Cake powder; Cakes (Flavorings [flavourings], other than essential oils, for -); Calzones; Canapes; Candies; Candies (Non-medicated -); Candies (Non-medicated -) with alcohol; Candies (Non-medicated -) with honey; Candies (Non-medicated -) with mint; Candies [sweets]; Candy; Candy bars; Candy cake decorations; Candy canes; Candy decorations for cakes; Candy mints; Candy (Non-medicated -); Candy, other than for medical purposes; Candy [sugar]; Candy with caramel; Candy with cocoa; Canned pasta foods; Canned sauces; Canned spaghetti in tomato sauce; Capers; Caramel; Caramelised sugar; Caramels; Caramels [candy]; Caraway seeds for use as a seasoning; Carbohydrate preparations for food; Castor sugar; Catchup; Catsup; Celery salt; Chalupas; Cheese sauce; Cheeseburgers [sandwiches]; Chemical seasonings [cooking]; Chewing candy; Chewing gum; Chewing gum for breath freshening; Chewing gum, not for medical purposes; Chewing

gums; Chewing sweets (Non-medicated -); Chewing sweets (Non-medicated -) having liquid fruit fillings; Chicken gravy; Chicken pies; Chicken sandwiches; Chicken wraps; Chicory and chicory mixtures, all for use as substitutes for coffee; Chicory extracts for use as substitutes for coffee; Chicory for use as substitutes for coffee; Chicory mixtures, all for use as substitutes for coffee; Chicory mixtures for use as substitutes for coffee; Chilled pizzas; Chimichanga; Chimichangas; Chinese steamed dumplings (shumai, cooked); Chinese stuffed dumplings; Chinese stuffed dumplings (gyoza, cooked); Chocolate; Chocolate bark containing ground coffee beans; Chocolate bars; Chocolate based fillings; Chocolate bunnies; Chocolate candies; Chocolate candy with fillings; Chocolate chips; Chocolate coated nougat bars; Chocolate coating; Chocolate confectionery containing pralines; Chocolate decorations for cakes; Chocolate decorations for christmas trees; Chocolate decorations for confectionery items; Chocolate eggs; Chocolate essences for the preparation of beverages; Chocolate extracts; Chocolate extracts for the preparation of beverages; Chocolate fillings for bakery products; Chocolate flavoured beverage making preparations; Chocolate flavoured coatings; Chocolate flavourings; Chocolate fondue; Chocolate for confectionery and bread; Chocolate for toppings; Chocolate fudge; Chocolate pastes; Chocolate powder; Chocolate sauce; Chocolate sauces; Chocolate shells; Chocolate spread; Chocolate spreads; Chocolate spreads containing nuts; Chocolate spreads for use on bread; Chocolate sweets; Chocolate syrup; Chocolate syrups; Chocolate syrups for the preparation of chocolate based beverages; Chocolate topping; Chocolate truffles; Chocolate vermicelli; Chocolate with alcohol; Chocolate with Japanese horseradish; Chocolate-based bars; Chocolate-based fillings for cakes and pies; Chocolate-based meal replacement bars; Chocolate-based ready-to-eat food bars; Chocolate-based spreads; Chocolate-coated sugar confectionery; Chocolates; Chocolates in the form of pralines; Chocolates in the form of sea horses; Chocolates in the form of sea shells; Chocolates presented in an advent calendar; Chocolates with mint flavoured centres; Chow chow [relishes]; Chow mein; Chow mein [noodle-based dishes]; Chow mein noodles; Chow-chow [condiment]; Christmas tree decorations [edible]; Christmas trees (Confectionery for decorating -); Churros; Chutney; Chutneys; Chutneys [condiment]; Chutneys [condiments]; Cinnamon; Cinnamon powder [spice]; Cinnamon rolls; Cinnamon [spice]; Cinnamon sticks; Clear gums [confectionery]; Clove powder [spice]; Cloves; Cloves [spice]; Cocoa; Cocoa based creams in the form of spreads; Cocoa extracts for human consumption; Cocoa for use

in making beverages; Cocoa mixes; Cocoa powder; Cocoa preparations; Cocoa preparations for use in making beverages; Cocoa [roasted, powdered, granulated]; Cocoa-based ingredients for confectionery products; Coconut meal for human consumption; Coffee bags; Coffee based fillings; Coffee beans; Coffee capsules; Coffee concentrates; Coffee essence; Coffee essences; Coffee essences for use as substitutes for coffee; Coffee extracts; Coffee extracts for use as substitutes for coffee; Coffee flavorings; Coffee flavorings [flavourings]; Coffee flavourings; Coffee in ground form; Coffee in whole-bean form; Coffee [roasted, powdered, granulated]; Coffee mixtures; Coffee oils; Coffee pods; Coffee (Unroasted -); Common salt for cooking; Concentrated sauce; Condiments; Condiments in powder form; Cones for ice cream; Cones for icecream; Confectioners' glaze; Confectionery chips for baking; Confectionery for decorating Christmas trees; Confectionery having liquid fruit fillings; Confectionery having liquid spirit fillings; Confectionery having wine fillings; Confectionery ices; Confectionery in liquid form; Confectionery in the form of tablets; Confectionery made of sugar; Cooking essences; Cooking salt; Cooking sauces; Cooling ice; Corn starch derivatives in powder form for making into drinks; Corn syrup; Corn syrup for culinary purposes; Cotton candy; Crab boil [seasoning]; Cranberry sauce [condiment]; Cream of tartar for cooking purposes; Cream of tartar for culinary purposes; Crystal sugar [not confectionery]; Crystal sugar pieces [confectionery]; Cube sugar; Culinary herbs; Cumin powder; Curried food pastes; Curry mixes; Curry paste; Curry pastes; Curry powder; Curry powder [spice]; Curry powders; Curry sauces; Curry [seasoning]; Curry [spice]; Curry spice mixes; Curry spices; Custard-based fillings for cakes and pies; Dairy chocolate; Dairy-free chocolate; Dashi-tsuyu; Decorations [edible] for christmas trees; Deep-fried dough sticks (Youtiao); Dental health gum [other than medicated]; Deproteinised flour for use in the production of beer; Dragees [non-medicated confectionery]; Dressings for food; Dressings for salad; Dried and fresh dumplings; Dried fig-based condiment; Dried sauce in powder form; Dried seaweed rolls [gimbap]; Drinking cocoa paste; Drinks in powder form containing cocoa; Drip bag coffee; Dry and liquid ready-to-serve meals, mainly consisting of pasta; Dry condiments; Dry seasoning mixes for stews; Dry seasonings; Dumpling skins; Dumplings; Easter eggs; Edible essences for foodstuffs [other than etheric substances and essential oils]; Edible fruit ices; Edible ice; Edible ice powder for use in icing machines; Edible ice sculptures; Edible ices; Edible paper; Edible rice paper; Edible salt; Edible spices; Edible turmeric; Egg pies; Egg rolls; Empanadas;

