

O-403-03

TRADE MARKS ACT 1994  
IN THE MATTER OF INTERNATIONAL REGISTRATION NO. 731625  
AND THE REQUEST BY LUK LAMELLEN UND KUPPLUNGSBAU GMBH  
TO PROTECT THE TRADE MARK



IN CLASSES 4, 7, 8, 9, 12, 25, 37, 40 & 41

AND IN THE MATTER OF OPPOSITION THERETO  
UNDER NUMBER 70753  
BY OTKRYTOE AKTSIONERNOE OBCHTCHESTVO NEFTYANAYA  
KOMPANIYA "LUKOIL"  
PROPRIETOR OF INTERNATIONAL TRADE REGISTRATION NUMBER  
681461



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## BACKGROUND

1) On 17 November 1999, LuK Lamellen und Kupplungsbau GmbH, of 3, Industriestrasse, D-77815, Buhl, Germany on the basis of an international registration in Germany, requested protection in the United Kingdom of the trade mark shown below under the provisions of the Madrid Protocol.



2) The international registration is numbered 731625 and protection was sought for the following amended goods and services:

Class 4: "Industrial oil and grease, lubricants, liquid and gaseous fuels."

Class 7: "Hydraulic pumps and motors, hydraulic accessories, included in this class for utilization with or in connection with steering devices, gear boxes, travelling devices, speed-controls and coupling controls and regulations, namely compensating reservoirs, hydraulic valves, bearings, joints, filters, fluid containers, transmission devices or driving shafts for pumps as well as spare parts for utilization in mechanic workshops."

Class 9: "Control units, control systems with electronic units for vehicles, in particular for utilization with the aforesaid products, like hydraulic pumps or motors or parts; apparatus and devices included in this class for use in or in connection with land vehicles."

Class 12: "Parts of on and off-road vehicles, in particular the aforesaid products like hydraulic pumps or motors or parts or control devices or systems, for utilization with or in connection with land vehicles."

Class 25: "Clothing."

Class 37: “Repair of motor vehicles and parts for on and off-road vehicles.”

Class 40: “Recycling of motor vehicles and parts for on and off-road vehicles.”

Class 41: “Training of staff for the measuring, checking and repairing of parts of vehicles.”

3) The United Kingdom Trade Marks Registry considered that the request satisfied the requirements for protection in accordance with Article 3 of the Trade Marks (International Registration) Order 1996 and particulars of the international registration were published in accordance with Article 10, with the following note: “The applicant claims the colours black and yellow as an element of the mark, and honest concurrent use with Registration Nos. 1588557, M681461 and another”.

4) On 7 February 2002 Otkrytoe Aktsionernoe Obchtchestvo Neftyanaya Kompaniya “Lukoil” of 11, Sretensky Boulvar, RU- 101000 Moskva, Russian Federation filed notice of opposition to the conferring of protection on this international registration based on their proprietorship of the three trade marks set out in Annex A to this decision. The grounds of opposition are in summary:

a) The opponent believes that the marks of the two parties are confusingly similar and that the goods and services under Classes 4, 7, 9, 12, 37, 40 and 41 are the same as or similar to those covered by the opponent’s earlier trade marks. As such the application offends against Section 5(2)(b) of the Trade Marks Act 1994.

b) All of the opponent’s trade marks predate the applicant’s mark and are therefore earlier trade marks within the meaning of Section 6(1)(a) of the Trade Marks Act 1994.

5) The International Registration holders (who, for convenience, I shall hereafter refer to as the applicant) subsequently filed a counterstatement denying the above grounds, also stating that they are the proprietor’s of a number of UK Trade Mark Registrations which predate the opponent’s trade marks. These are listed at Annex B.

6) Both sides ask for an award of costs.

7) Both sides filed evidence in these proceedings. The matter came to be heard on 16 September 2003, where the applicant was represented by Ms Harris of Messrs Sommerville & Rushton and the opponent by Mr Harris of Messrs Gill Jennings & Every.