Enchiladas; Essences for cooking [other than essential oils]; Essences for food [other than essential oils]; Essences for foodstuffs, except etheric essences and essential oils; Essences for use in cooking [other than essential oils]; Essences for use in food preparation [other than essential oils]; Extracts of cocoa for use as flavours in beverages; Extracts of cocoa for use as flavours in foodstuffs; Extracts of coffee for use as flavours in beverages; Extracts of coffee for use as flavours in foodstuffs; Extracts used as flavoring [not essential oils]; Fajitas; Fermenting malted rice (Koji); Ferments for pastes; Filled baguettes; Filled bread rolls; Filled caramels; Filled chocolate; Filled chocolate bars; Filled chocolates; Filled rolls; Filled sandwiches; Filled sweetmeats; Filled yeast dough with fillings consisting of fruits; Filled yeast dough with fillings consisting of meat; Filled yeast dough with fillings consisting of vegetables; Filters in the form of paper bags filled with coffee; Flaky pastry containing ham; Flavored ices; Flavoring syrup; Flavorings and seasonings; Flavorings [flavourings], other than essential oils, for beverages; Flavorings [flavourings], other than essential oils, for cakes; Flavorings for beverages; Flavorings for beverages, other than essential oils; Flavorings for cakes; Flavorings, other than essential oils, for beverages; Flavorings, other than essential oils, for cakes; Flavour enhancers for food [other than essential oils]; Flavoured sugar confectionery; Flavoured vinegar; Flavouring syrups; Flavourings and seasonings; Flavourings for beverages; Flavourings for butter; Flavourings for cakes; Flavourings for cakes other than essential oils; Flavourings for cheeses; Flavourings for foods; Flavourings for snack foods [other than essential oils]; Flavourings for soups; Flavourings for soups [other than essential oils]; Flavourings in the form of concentrated sauces; Flavourings in the form of dehydrated sauces; Flavourings made from fruits; Flavourings made from fruits [other than essential oils]; Flavourings made from lobsters; Flavourings made from meat; Flavourings made from pickles; Flavourings made from poultry; Flavourings made from shrimps; Flavourings made from snails; Flavourings made from vegetables [other than essential oils]; Flavourings [not essential oils]; Flavourings of almond; Flavourings of almond for food or beverages; Flavourings of almond, other than essential oils, for food or beverages; Flavourings of lemons; Flavourings of lemons for food or beverages; Flavourings of lemons, other than essential oils, for food or beverages; Flavourings of tea; Flavourings of tea for food or beverages; Flavourings, other than essential oils, for beverages; Flavourings, other than essential oils, for butter; Flavourings, other than essential oils, for cakes; Flavourings, other than

essential oils, for cheeses; Flavourings, other than essential oils, for foods; Flavourings, other than essential oils, for soups; Flaxseed for culinary purposes [seasoning]; Flowers or leaves for use as tea substitutes; Foamed sugar pastilles; Foamed sugar sweets; Food condiment consisting primarily of ketchup and salsa; Food dressings [sauces]; Food essences [except etheric essences and essential oils]; Food flavorings [non-essential oils]; Food flavorings, other than essential oils; Food flavourings; Food flavourings, other than essential oils; Food flavourings [other than essential oils]; Food leavening agents; Food seasonings; Foods with a cocoa base; Foodstuffs containing chocolate [as the main constituent]; Foodstuffs containing cocoa [as the main constituent]; Foodstuffs (Essences for -), except etheric essences and essential oils; Foodstuffs made of a sweetener for making a dessert; Foodstuffs made of a sweetener for sweetening desserts; Foodstuffs made of sugar for making a dessert; Foodstuffs made of sugar for sweetening desserts; Frankfurter sandwiches; Frappes; Freeze-dried coffee; Freeze-dried dishes with main ingredient being pasta; Fresh pasties; Fresh pies; Fresh pizza; Fresh pizzas; Fresh sausage rolls; Fried noodles; Frosting [icing] (Cake -); Frosting mixes; Frostings; Frozen ices; Frozen lollipops; Frozen meals consisting primarily of pasta; Frozen pastry stuffed with vegetables; Frozen pizzas; Fructose for food; Fructose syrup for use in the manufacture of foods; Fruit drops [confectionery]; Fruit flavorings, other than essential oils; Fruit flavoured water ices in the form of lollipops; Fruit flavourings, except essences; Fruit flavourings for food or beverages, except essences; Fruit gums [other than for medical use]; Fruit ice; Fruit ice bars; Fruit ices; Fruit infusions; Fruit jellies [confectionery]; Fruit jelly candy; Fruit sugar; Fruit vinegar; Fudge; Garden herbs, preserved [seasonings]; Garlic juice; Garlic powder; Garlic puree; Gelatin-based chewy candies; Ginger [powdered spice]; Ginger puree; Ginger [spice]; Ginseng confectionery; Glucose for culinary purposes; Glucose for food; Glucose powder for food; Glucose preparations for food; Glucose syrup for use as a fermenting aid for food; Glucose syrup for use as a gelling agent for food; Glucose syrup for use as a preservative for food; Glucose syrup for use as a sweetener for food; Glucose syrup for use as a texture improver for food; Glucose syrup for use in the manufacture of foods; Glucose syrups for food; Glutamate for food; Gluten additives for culinary purposes; Glutinous starch syrup (mizu-ame); Golden syrup; Ice confections; Ice cream (Binding agents for -); Ice cream cone mixes; Ice cream cones; Ice cubes; Ice for refreshment; Ice [frozen water]; Ice; Ice in block form; Ice lollies; Ice lollies being

milk flavoured; Ice lollies containing milk; Ice milk bars; Ice, natural or artificial; Ice pops; Iced lollies; Iced tea mix powders; Ices; Ices and ice; Ices (Binding agents for edible -); Ices (Edible -); Ices (Powder for edible -); Ices (Powders for edible -); Icing; Icing for cakes; Icing mixes; Icing sugar; Icings; Imitation chocolate; Imitation mayonnaise; Infusions, not medicinal; Instant chinese noodles; Instant cocoa powder; Instant cooking noodles; Instant noodles; Instant powder for making tea [other than for medical use]; Instant soba noodles; Instant tea; Instant tea [other than for medicinal purposes]; Instant udon noodles; Instant yeast; Invert sugar; Invert sugar cream [artificial honey]; Japanese arrowroot powder for culinary purposes; Jellies (Fruit -) [confectionery]; Jelly beans; Jiaozi [stuffed dumplings]; Kasha [meal]; Ketchup; Ketchup [sauce]; Ketchups; Marzipan substitutes; Milk chocolate; Pasta dishes; Pasta salad; Pasta sauce; Peanut brittle; Peppermint bonbons [other than for medicinal use]; Peppermint candy; Peppermint for confectionery; Peppermint pastilles [confectionery], other than for medicinal use; Peppermint sweets; Pizza; Pralines; Salsas; Sandwiches; Soft caramels; Soft ices; Spring rolls; Sugar candies (Non-medicated -); Sugar candy [for food]; Sugar confectionery; Sugar confectionery (Non-medicated -); Sweets (Non-medicated -) in compressed form; Sweets (Non-medicated -) in the nature of caramels; Sweets (Non-medicated -) in the nature of chocolate eclairs; Sweets (Non-medicated -) in the nature of fudge; Sweets (Non-medicated -) in the nature of nougat; Sweets (Non-medicated -) in the nature of sugar confectionery; Sweets (Non-medicated -) in the nature of toffees; Sweets (Peppermint -).

85. The registration is refused in relation to the remaining goods.

COSTS

86. As the parties are not professionally represented they were asked at the conclusion of the evidence rounds to complete a costs pro-forma if they wished to claim costs. Neither party has responded. Consequently, regardless of the outcome of this decision, I do not make any award of costs.

Dated 5 July 2019

**Teresa Perks
For the Registrar
The Comptroller – General**

Annex

Application

Acanthopanax tea (Ogapicha);Achar pachranga (fruit pickle);Acid drops [confectionery];Adlay flour for food;Aerated beverages [with coffee, cocoa or chocolate base];Aerated chocolate;Aerated drinks [with coffee, cocoa or chocolate base];Agave syrup for use as a natural sweetener;Agave syrup [natural sweetener];Aioli;Alimentary pasta;Alimentary paste [dough];Alimentary seasonings;Allspice;Almond cake;Almond confectionery;Almond cookies;Almond flavorings, other than essential oils;Almond paste;Almond pastries;Almonds covered in chocolate;Angelica;Aniseed;Aniseeds for use as a seasoning;Aperitif biscuits;Apple flavoured tea [other than for medicinal use];Apple fritters;Apple pies;Apple sauce [condiment];Apple tarts;Aromatic preparations for cakes;Aromatic preparations for candies;Aromatic preparations for food;Aromatic preparations for ice-creams;Aromatic preparations for making non-medicated infusions;Aromatic preparations for making non-medicated tisanes;Aromatic preparations for pastries;Aromatic teas [other than for medicinal use];Artichoke sauce;Artificial coffee;Artificial coffee;Artificial coffee and tea;Artificial rice [uncooked];Artificial tea;Artificial tea [other than for medicinal use];Asian apricot tea (maesilcha);Asian noodles;Bacon buns;Bagels;Baguettes;Bakery goods;Baking powder;Baking powders;Baking soda;Baking soda [bicarbonate of soda for baking purposes];Baking soda [bicarbonate of soda for cooking purposes];Baking spices;Baking-powder;Baklava;Banana fritters;Baozi [stuffed buns];Baps;Barbecue sauce;Barley (Crushed -);Barley flakes;Barley flour [for food];Barley flour for food;Barley for use as a coffee substitute;Barley (Husked -);Barley meal;Barley prepared for human consumption;Barley tea;Barley-leaf tea;Barm cakes;Bars based on wheat;Bars of sweet jellied bean paste (Yohkan);Bases for making milk shakes [flavourings];Basil, dried;Batter for making crepes;Batter for making pancakes;Batter mixes;Batter mixes for Japanese–style pancakes (Okonomiyaki);Batter mixes for okonomiyaki [Japanese savory pancakes];Batter mixes for okonomiyaki [Japanese savoury pancakes];Bavarian creams;Bean jam buns;Bean meal;Bean paste;Bean-jam filled

wafers (monaka);Bean-starch noodles (harusame, uncooked);Bee glue;Beer vinegar;Beverages based on chocolate;Beverages based on coffee;Beverages based on coffee substitutes;Beverages based on tea;Beverages (Chocolate-based -);Beverages (Cocoa-based -);Beverages (Coffee-based -);Beverages consisting principally of chocolate;Beverages consisting principally of cocoa;Beverages consisting principally of coffee;Beverages containing chocolate;Beverages (Flavorings [flavourings], other than essential oils, for -);Beverages (flavorings [flavourings], other than essential oils, for -);Beverages made from chocolate;Beverages made from cocoa;Beverages made from coffee;Beverages made of coffee;Beverages made of tea;Beverages made with chocolate;Beverages (Tea-based -);Beverages with a chocolate base;Beverages with a cocoa base;Beverages with a coffee base;Beverages with a tea base;Beverages with coffee base;Beverages with tea base;Bibimbap [Korean dish consisting primarily of cooked rice with added vegetables and beef];Bibimbap [rice mixed with vegetables and beef];Bicarbonate of soda for cooking purposes;Bicarbonate of soda for cooking purposes [baking soda];Binding agents for edible ices;Binding agents for ice cream;Binding agents for ice cream [edible ices];Binding preparations for ice cream [edible ices];Biological honey for human consumption;Biscotti;Biscotti dough;Biscuit mixes;Biscuit rusk;Biscuits;Biscuits containing chocolate flavoured ingredients;Biscuits containing fruit;Biscuits flavoured with fruit;Biscuits for cheese;Biscuits for human consumption made from cereals;Biscuits for human consumption made from malt;Biscuits having a chocolate coating;Biscuits having a chocolate flavoured coating;Biscuits [sweet or savoury];Biscuits with an iced topping;Black tea;Black tea [English tea];Black treacle;Blends of seasonings;Blueberry pies;Boiled confectionery;Boiled sugar;Boiled sugar confectionery;Boiled sugar sweetmeats;Boiled sweets;Bonbons;Bonbons made of sugar;Boxed lunches consisting of rice, with added meat, fish or vegetables;Bran preparations for human consumption;Bread;Bread and buns;Bread biscuits;Bread buns;Bread casings filled with fruit;Bread concentrates;Bread crumbs;Bread doughs;Bread flavored with spices;Bread flavoured with spices;Bread (Ginger -);Bread improvers being cereal based preparations;Bread made with soya beans;Bread mixes;Bread pudding;Bread rolls;Bread sticks;Bread with soy bean;Bread with sweet red bean;Bread-based stuffing

mixes;Breadcrumbs;Breads;Breadsticks;Breakfast cake;Breakfast cereals;Breakfast cereals containing a mixture of fruit and fibre;Breakfast cereals containing fibre;Breakfast cereals containing fruit;Breakfast cereals containing honey;Breakfast cereals flavoured with honey;Breakfast cereals made of rice;Breakfast cereals, porridge and grits;Breath mints for use as a breath freshener;Breath-freshening chewing gum;Brine for cooking;Brine for pickling;Brine for use in cocktails;Brioches;Brittle;Brown rice;Brown sauce;Brown sugar;Brownie dough;Brownie mixes;Brownies;Bubble gum;Bubble gum [confectionery];Buckwheat flour;Buckwheat flour [for food];Buckwheat flour for food;Buckwheat jelly (Memilmuk);Buckwheat noodles;Buckwheat, processed;Bulgur;Bun mix;Buns;Burdock root tea (Wooungcha);Burgers contained in bread rolls;Burritos;Butter biscuits;Butterscotch chips;Cachou [confectionery], other than for pharmaceutical purposes;Caffeine-free coffee;Cake bars;Cake batter;Cake decorations made of candy;Cake dough;Cake doughs;Cake flour;Cake frosting;Cake frosting [icing];Cake icing;Cake mixes;Cake mixtures;Cake Pops;Cake powder;Cake preparations;Cakes;Cakes (Flavorings [flavourings], other than essential oils, for -);Cakes of sugar-bounded millet or popped rice (okoshi);Cakes (Rice -);Calzones;Canapes;Candied cakes of popped rice;Candies;Candies (Non-medicated -);Candies (Non-medicated -) with alcohol;Candies (Non-medicated -) with honey;Candies (Non-medicated -) with mint;Candies [sweets];Candy;Candy bars;Candy cake;Candy cake decorations;Candy canes;Candy coated apples;Candy coated confections;Candy coated popcorn;Candy decorations for cakes;Candy mints;Candy (Non-medicated -);Candy, other than for medical purposes;Candy [sugar];Candy with caramel;Candy with cocoa;Candy-coated apples;Candy-coated popcorn;Canned pasta foods;Canned sauces;Canned spaghetti in tomato sauce;Cannelloni;Capers;Cappuccino;Caramel;Caramel coated popcorn;Caramel coated popcorn with candied nuts;Caramel popcorn;Caramel-coated popcorn;Caramelised sugar;Caramels;Caramels [candy];Caraway seeds for use as a seasoning;Carbohydrate preparations for food;Carbonated and non-carbonated tea based beverages;Castor sugar;Catchup;Catsup;Celery salt;Cereal bars;Cereal bars and energy bars;Cereal based energy bars;Cereal based food bars;Cereal based foodstuffs for human consumption;Cereal based prepared snack foods;Cereal based snack foods;Cereal based snacks;Cereal breakfast foods;Cereal cakes for human