#### OPPONENT’S EVIDENCE

8) The opponent filed a witness statement, dated 18 September 2002, by Phillip Warren Harris the opponent’s Trade Mark Attorney. At exhibit PWH1 he provides a copy of the Notification of Partial Refusal of Protection issued by the Trade Mark Registry in respect of the applicant’s mark. The document states, inter alia, that the

designation was refused in Classes 4,7, and 37 because of the opponent's International Registration (IR) 681461, and also in Class 4 because of opponent's IR 691220.

9) Mr Harris points out that the applicant filed evidence of honest concurrent use, but only in regard to clutches. He states that none of the evidence relates to goods in Classes 4, 7 or services in Class 37. Copies of the declarations made by the applicant, together with some of the exhibits is provided at exhibit PWH2. This shows use of the mark in suit on clutches and torque converters for use in motor vehicles and on promotional items. The evidence shows that the applicant primarily manufactures clutches for motor vehicles. It also reconditions vehicle clutches, although it is stated that "a small proportion of these clutches are re-manufactured". No turnover, advertising or market share figures were provided in relation to the reconditioning part of the business. It is clear that the applicant has considerable business and reputation for clutches in the automotive trade.

10) Mr Harris also points out that the applicant's registered trade marks do not cover any goods in Class 4. Further, trade mark 800123 covers only "clutches (being parts of machines) and parts thereof included in Class 7" whilst trade mark 1506122 covers only "repair and reconditioning of parts for land vehicles; all included in class 37".

11) Mr Harris concludes:

"There does not appear to be any evidence as regards any other use of the applicant's mark or equity therein such as would justify the waiver of the citations of the opponent's earlier marks in Classes 4,7 and 37 save as regards clutches and the limited extent of the equities referred to above."

#### APPLICANT'S EVIDENCE

12) The applicant filed a witness statement, dated 13 March 2003, by Lynn Sheree Harris the applicant's Trade Mark Attorney. Ms Harris states that her evidence is from her own knowledge and from company records. She states that the applicant has sold goods in Classes 4 & 7 and provided services in Class 37 since 1993. At exhibit LSH1 she provides a copy of the applicant's 1995-96 catalogue which she states shows a truck carrying a cargo of tubes of lubricant. Whilst I accept that a truck can be seen the cargo is indeterminate. The catalogue has a number of boxes pictured on it, they display either the word "service" or the word "clutch". Also in this exhibit is a picture of a "point of sale" stand with a number of tubes of lubricant. The shape of the tubes can just be made out but not the mark on the tubes. It is only from the overprinting added to the photograph that it is clear that the product is grease. There is also a picture of a tube of "long lasting lubricant" with the mark in suit upon it, this photograph is not dated. There are also five invoices provided. Two are dated in June 1998 and show £51.10 worth of lubricant being supplied to Luk Aftermarket Service Ltd. Two more invoices, dated May 1998, show £50.40 worth of lubricant also supplied to the same customer. These have the mark in suit at the bottom of the invoice. Lastly an invoice dated 20 September 1994 shows £4,800 worth of "fat" being supplied to Alan A Morgan Ltd in the West Midlands by AS Autoteile-Service GmbH & Co. The mark in suit does not appear on the invoice. Ms Harris states that "fat" is the German word for lubricant.

13) With regard to goods in Class 7 Ms Harris states that the applicant sells in the UK, inter alia, hydraulic automated clutch-actuating systems, electronic clutch management systems, automatic transmissions, hydraulic shifting systems for automatic transmissions, power steering pumps, vacuum pumps, level control systems for suspensions, torque converters, fuel-conveying pumps and torsion dampers. She states that customers include major car and truck manufacturers such as Ford, Opel, Mercedes, Scania, MAN, ERF, BMW, VW, Peugeot and Land Rover. At exhibit LSH2 Ms Harris provides a list which shows a number of products such as “assembly clip”, “coil spring”, “cover”, “release plate” and a value for sales shown in Euros for each year since 1991. Also included is a schedule which she states “shows goods sold in the UK by a subsidiary company, Luk Automobiltechnik GmbH & Co KG from 1993 onwards. This shows approximately 7.5 million Euros worth of “Radial piston pump ARC” being sold between 1996-2002 to Land Rover and Unipart Group; 537,000 Euros worth of “Assy levelling Valves” sold to Rolls Royce between 1995 and 2002; and 456,000 Euros worth of “vacuum pumps” sold to Vauxhall between 1993-2002.