consumption;Cereal flour;Cereal powders;Cereal preparations;Cereal preparations coated with sugar and honey;Cereal preparations consisting of bran;Cereal preparations consisting of oatbran;Cereal preparations containing oatbran;Cereal products in bar form;Cereal seeds, processed;Cereal snack foods flavoured with cheese;Cereal snacks;Cereal-based bars;Cereal-based meal replacement bars;Cereal-based savoury snacks;Cereal-based snack bars;Cereal-based snack food;Cereals;Cereals for food for consumption by humans;Cereals for use in making pasta;Cereals prepared for consumption by humans;Cereals, processed;Chai tea;Chalupas;Chamomile tea;Chamomile-based beverages;Cheese balls [snacks];Cheese curls [snacks];Cheese flavored puffed corn snacks;Cheese puffs;Cheese sauce;Cheeseburgers [sandwiches];Cheesecake;Cheesecakes;Cheese-flavored biscuits;Chemical seasonings [cooking];Chewing candy;Chewing gum;Chewing gum for breath freshening;Chewing gum, not for medical purposes;Chewing gums;Chewing sweets (Non-medicated -);Chewing sweets (Non-medicated -) having liquid fruit fillings;Chicken gravy;Chicken pies;Chicken sandwiches;Chicken wraps;Chicory and chicory mixtures, all for use as substitutes for coffee;Chicory based coffee substitute;Chicory [coffee substitute];Chicory extracts for use as substitutes for coffee;Chicory for use as substitutes for coffee;Chicory mixtures, all for use as substitutes for coffee;Chicory mixtures for use as substitutes for coffee;Chili oil for use as a seasoning or condiment;Chili oils being condiments;Chili paste for use as a seasoning;Chili pepper paste being condiment;Chili pepper pastes being condiments;Chili powder;Chili powders;Chili sauce;Chili seasoning;Chili seasonings;Chilled pizzas;Chimichanga;Chimichangas;Chinese batter flour;Chinese matrimony vine tea (Gugijacha);Chinese noodles;Chinese noodles [uncooked];Chinese rice noodles (bifun, uncooked);Chinese steamed dumplings (shumai, cooked);Chinese stuffed dumplings;Chinese stuffed dumplings (gyoza, cooked);Chips [cereal products];Chocolate;Chocolate bark containing ground coffee beans;Chocolate bars;Chocolate based drinks;Chocolate based fillings;Chocolate based products;Chocolate beverages;Chocolate beverages containing milk;Chocolate beverages with milk;Chocolate biscuits;Chocolate brownies;Chocolate bunnies;Chocolate cake;Chocolate cakes;Chocolate candies;Chocolate candy with fillings;Chocolate caramel wafers;Chocolate

chips;Chocolate coated biscuits;Chocolate coated fruits;Chocolate coated macadamia nuts;Chocolate coated marshmallow biscuits containing toffee;Chocolate coated nougat bars;Chocolate coated nuts;Chocolate coating;Chocolate coffee;Chocolate confectionary;Chocolate confectionery;Chocolate confectionery containing pralines;Chocolate confectionery having a praline flavour;Chocolate confectionery products;Chocolate confections;Chocolate covered biscuits;Chocolate covered cakes;Chocolate covered pretzels;Chocolate covered wafer biscuits;Chocolate creams;Chocolate decorations for cakes;Chocolate decorations for christmas trees;Chocolate decorations for confectionery items;Chocolate desserts;Chocolate drink preparations;Chocolate drink preparations flavoured with banana;Chocolate drink preparations flavoured with mint;Chocolate drink preparations flavoured with mocha;Chocolate drink preparations flavoured with nuts;Chocolate drink preparations flavoured with orange;Chocolate drink preparations flavoured with toffee;Chocolate eggs;Chocolate essences for the preparation of beverages;Chocolate extracts;Chocolate extracts for the preparation of beverages;Chocolate fillings for bakery products;Chocolate flavoured beverage making preparations;Chocolate flavoured beverages;Chocolate flavoured coatings;Chocolate flavoured confectionery;Chocolate flavourings;Chocolate fondue;Chocolate food beverages not being dairy-based or vegetable based;Chocolate for confectionery and bread;Chocolate for toppings;Chocolate fudge;Chocolate marzipan;Chocolate mousses;Chocolate pastes;Chocolate pastries;Chocolate powder;Chocolate sauce;Chocolate sauces;Chocolate shells;Chocolate spread;Chocolate spreads;Chocolate spreads containing nuts;Chocolate spreads for use on bread;Chocolate sweets;Chocolate syrup;Chocolate syrups;Chocolate syrups for the preparation of chocolate based beverages;Chocolate topped pretzels;Chocolate topping;Chocolate truffles;Chocolate vermicelli;Chocolate wafers;Chocolate waffles;Chocolate with alcohol;Chocolate with Japanese horseradish;Chocolate-based bars;Chocolate-based beverages;Chocolate-based beverages with milk;Chocolate-based fillings for cakes and pies;Chocolate-based meal replacement bars;Chocolate-based ready-to-eat food bars;Chocolate-based spreads;Chocolate-coated bars;Chocolate-coated nuts;Chocolate-coated rice cakes;Chocolate-coated sugar confectionery;Chocolate-covered nuts;Chocolates;Chocolates in the form of pralines;Chocolates in the form of

sea horses;Chocolates in the form of sea shells;Chocolates presented in an advent calendar;Chocolates with mint flavoured centres;Chow chow [relishes];Chow mein;Chow mein [noodle-based dishes];Chow mein noodles;Chow-chow [condiment];Christmas puddings;Christmas tree decorations [edible];Christmas trees (Confectionery for decorating -);Chrysanthemum tea (Gukhwacha);Churros;Chutney;Chutneys;Chutneys [condiment];Chutneys [condiments];Cilantro, dried;Cinnamon;Cinnamon powder [spice];Cinnamon rolls;Cinnamon [spice];Cinnamon sticks;Citron tea;Clear gums [confectionery];Clove powder [spice];Cloves;Cloves [spice];Coated nuts [confectionery];Cocoa;Cocoa based creams in the form of spreads;Cocoa beverages;Cocoa beverages with milk;Cocoa drinks;Cocoa extracts for human consumption;Cocoa for use in making beverages;Cocoa mixes;Cocoa powder;Cocoa preparations;Cocoa preparations for use in making beverages;Cocoa products;Cocoa [roasted, powdered, granulated, or in drinks];Cocoa-based beverages;Cocoa-based ingredients for confectionery products;Coconut meal for human consumption;Coffee;Coffee (Artificial -);Coffee bags;Coffee based beverages;Coffee based drinks;Coffee based fillings;Coffee beans;Coffee beverages;Coffee beverages with milk;Coffee capsules;Coffee concentrates;Coffee drinks;Coffee essence;Coffee essences;Coffee essences for use as substitutes for coffee;Coffee extracts;Coffee extracts for use as substitutes for coffee;Coffee flavorings;Coffee flavorings [flavourings];Coffee flavourings;Coffee in brewed form;Coffee in ground form;Coffee in whole-bean form;Coffee mixtures;Coffee oils;Coffee pods;Coffee [roasted, powdered, granulated, or in drinks];Coffee substitutes;Coffee substitutes [artificial coffee or vegetable preparations for use as coffee];Coffee substitutes [grain or chicory based];Coffee substitutes (Vegetal preparations for use as -);Coffee, teas and cocoa and substitutes therefor;Coffee (Unroasted -);Coffee-based beverage containing milk;Coffee-based beverages;Coffee-based beverages containing ice cream (affogato);Coixseed flour;Common salt for cooking;Concentrated sauce;Condiments;Condiments in powder form;Cones for ice cream;Cones for icecream;Confectioners' glaze;Confectionery;Confectionery bars;Confectionery chips for baking;Confectionery chocolate products;Confectionery containing jam;Confectionery containing jelly;Confectionery for decorating Christmas trees;Confectionery having liquid fruit fillings;Confectionery having liquid spirit

fillings;Confectionery having wine fillings;Confectionery ices;Confectionery in frozen form;Confectionery in liquid form;Confectionery in the form of tablets;Confectionery items coated with chocolate;Confectionery items formed from chocolate;Confectionery items (Non-medicated -);Confectionery made of sugar;Confectionery (Non-medicated -);Confectionery products (Non-medicated -);Cooked rice;Cooked rice mixed with vegetables and beef (bibimbap);Cookie dough;Cookie mixes;Cookies;Cooking essences;Cooking salt;Cooking sauces;Cooling ice;Coriander, dried;Corn candy;Corn chips;Corn curls;Corn flakes;Corn flour;Corn flour [for food];Corn kernels being roasted;Corn kernels being toasted;Corn meal;Corn, milled;Corn (Pop -);Corn (Processed -);Corn, roasted;Corn starch derivatives in powder form for making into drinks;Corn starch flour;Corn starch [for food];Corn syrup;Corn syrup for culinary purposes;Corn-based savoury snacks;Corn-based snack foods;Cornflakes;Cornflour;Cornflour bun bread (almojábana);Cornmeal;Cornstarch for culinary purposes;Cotton candy;Coulis (Fruit -) [sauces];Couscous;Couscous [semolina];Covered tarts;Crab boil [seasoning];Cracked wheat;Crackers;Crackers [edible];Crackers filled with cheese;Crackers flavoured with cheese;Crackers flavoured with fruit;Crackers flavoured with herbs;Crackers flavoured with meat;Crackers flavoured with spices;Crackers flavoured with vegetables;Crackers made of prepared cereals;Cranberry sauce [condiment];Cream buns;Cream cakes;Cream crackers;Cream (Ice -);Cream of tartar for cooking purposes;Cream of tartar for culinary purposes;Cream pies;Cream puffs;Creamed rice;Crème brûlées;Creme brulees;Crème caramel;Creme caramels;Crepes;Crisp breads;Crisp rolls;Crispbread;Crispbread snacks;Crisps made of cereals;Croissants;Croutons;Croûtons;Crumb;Crumble;Crumpets;Crushed barley;Crushed oats;Crusty rolls;Crystal sugar [not confectionery];Crystal sugar pieces [confectionery];Cube sugar;Culinary herbs;Cumin powder;Cupcakes;Currant bread;Curried food pastes;Curry mixes;Curry paste;Curry pastes;Curry powder;Curry powder [spice];Curry powders;Curry sauces;Curry [seasoning];Curry [spice];Curry spice mixes;Curry spices;Custard;Custard mixes;Custard powder;Custard tarts;Custard-based fillings for cakes and pies;Custards;Custards [baked desserts];Dairy chocolate;Dairy confectionery;Dairy ice cream;Dairy-free chocolate;Danish bread;Danish bread rolls;Danish butter cookies;Danish

pastries;Darjeeling tea;Dashi-tsuyu;Decaffeinated coffee;Decorations [edible] for christmas trees;Deep chocolate cake made with chocolate sponge;Deep frozen pasta;Deep-fried dough sticks (Youtiao);Dental health gum [other than medicated];Deproteinised flour for use in the production of beer;Dessert mousses [confectionery];Dessert puddings;Dessert souffles;Dough;Dough flour;Dough for cakes;Dough mix;Doughnut mixes;Doughnuts;Doughs, batters, and mixes therefor;Dragees [non-medicated confectionery];Dressings for food;Dressings for salad;Dried and fresh pastas, noodles and dumplings;Dried basil;Dried chili peppers seasoning;Dried chives;Dried cilantro;Dried cooked-rice;Dried coriander;Dried coriander for use as seasoning;Dried coriander seeds for use as seasoning;Dried cumin seeds;Dried fig-based condiment;Dried herbs;Dried herbs for culinary purposes;Dried mint;Dried noodles;Dried pasta;Dried pasta foods;Dried pieces of wheat gluten (fu, uncooked);Dried sauce in powder form;Dried seaweed rolls [gimbap];Dried sugared cakes of rice flour (rakugan);Dried tortellini;Dried wheat gluten;Drinking chocolate;Drinking cocoa paste;Drinks based on chocolate;Drinks based on cocoa;Drinks containing chocolate;Drinks containing cocoa;Drinks flavoured with chocolate;Drinks in powder form containing cocoa;Drinks prepared from chocolate;Drinks prepared from cocoa;Drip bag coffee;Dry and liquid ready-to-serve meals, mainly consisting of pasta;Dry and liquid ready-to-serve meals, mainly consisting of rice;Dry condiments;Dry seasoning mixes for stews;Dry seasonings;Dulce de leche;Dumpling skins;Dumplings;Dutch gingerbread (taai taai);Dutch rusk;Earl Grey;Earl Grey tea;Earl grey tea;Easter eggs;Eclairs;Edible essences for foodstuffs [other than etheric substances and essential oils];Edible flour;Edible fruit ices;Edible ice;Edible ice powder for use in icing machines;Edible ice sculptures;Edible ices;Edible paper;Edible rice paper;Edible salt;Edible spices;Edible turmeric;Edible wafers;Egg noodles;Egg pies;Egg roll cookies;Egg rolls;Egg tarts;Eight-treasure rice pudding;Empanada dough;Empanadas;Enchiladas;English muffins;Enriched farina [meal];Enriched rice;Enriched rice [uncooked];Espresso;Essences for cooking [other than essential oils];Essences for food [other than essential oils];Essences for foodstuffs, except etheric essences and essential oils;Essences for use in cooking [other than essential oils];Essences for use in food preparation [other than essential oils];Extracts of cocoa for use as flavours in beverages;Extracts of cocoa for use as flavours in foodstuffs;Extracts of coffee for