14) The next schedule in exhibit LSH2 shows sales by another subsidiary Luk Fahrzeug-Hydraulik GmbH & Co KG in the UK from 1993 onwards. The schedule shows mainly power steering pumps being sold with occasional mentions of items such as “sealing”, “shaft”, “ECU”. etc. Between 1991 - 1998 sales averaged approximately £45 million per annum. A number of invoices are provided, seven of which are prior to the relevant date. These show sales to Bentley of 193,500 worth of “Assy Levelling Valve”, and to Land Rover sales of 143,872 worth of “Pump Ace (ARC)”. The figures on the invoices are shown as DEM, presumably referring to German Deutschmarks.

15) Within exhibit LSH2 Ms Harris also provides a variety of pages from brochures with the mark in suit providing information regarding hydraulic actuators, power steering pumps, automatic gearboxes, automotive hydraulics, vacuum pumps, CVT components, clutches and dampers. None appear to be dated although there are references to occurrences in 2001.

16) At exhibit LSH3 Ms Harris provides copies of “brochures mentioning the repair workshop concept and materials used in the training of garage mechanics” to support use in Class 37. This appears to show the applicant providing training materials and technical support to garages repairing clutches.

17) That concludes my review of the evidence. I now turn to the decision.

## **DECISION**

18) At the hearing Mr Harris withdrew the opposition in regard to all goods and services other than those in Classes 4, 7 and 37.

19) Also at the hearing, Ms Harris, for the applicant, withdrew the application with regard to goods in classes 4 and 7. I directed that the application be so amended. I have, therefore, only the Class 37 element of the International registration to consider.

20) The only ground of opposition is under Section 5(2)(b) which reads:

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

(a)....

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

21) An “earlier trade mark” is defined in Section 6, the relevant parts of which state:

“6.-(1) In this Act an "earlier trade mark" means -

(a) a registered trade mark, international trade mark (UK) or Community trade mark which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks,”

22) In determining the question under section 5(2)(b), I take into account the guidance provided by the European Court of Justice (ECJ) in *Sabel Bv v Puma AG* [1998] RPC 199, *Canon Kabushiki Kaisha v Metro-Goldwyn-Meyer Inc.* [1999] E.T.M.R. 1, *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel B.V.* [2000] F.S.R. 77 and *Marca Mode CV v Adidas AG* [2000] E.T.M.R 723. It is clear from these cases that:

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors; *Sabel Bv v Puma AG* page 224;

(b) the matter must be judged through the eyes of the average consumer, of the goods / services in question; *Sabel Bv v Puma AG* page 224, 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; *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel B.V.* page 84, paragraph 27;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details; *Sabel Bv v Puma AG* page 224;

(d) the visual, aural and conceptual similarities of the marks must therefore be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components; *Sabel Bv v Puma AG* page 224;

(e) a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the goods, and vice versa; *Canon Kabushiki Kaisha v Metro-Goldwyn-Meyer Inc.* page 7 paragraph 17;

(f) there is a greater likelihood of confusion where the earlier trade mark has a highly distinctive character, either *per se* or because of the use that has been made of it; *Sabel Bv v Puma AG* page 8, paragraph 24;

(g) mere association, in the sense that the later mark brings the earlier mark to mind, is not sufficient for the purposes of Section 5(2); *Sabel Bv v Puma AG* page 224;

(h) further, 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; *Marca Mode CV v Adidas AG* page 732, paragraph 41;

(i) but if the association between the marks causes the public to wrongly believe that the respective goods come from the same or economically linked undertakings, there is a likelihood of confusion within the meaning of the section; *Canon Kabushiki Kaisha v Metro-Goldwyn-Meyer Inc.* page 9, paragraph 29.