use as flavours in beverages;Extracts of coffee for use as flavours in foodstuffs;Extracts used as flavoring [not essential oils];Extruded corn snacks;Extruded food products made of maize;Extruded food products made of rice;Extruded food products made of wheat;Extruded snacks containing maize;Extruded wheat snacks;Fajitas;Farina;Farina [meal];Farinaceous food pastes;Farinaceous food pastes for human consumption;Farinaceous foods;Fermented hot pepper paste (gochujang);Fermenting malted rice (Koji);Ferments for pastes;Filled baguettes;Filled bread rolls;Filled buns;Filled caramels;Filled chocolate;Filled chocolate bars;Filled chocolates;Filled pasta;Filled rolls;Filled sandwiches;Filled sweetmeats;Filled yeast dough with fillings consisting of fruits;Filled yeast dough with fillings consisting of meat;Filled yeast dough with fillings consisting of vegetables;Filo dough;Filo doughs;Filo pastry;Filters in the form of paper bags filled with coffee;Flaked wheat;Flakes (Corn -);Flakes (Maize -);Flakes (Oat -);Flaky pastry containing ham;Flan base wafers;Flans;Flapjacks;Flapjacks [griddle cakes];Flat bread;Flavored ices;Flavoring syrup;Flavorings and seasonings;Flavorings [flavourings], other than essential oils, for beverages;Flavorings [flavourings], other than essential oils, for cakes;Flavorings for beverages;Flavorings for beverages, other than essential oils;Flavorings for cakes;Flavorings, other than essential oils, for beverages;Flavorings, other than essential oils, for cakes;Flavour enhancers for food [other than essential oils];Flavoured coffee;Flavoured popcorn;Flavoured rices;Flavoured sugar confectionery;Flavoured vinegar;Flavouring syrups;Flavourings and seasonings;Flavourings for beverages;Flavourings for butter;Flavourings for cakes;Flavourings for cakes other than essential oils;Flavourings for cheeses;Flavourings for foods;Flavourings for snack foods [other than essential oils];Flavourings for soups;Flavourings for soups [other than essential oils];Flavourings in the form of concentrated sauces;Flavourings in the form of dehydrated sauces;Flavourings made from fruits;Flavourings made from fruits [other than essential oils];Flavourings made from lobsters;Flavourings made from meat;Flavourings made from pickles;Flavourings made from poultry;Flavourings made from shrimps;Flavourings made from snails;Flavourings made from vegetables [other than essential oils];Flavourings [not essential oils];Flavourings of almond;Flavourings of almond for food or beverages;Flavourings of almond, other

than essential oils, for food or beverages;Flavourings of lemons;Flavourings of lemons for food or beverages;Flavourings of lemons, other than essential oils, for food or beverages;Flavourings of tea;Flavourings of tea for food or beverages;Flavourings, other than essential oils, for beverages;Flavourings, other than essential oils, for butter;Flavourings, other than essential oils, for cakes;Flavourings, other than essential oils, for cheeses;Flavourings, other than essential oils, for foods;Flavourings, other than essential oils, for soups;Flaxseed for culinary purposes [seasoning];Floating islands;Flour;Flour based chips;Flour based savory snacks;Flour concentrate for food;Flour confectionery;Flour for baking;Flour for doughnuts;Flour for food;Flour for making dumplings of glutinous rice;Flour mixes;Flour mixtures for use in baking;Flour of barley;Flour of corn;Flour of millet;Flour of oats;Flour of rice;Flour preparations for food;Flour ready for baking;Flour-based dumplings;Flour-based gnocchi;Flowers or leaves for use as tea substitutes;Foamed sugar pastilles;Foamed sugar sweets;Fondants;Fondants [confectionery];Food condiment consisting primarily of ketchup and salsa;Food dressings [sauces];Food essences [except etheric essences and essential oils];Food flavorings [non-essential oils];Food flavorings, other than essential oils;Food flavourings;Food flavourings, other than essential oils;Food flavourings [other than essential oils];Food leavening agents;Food mixtures consisting of cereal flakes and dried fruits;Food preparations based on grains;Food seasonings;Foods (Farinaceous -);Foods produced from baked cereals;Foods with a cocoa base;Foodstuffs containing chocolate [as the main constituent];Foodstuffs containing cocoa [as the main constituent];Foodstuffs (Essences for -), except etheric essences and essential oils;Foodstuffs made from cereals;Foodstuffs made from dough;Foodstuffs made from maize;Foodstuffs made from oats;Foodstuffs made of a sweetener for making a dessert;Foodstuffs made of a sweetener for sweetening desserts;Foodstuffs made of rice;Foodstuffs made of sugar for making a dessert;Foodstuffs made of sugar for sweetening desserts;Fortune cookies;Frankfurter sandwiches;Frappes;Freeze-dried coffee;Freeze-dried dishes with main ingredient being pasta;Freeze-dried dishes with main ingredient being rice;Freeze-dried dishes with the main ingredient being pasta;Freeze-dried dishes with the main ingredient being rice;French toast;Fresh bread;Fresh pasta;Fresh pasties;Fresh pies;Fresh pizza;Fresh pizzas;Fresh sausage rolls;Fried corn;Fried dough cookies;Fried dough cookies (karintoh);Fried dough

twists;Fried noodles;Fried rice;Frosting [icing] (Cake -);Frosting mixes;Frostings;Frozen biscotti dough;Frozen brownie dough;Frozen cakes;Frozen confectionery;Frozen confectionery containing ice cream;Frozen confections;Frozen confections on a stick;Frozen cookie dough;Frozen custards;Frozen dairy confections;Frozen dough;Frozen ices;Frozen lollipops;Frozen meals consisting primarily of pasta;Frozen meals consisting primarily of rice;Frozen pastries;Frozen pastry;Frozen pastry sheets;Frozen pastry stuffed with vegetables;Frozen pizzas;Frozen prepared rice;Frozen prepared rice with seasonings;Frozen prepared rice with seasonings and vegetables;Frozen yoghurt;Frozen yoghurt [confectionery ices];Frozen yoghurts;Frozen yogurt;Frozen yogurt cakes;Frozen yogurt [confectionery ices];Frozen yogurt confections;Frozen yogurt pies;Fructose for food;Fructose syrup for use in the manufacture of foods;Fruit bread;Fruit breads;Fruit cake snacks;Fruit cakes;Fruit coulis [sauces];Fruit drops [confectionery];Fruit filled pastry products;Fruit flavorings, other than essential oils;Fruit flavoured tea [other than medicinal];Fruit flavoured water ices in the form of lollipops;Fruit flavourings, except essences;Fruit flavourings for food or beverages, except essences;Fruit gums [other than for medical use];Fruit ice;Fruit ice bars;Fruit ice cream;Fruit ice creams;Fruit ices;Fruit infusions;Fruit jellies [confectionery];Fruit jelly candy;Fruit pastries;Fruit pies;Fruit sauces;Fruit sugar;Fruit tea [other than for medical purposes];Fruit teas;Fruit vinegar;Fruited malt loaf;Fruited scones;Fudge;Garden herbs, preserved [seasonings];Garlic bread;Garlic juice;Garlic powder;Garlic puree;Gâteaux;Gateaux;Gelatin-based chewy candies;German ravioli [Maultaschen];Gimbap [Korean rice dish];Ginger bread;Ginger [powdered spice];Ginger puree;Ginger [spice];Ginger tea;Gingerbread;Gingerbread nuts;Gingersnaps;Ginseng confectionery;Ginseng tea;Ginseng tea [insamcha];Glazed popcorn;Glucose for culinary purposes;Glucose for food;Glucose powder for food;Glucose preparations for food;Glucose syrup for use as a fermenting aid for food;Glucose syrup for use as a gelling agent for food;Glucose syrup for use as a preservative for food;Glucose syrup for use as a sweetener for food;Glucose syrup for use as a texture improver for food;Glucose syrup for use in the manufacture of foods;Glucose syrups for food;Glutamate for food;Gluten additives for culinary purposes;Gluten prepared as foodstuff;Gluten-free bread;Glutinous pounded rice cake coated with bean powder (injeolmi);Glutinous rice;Glutinous rice flour;Glutinous

rice wrapped in bamboo leaves (Zongzi);Glutinous starch syrup (mizu-ame);Gnocchi;Golden syrup;Graham crackers;Grain-based chips;Grain-based snack foods;Granola;Granola bars;Granola-based snack bars;Ice confections;Ice cream;Ice cream bars;Ice cream (Binding agents for -);Ice cream cakes;Ice cream cone mixes;Ice cream cones;Ice cream confectionery;Ice cream confections;Ice cream desserts;Ice cream drinks;Ice cream gateaux;Ice cream mixes;Ice cream powder;Ice cream powders;Ice cream sandwiches;Ice cream stick bars;Ice cream substitute;Ice cream with fruit;Ice creams;Ice creams containing chocolate;Ice creams flavoured with chocolate;Ice cubes;Ice for refreshment;Ice [frozen water];Ice, ice creams, frozen yogurts and sorbets;Ice in block form;Ice lollies;Ice lollies being milk flavoured;Ice lollies containing milk;Ice milk bars;Ice milk [ice cream];Ice, natural or artificial;Ice pops;Ice-cream;Ice-cream cakes;Iced cakes;Iced coffee;Iced confectionery (Non-medicated -);Iced fruit cakes;Iced lollies;Iced sponge cakes;Iced tea;Iced tea mix powders;Iced tea (Non-medicated -);Iced teas;Ices;Ices and ice;Ices (Binding agents for edible -);Ices (Edible -);Ices (Powder for edible -);Ices (Powders for edible -);Icing;Icing for cakes;Icing mixes;Icing sugar;Icings;Imitation chocolate;Imitation custard;Imitation ice cream;Imitation mayonnaise;Infusions, not medicinal;Injeolmi [glutinous rice cakes coated with powdered beans];Instant chinese noodles;Instant cocoa powder;Instant coffee;Instant cooking noodles;Instant dessert puddings;Instant doughnut mixes;Instant ice cream mixes;Instant noodles;Instant pancake mixes;Instant porridge;Instant powder for making tea [other than for medical use];Instant pudding mixes;Instant rice;Instant soba noodles;Instant tea;Instant tea [other than for medicinal purposes];Instant udon noodles;Instant yeast;Invert sugar;Invert sugar cream [artificial honey];Jam buns;Jam filled brioches;Japanese arrowroot powder for culinary purposes;Jellies (Fruit -) [confectionery];Jelly beans;Jiaozi [stuffed dumplings];Kasha [meal];Ketchup;Ketchup [sauce];Ketchups;Kettle corn [popcorn];Kheer mix (rice pudding);Marzipan;Marzipan substitutes;Meringue;Meringues;Milk chocolate;Naan bread;Nachos;Pasta;Pasta dishes;Pasta salad;Pasta sauce;Pastries containing creams and fruit;Pastries containing fruit;Pastries filled with fruit;Pastries with fruit;Pastry;Peanut brittle;Peppermint bonbons [other than for medicinal use];Peppermint candy;Peppermint for confectionery;Peppermint pastilles [confectionery], other than for medicinal use;Peppermint sweets;Pizza;Pralines;Prepared rice

dishes;Salsas;Sandwiches;Soft caramels;Soft ices;Soft pretzels;Sorbets;Sorbets [ices];Sorbets [water ices];Spaghetti;Sponge cake;Sponge cakes;Sponge fingers [cakes];Spring rolls;Sugar candies (Non-medicated -);Sugar candy [for food];Sugar confectionery;Sugar confectionery (Non-medicated -);Sweets (Non-medicated -) in compressed form;Sweets (Non-medicated -) in the nature of caramels;Sweets (Non-medicated -) in the nature of chocolate eclairs;Sweets (Non-medicated -) in the nature of fudge;Sweets (Non-medicated -) in the nature of nougat;Sweets (Non-medicated -) in the nature of sugar confectionery;Sweets (Non-medicated -) in the nature of toffees;Sweets (Peppermint -);Wholemeal rice;Wholewheat crisps.

Earlier mark

Class 29: Desiccated Fruits or Vegetables; Almond butter; Aloe Vera Prepared for human consumption; Apple purée; Baked beans; Banana chips; Bean curd; Bean dip; Beancurd sticks; Black pudding; Blended butter; Blended oil for food; Bombay mix; Bottled fruits; Bottled sliced fruits; Bottled vegetables; Broccoli; Broth; Broth concentrates; Butter made of coconut; Butter made of nuts; Butter oil; Butter substitutes; Butter with herbs; Buttermilk; Candied fruit snacks; Candied fruits; Candied nuts; Canned peanuts; Canned sliced fruits; Canned sliced vegetables; Canned spinach; Canned tomatoes; Carrots; Cashew nut butter; Cashew nuts (prepared); Chilli; Chilli oil; Chipped potatoes; Chips (Fruit); Coconut; Coconut butter; Coconut Cream; Coconut Fat; Coconut fats; Coconut fibre mulches; Coconut Flakes; Coconut Jelly; Coconut milk Concentrated; Coconut milk for culinary purposes; Coconut milk powder; Coconut oil; Coconut oil and fat for food; Coconut Paste; Coconut powder; Coconut Puree; Coconut snack; Coffee cream in the form of powder; Condensed tomatoes; Cooked olives; Cooked tofu dish ; Cooking fats; cooking oil; Cream; Crisps; Curd; Dahls; Dates; Dips; Dried coconuts; Dried dates; Dried edible mushrooms; Dried fruit mixes; Dried fruit products; Dried fruit-based snacks; Dried fruits; Edible dried flowers; Edible oils; Edible oils and fats; Edible oils for use in cooking foodstuffs; Edible seeds; Edible sunflower seeds; Edible Vegetable or Fruit Cream; Edible Vegetable or Fruit dips; Edible Vegetable or Fruit fats; Edible Vegetable or Fruit Flakes; Edible Vegetable or Fruit Jelly; Edible Vegetable or Fruit juice Concentrated; Edible Vegetable or Fruit oil; Edible Vegetable or Fruit Paste; Edible Vegetable or Fruit powder; Edible Vegetable or Fruit Puree; Edible Vegetable or Fruit