23) The applicant sought refuge in Section 7(1)(a) of the Trade Marks Act 1994 which reads:

“7.-(1) This section applies where on an application for the registration of a trade mark it appears to the Registrar-

(a) that there is an earlier trade mark in relation to which the conditions set out in section 5(1), (2) or (3) obtain, or

(b) that there is an earlier right in relation to which the condition set out in section 5(4) is satisfied,

but the application shows to the satisfaction of the registrar that there has been honest concurrent use of the trade mark for which registration is sought.

(2) In that case the registrar shall not refuse the application by reason of the earlier trade mark or other earlier right unless the objection on that ground is raised in opposition proceedings by the proprietor of that earlier trade mark or other earlier right.

(3) For the purposes of this section “honest concurrent use” means such use in the United Kingdom, by the applicant or with his consent, as would formerly have amounted to honest concurrent use for the purposes of section 12(2) of the Trade Marks Act 1938.

(4) Nothing in this section affects-

(a) the refusal of registration on the grounds mentioned in Section 3 (absolute grounds for refusal), or

(b) the making of an application for a declaration of invalidity under section 47(2) (application on relative grounds, where no consent to registration).

(5) This section does not apply when there is an order in force under section 8 below.”

24) I note that this provision of the Act does not derive from Council Directive No. 89/104/EEC of December 21, 1998 to approximate the laws of the Member States relating to trade marks. Therefore, it can only be interpreted as complementing rather than conflicting with the Directive. This is because Article 5 of the Directive (the equivalent of section 5 of the Trade Marks Act 1994) requires a trade mark to be excluded from the Register if it conflicts with an earlier trade mark or other earlier right. However, the fifth recital to the Directive gives Member States latitude as to the stage at which such relative grounds are to be taken into consideration. The fifth recital states:

“Whereas Member States also remain free to fix the provisions of procedure concerning the registration, the revocation and invalidity of trade marks acquired by registration; whereas they can, for example, determine the form of trade mark registration and invalidity procedures, decide whether earlier rights should be invoked either in the registration procedure or in the invalidity procedure or both and, if they allow earlier rights to be invoked in the registration procedure, have an opposition procedure or an *ex officio* examination procedure or both; whereas member states remain free to determine the effects of revocation or invalidity of trade marks.”

25) The Trade Marks Registry examines all applications for registration against the provisions of sections 3 and 5 and undertakes a search under the provisions of section 37 for that purpose. If, as a result of the search an earlier trade mark is identified which is considered to be the same or similar in respect of both the trade mark and the specification of goods and services, then the Trade Marks Registry must raise an objection to the application for registration if the Registrar is of the view that, *prima facie*, there is a likelihood of confusion. However, if the applicant is able to show, to the satisfaction of the Trade Marks Registry, that there has been honest concurrent use of the trade mark, the subject of the application, with the earlier mark, under the provisions of section 7, and with due regard to the fifth recital, then the application may be accepted and published. Where the concurrent use has not been in respect of all of the goods or services for which the trade mark is sought to be registered, the acceptance will be for those goods or services where there has been honest concurrent use. If there is no opposition to the application for registration either from the owner of the earlier trade mark against which the applicant for registration claims honest concurrent use or any third party, then the application will in due course be registered. However, if opposition is filed then the Registrar must determine whether the grounds for refusal upon which the opposition is based are made out. If the opposition is based upon section 5 then the provisions of the appropriate subsections must be considered. The fact that honest concurrent use has been shown at the examination stage cannot of itself overcome the objection.



26) In relation to section 5(2) the respective trade marks or respective specifications of goods or services may only be similar and the fact that there has been actual use of the trade mark in suit concurrently with the earlier trade mark, may be relevant in determining whether there is a likelihood of confusion.

27) In essence the test under Section 5(2) is whether there are similarities in marks and goods and/or services which would combine to create a likelihood of confusion. In my consideration of whether there are similarities sufficient to show a likelihood of confusion I am guided by the judgements of the European Court of Justice mentioned above. The likelihood of confusion must be appreciated globally and I need to address the degree of visual, aural and conceptual similarity between the marks, evaluating the importance to be attached to those different elements taking into account the degree of similarity in the goods and/or services, the category of goods and/or services in question and how they are marketed. Furthermore, I must compare the mark applied for and the opponent's registrations on the basis of their inherent characteristics assuming normal and fair use of the marks on a full range of the goods and services covered within the respective specifications.

28) The opponent's strongest case is provided by International Trade Mark No 681461 protected with effect from 26 January 1998, which is plainly an "earlier trade mark".

29) It was common ground at the hearing that the marks of both parties were similar. The applicant is seeking protection for the "Repair of motor vehicles and parts for on and off-road vehicles" in Class 37, whilst the opponent has "Vehicle service stations; vehicle repair, vehicle maintenance services" registered in Class 37 under its International mark. The applicant accepted that there was, at first sight, overlap in the services but contended that "because the parties operate in such different fields that there is no overlap". Whilst I accept that the applicant's main business would appear to be the manufacture of clutches for vehicles, this does not alter the fact that the class 37 specifications are similar.

30) Whilst I accept that honest concurrent use is not of itself a defence to a Section 5 based opposition, the fact of concurrent use, without evidence of confusion, could have a bearing on the likelihood of confusion (*Road Tech Computer Systems Limited v Unison Software* [1996] FSR 805). However, in this case the marks are very similar as are the services. In these circumstances the absence of evidence of confusion cannot be taken as an indication that there is no likelihood of confusion if these marks were used concurrently in the same market in respect of the same services. Moreover, the applicant has not in fact shown use of the mark in suit on services in Class 37 in the UK. There is therefore no substance to the claim to honest concurrent use.

38) Allowing for the dictum of imperfect recollection, I come to the conclusion that when all factors are considered, the respective marks and services covered by the application and the earlier registration of the opponent in Class 37 are similar such that there was a likelihood of confusion at 17 November 1999. Consequently, the opposition under Section 5(2)(b) in relation to Class 37 services succeeds.

39) The application in relation to classes 4 and 7 was withdrawn at the hearing. The opposition to the applicant's mark in relation to the services in Class 37 has been

successful, whilst the opposition to the goods in Classes 9 and 12 and services in Classes 40 and 41 was withdrawn at the hearing. As grounds for refusal exist only in respect of the services in Class 37 the International Registration will be allowed to proceed to protection if, within one month of the end of the appeal period for this decision, the applicants file a TM21 restricting the specification as follows:

Class 9: “Control units, control systems with electronic units for vehicles, in particular for utilization with the aforesaid products, like hydraulic pumps or motors or parts; apparatus and devices included in this class for use in or in connection with land vehicles.”

Class 12: “Parts of on and off-road vehicles, in particular the aforesaid products like hydraulic pumps or motors or parts or control devices or systems, for utilization with or in connection with land vehicles.”

Class 25: “Clothing.”

Class 40: “Recycling of motor vehicles and parts for on and off-road vehicles.”

Class 41: “Training of staff for the measuring, checking and repairing of parts of vehicles.”

40) If the applicant does not file a TM21 restricting the specification as set out above the application will be refused in its entirety.