snack; Flavoured Nuts; Fresh Vegetable or Fruit Cream; Fresh Vegetable or Fruit dips; Fresh Vegetable or Fruit fats; Fresh Vegetable or Fruit Jelly; Fresh Vegetable or Fruit oil; Fresh Vegetable or Fruit Paste; Fresh Vegetable or Fruit powder; Fresh Vegetable or Fruit pulses; Fresh Vegetable or Fruit snack; Fried Potatoes; Frozen Fruits; Frozen Spinach; Frozen Vegetables; Fruit and vegetable extracts; Fruit chips; Fruit desserts; Fruit paste; Fruit Powders; Fruit pulp; Fruit puree; Fruit salads; Fruit spread; Fruit-based snack food; Fruits; Garlic butter; Ginger jam; Grilled vegetables; Hazelnut spread; Hazelnuts; Honey butter; Instant soup; Jams; Jellies; Lentils; Maize oil; Mixed pickles; Natural Vegetable or Fruit Cream; Natural Vegetable or Fruit dips; Natural Vegetable or Fruit fats; Natural Vegetable or Fruit Jelly; Natural Vegetable or Fruit oil; Natural Vegetable or Fruit Paste; Natural Vegetable or Fruit powder; Natural Vegetable or Fruit Puree; Natural Vegetable or Fruit snacks; Non-dairy creamer; Nut oils; oil; oil in solid form; Olive oil; Organic coconut oil; Organic Vegetable or Fruit Cream; Organic Vegetable or Fruit dips ; Organic Vegetable or Fruit fats; Organic Vegetable or Fruit Jelly; Organic Vegetable or Fruit oil; Organic Vegetable or Fruit Paste; Organic Vegetable or Fruit powder; Organic Vegetable or Fruit Puree; Organic Vegetable or Fruit snacks; Peanut oil for food; Pickled fruits; Pickles; Potato puffs; Powdered cream; Pre-cooked soup; Pre-cut vegetable salads; Prepared coconut; Prepared Fibre from Vegetables or Fruits; Prepared Fruit Flakes; Prepared Fruits; Prepared Leaves; Prepared Nuts; Prepared Vegetable and Fruit juice concentrated; Prepared Vegetable and Fruit milk Concentrated; Prepared Vegetable Flakes; Prepared Vegetable or Fruit Cream; Prepared Vegetable or Fruit Dips; Prepared Vegetable or Fruit fats; Prepared Vegetable or Fruit Jelly; Prepared Vegetable or Fruit Oil; Prepared Vegetable or Fruit paste; Prepared Vegetable or Fruit Powder; Prepared Vegetable or Fruit puree; Prepared Vegetable or Fruit Roots; Prepared Vegetable or Fruit Snack; Prepared vegetables; Preserved vegetables; Preserved vegetables (in oil); Preserves; Processed Fibre from vegetables and fruits; Processed Fruit Flakes; Processed Fruits; Processed Leaves; Processed Nuts; Processed Vegetable; Processed Vegetable and Fruit Juice Concentrated; Processed Vegetable and Fruit milk Concentrated; Processed Vegetable pr Fruit Flakes; Processed Vegetable or Fruit Cream; Processed Vegetable or Fruit dips; Processed Fruits; Processed Vegetable or Fruit fats; Processed Vegetable or Fruit Jelly; Processed Vegetable or Fruit oil; Processed Vegetable or Fruit paste; Processed Vegetable or Fruit powder; Processed Vegetable or Fruit puree; Processed Vegetable or Fruit Roots; Processed Vegetable

or Fruit snack; Soya milk; Soybean oil; Tofu; Unprocessed Coconut; Unprocessed Fibre from vegetables and fruits; Unprocessed Vegetable or Fruit Cream; Unprocessed Vegetable or Fruit dips; Unprocessed Vegetable or Fruit fats; Unprocessed Vegetable or Fruit oil; Unprocessed Vegetable or Fruit powder; Unprocessed Vegetable or Fruit snacks; vegetable butter; Vegetable fats for cooking; Vegetable fats for food; Vegetable Flakes; Vegetable jellies; Vegetable or Fruit chips; Vegetable or Fruit flakes; Vegetable or Fruit seeds; Vegetable-based meat substitutes; Vegetables;.

Class 30: Cereal; Prepared Brans; Prepared Grains; Processed Brans; Processed Grains.

Class 31: Agricultural grains for planting; Agricultural produce (unprocessed); Agricultural seeds; Almonds [fruits]; Aloe vera; Aloe vera plants; Apple tree seeds; Apple trees; Apples; Apples (fresh); Asparagus (fresh); Asparagus (unprocessed); Asparagus plant material (fresh); Asparagus plants; Beans; Berries; Berries (raw); Berries (unprocessed); Bran; Capsicums; Carrots (fresh); Cereal grains (unprocessed); Cereal seeds; Cereals (unprocessed); Cherries (fresh); Cherries (unprocessed); Chestnuts; Chillies (unprocessed); Coconut shells; Coconuts; Cola nuts; Corn (unprocessed); Courgettes (fresh); Crop seeds; Cut flowers; Dried corn husks for decoration; Dried flowers; Dried plants; Edible Brans; Edible Fruits; Edible grains; Edible Leaves; Edible Nuts; Edible nuts [unprocessed]; Edible Roots; Edible Vegetable; Edible Vegetable plants; Flower seeds; Fresh apples; Fresh apricots; Fresh artichokes; Fresh asparagus; Fresh avocados; Fresh bananas; Fresh bean sprouts; Fresh beans; Fresh beets; Fresh berries; Fresh black raspberry; Fresh blood oranges; Fresh blueberries; Fresh Brans; Fresh brussel sprouts; Fresh cabbage; Fresh carambolas; Fresh cherry tomatoes; Fresh chervil; Fresh chillies; Fresh chives; Fresh fruits and vegetables; Fresh garden herbs; Fresh garlic; Fresh grains; Fresh herbs; Fresh Leaves; Fresh nuts; Fresh Roots; Fresh Vegetable; Fresh Vegetable plants; Fruit seeds; Fruit shrubs; Fruit trees; Garden herbs; Grass seed; Herbs; Maize; Malt; Mixed fruits [fresh]; Mushrooms; Natural Brans; Natural Edible plants [unprocessed]; Natural flowers; Natural Fruits; Natural grains; Natural Leaves; Natural Nuts; Natural plants and flowers; Natural Roots; Natural seeds; Natural Vegetable; Natural Vegetable plants; Nuts [fruits]; Onions; Oranges; Oranges [fresh]; Organic

Brans; Organic Fresh fruit; Organic Fruits; Organic grains; Organic Leaves; Organic Nuts; Organic Roots; Organic Vegetable; Organic Vegetable plants; Paddy; Plant seeds; Potatoes; Potted plants; Potted Fresh herbs; Raw and Unprocessed grains; Raw apples; Raw cereals [unprocessed]; Raw cocoa beans; Raw coconuts; Raw grain; Raw herbs; Raw nuts; Raw vegetables; Rice; Root vegetables [fresh]; Seeds; Seeds for fruit; unprocessed; Unprocessed Brans; Unprocessed cereals; Unprocessed Fruits; Unprocessed grain; Unprocessed grains; Unprocessed herbs; Unprocessed Leaves; Unprocessed nuts; Unprocessed oil seeds; Unprocessed Roots; Unprocessed Vegetable; Unprocessed Vegetable plants; Vegetable seeds;.

Class 32: Coconut Drinks; Edible Drinks; Fresh Drinks; Natural Drinks; Organic Drinks; Prepared Drinks; Processed Drinks; Unprocessed Drinks.