41) The opposition has been successful with regard to one out of the seven classes of goods and services originally opposed. As the opponent was only partly successful the costs have been reduced. I order the applicant to pay the opponent the sum of £1000. This sum to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 22<sup>nd</sup> day of December 2003


George W Salthouse  
For the Registrar,  
the Comptroller-General

## ANNEX A





Mark	Number	Effective Date	Class	Specification
LUKOIL	678644	26.01.98	2	Paints, varnishes, lacquers; preservatives against rust and deterioration of wood; raw natural resins; mordants; metals in foil and powder form for painters, decorators, printers and artists; badigeon; undercoating for vehicle chassis; primers; colouring substances (not included in other classes) including food dyes and colourants; toners for copying apparatus and machines.
			3	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; scale-removing preparations for household purposes; perfumery, cosmetics; essential oils; soaps; shampoos; make-up.
			4	Dust-absorbing, wetting and binding compositions; fuel (including engine fuels) and combustible briquettes; gas and alcohols not included in other classes; petroleum (raw or refined).
			6	Base metals and their alloys; metals in powder form, except those for painters, decorators and artists; metal building materials and frameworks; metal buildings; metal pipes; non-electrical metallic cables and wires; works of art of common metal not included in other classes; safes; ores of metal; non-electric ironmongery and small items of metal hardware; goods of common metals not included in other classes; foils of metal for wrapping and packaging; filings of metal; gratings of metal; metal fences; cermets; containers (of metal) for liquid fuel and gas; metal vats; posts (of metal) for electric lines.
			7	Machines and machine tools; machine parts and machine tools; pumps, not included in other classes; engines (except for land vehicles) and parts thereof; equipment for petroleum extraction and processing, drilling equipment, not included in other classes; pneumatic tube conveyors; building and agricultural apparatus and machinery, including mini-apparatus for tilling; electrical kitchen machines; washing machines; sewing machines; electric parquet wax-polishers; mechanically operated hand-held tools; electricity generators; vacuum cleaners; equipment used for gas separation, including apparatus equipped with membranes.
			11	Lighting, heating, cooking, refrigerating, drying, ventilating, water supply and sanitary installations; tanning apparatus; disinfecting apparatus; clarifying installations; purification installations, machinery and apparatus, not included in other classes; desalination plants; air-conditioning installations; cryogenic equipment; electric ovens for household and industrial use, except those for experiments; electric kettles, water heaters and samovars; electrically-heated cushions and blankets, for non-medical use; sauna systems; shower cubicles; kitchen sinks; gas generators.
			14	Jewellery; religious objects, smokers' articles, crockery, tableware (except cutlery), vases, tankards, works of art, ornaments for shoes and clothing, coin purses, chain mesh purses and jewellery cases of precious metals or coated therewith including those with embedded precious and semi-precious stones; medals, honorary medals, decorations; watches, watch chains, watchbands, cases for clock and watch-making, watch cases, including those which are made of precious metals or coated therewith; precious and semi-precious stones; precious metals, unwrought or semi-wrought; jewellery articles.
			19	Nonmetallic building materials, including sawn timber, lumber, framework for building, nonmetallic buildings; non metallic bricks, roof tiles and tiles; road surfacing material; parquet flooring; granite; marble; art objects of stone, not included in other classes; nonmetallic monuments; nonmetallic жалюзи.
			20	Furniture, pieces of furniture; nonmetallic furniture fittings; chests, not of metal; jewellery cases (not of precious metals); mirrors; frames for paintings and mirrors; mouldings for picture frames; animal horns, bones and hooves; works of art (not included in other classes) made of wood, cork, reed, birch bark, hemp fibre, horn, bone, plastic materials, mother-of-pearl, whalebone, wax and plaster; beehives; mattresses and pillows, including inflatable mattresses and pillows (for non-medical use); sleeping bags for camping; articles of plastics not included in other classes; packaging containers of plastic, including transport pallets, not of metal, nonmetal boxes and bins, barrels, not of metal, baskets, not of metal; containers, not of metal, for liquid fuel; tanks, not of metal nor of masonry; non-metallic bakers' bread baskets; curtain rods; nonmetallic bungs and corks; mannequins; matriochkas (nest of Russian dolls).
21	Household or kitchen utensils and containers (not of precious metals or coated therewith), dishes, tableware (not of precious metal), vases, toilet utensils (not included in other classes); boxes of glass, bottles; vacuum bottles; cleaning instruments and equipment; fibreglass other than for insulation or textile use; works of art made of glass, porcelain, terra cotta and earthenware not included in other classes; majolica; birdcages, cages for farm animals; brushes (except paintbrushes).			

			29	Dried, preserved and cooked vegetables, fruits and mushrooms; jams, fruit jellies, compotes; meat, including preserved meat; protein for human consumption; game; poultry (meat); edible oils and fats; tomato purée; milk and milk products; eggs and powdered eggs; fish and seafood products, including caviar and mussels (not living); preparations for making bouillon; bouillon concentrates, milk-based cream concentrates; crystallized fruits.
			32	Beer; fruit juices; vegetable juices (beverages); mineral water (beverages); preserved drinking water; non-alcoholic beverages and preparations for making beverages.
			33	Fruit extracts containing alcohol; balms containing alcohol (beverages); alcoholic beverages (except beer).
			35	Advertising; market studies; business and statistical information; auctioning; import-export agencies; document reproduction; commercial or industrial management assistance; projects (business management assistance); computerized file management; office machines and equipment rental; organization of fairs and exhibitions for commercial or promotional purposes; employment agencies; business and statistical information on available jobs; business research; efficiency experts; sales promotion (on behalf of third parties); services relating to computer-aided sorting and processing of scientific research findings.
			36	Insurance underwriting; capital investment; credit bureaux; financial information; leasing of real estate; real estate management; mutual funds; charitable fund raising; banking; financial affairs, stock exchange quotations; brokerage; safe deposit services; customs brokerage; factoring.
			37	Vehicle service stations; vehicle repair, vehicle maintenance, vehicle cleaning; road paving and road surfacing repair; installation, maintenance and repair of machinery, refrigerating apparatus, electrotechnical and electronic apparatus; building construction, repair and cleaning; communication system installation for buildings; rental of construction equipment; explosion work; quarrying services; mining extraction, including gas and petroleum extraction; drilling of wells; trench digging; pipeline construction and maintenance.
			39	Transport by pipeline; passenger and freight transportation; vehicle rental, rental of storage containers; chauffeur services; garage rental; parking place rental; storage of goods; freight forwarding; tourist offices, except for hotel and boarding house reservations; transport brokerage; packaging of goods; message delivery.
			40	Purification, including ecological purification, purification of the air, water (ponds, drinking water, sewage water) and soil; woodworking; fur and leather conditioning; wool treating; metal treating; processing of waste (transformation); treatment of materials for use in making jewellery articles, clothing, works of art and handicrafts, drapery, furniture, technological equipment non-standardized on individual orders.
	681461	26.01.98	2	Paints, varnishes, lacquers; preservatives against rust and deterioration of wood; raw natural resins; mordants; metals in foil and powder form for painters, decorators, printers and artists; badigeon; undersealing for vehicle chassis; primers; colouring agents (not included in other classes), including food dyes and colourants; toners for copying apparatus and machines.
			3	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; scale-removing preparations for household purposes; perfumery, cosmetics; essential oils; soaps; shampoos; make-up.
			4	Dust-absorbing, wetting and binding compositions; fuel (including engine fuels) and combustible briquettes; gas and alcohols, not included in other classes; petroleum (raw or refined).
			6	Base metals and their alloys; metals in powder form, except those intended for painters, decorators and artists; metal building materials and frameworks; metal buildings; metal pipes; non-electrical metallic cables and wires; works of art of common metal, not included in other classes; safes; ores of metal; non-electric ironmongery and small items of metal hardware; goods of base metals not included in other classes; metal foils for wrapping and packaging; filings of metal; gratings of metal; metal fences; cermets; containers (of metal) for liquid fuel and gas; metal vats; poles (of metal), for electric lines.
			7	Machines and machine tools; machine parts and machine tools; pumps, not included in other classes; motors (except for land vehicles) and parts thereof; equipment for petroleum extraction and processing, drilling equipment, not included in other classes; pneumatic tube conveyors; building and agricultural apparatus and machinery, including mini-apparatus for tilling; electrical kitchen machines; washing machines; sewing machines; electrical parquet wax-polishers; mechanically operated hand-held tools; electricity generators; vacuum cleaners; equipment used for gas separation, including apparatus equipped with membranes.

11	Lighting, heating, cooking, refrigerating, drying, ventilating, water supply and sanitary installations; tanning apparatus; disinfecting apparatus; clarifying installations; purification installations, machinery and apparatus not included in other classes; desalination plants; air-conditioning installations; cryogenic equipment; electric ovens for household and industrial use, except those intended for experiments; electric kettles, water heaters and samovars; electrically-heated cushions and blankets, for non-medical use; sauna bath installations; shower cubicles; kitchen sinks; gas generators.
14	Jewellery; religious objects, smokers' articles, crockery, tableware (except cutlery), vases, tankards, art objects, ornaments for shoes and clothing, purses, chain mesh purses and jewel cases of precious metals or coated therewith, including those with embedded precious and semi-precious stones; medals, honorary medals, decorations; watches, watch chains, watchbands, cases for clock and watch-making, watch cases, including those which are made of precious metals or coated therewith; precious and semi-precious stones; precious metals, unwrought or semi-wrought; jewellery articles.
16	Printed matter, including books, pamphlets, calendars, magazines (periodicals), newspapers, guidebooks; geographical maps; atlases; paintings, engravings; artwork made of papier-mâché not included in other classes; table linen of paper; towels, pocket handkerchiefs and face towels of paper; labels, not of textile; flags and pennants of paper; playing cards; paper or plastic sachets and bags (wrappers, sleeves) used for packaging; plastic films used for packaging; paper for cooking in microwave ovens; paper and paper goods not included in other classes; paintbrushes; artists' materials; training or teaching material (except apparatus); typewriters; stationery items; office requisites (except furniture); folders for documents; covers (stationery) (except those which are made of leather and imitation leather); photographs; decalcomanias; stickers (stationery items); indoor aquariums; indoor terrariums (vivariums).
19	Nonmetallic building materials, including sawn timber, lumber, framework for building, nonmetallic buildings; bricks, tiles and panes, not of metal; road surfacing material; parquet flooring; granite; marble; artwork of stone, not included in other classes; nonmetallic monuments; nonmetallic jalousies.
20	Furniture, pieces of furniture; nonmetallic furniture fittings; nonmetal chests; jewellery cases (not of precious metal); mirrors; frames for paintings and mirrors; mouldings for picture frames; animal horns, bones and hooves; artwork (not included in other classes) made of wood, cork, reed, birch bark, hemp fibre, horn, bone, plastic materials, mother-of-pearl, whalebone, wax and plaster; beehives; mattresses and pillows, including inflatable mattresses and pillows (for non-medical use); sleeping bags for camping; goods of plastic materials not included in other classes; packaging containers of plastic, including nonmetal transport pallets, nonmetal boxes and bins, nonmetal barrels, nonmetal baskets; nonmetal containers, for liquid fuel; tanks, neither of metal nor of masonry; nonmetal bakers' bread baskets; curtain rods; nonmetal bungs and corks; mannequins; matriochkas (nest of Russian dolls).
21	Household and kitchen utensils and containers (not of precious metal or coated therewith), dishes, tableware (not of precious metals), vases, toilet utensils (not included in other classes); boxes of glass, bottles; vacuum bottles; cleaning instruments and equipment; fibreglass other than for insulation or textile use; art objects made of glass, porcelain, terra cotta and earthenware, not included in other classes; majolica; birdcages, cages for farm animals; brushes (except paint brushes).
29	Dried, preserved and cooked vegetables, fruits and mushrooms; jams, fruit jellies, stewed fruit; meat, including preserved meat; protein for human consumption; game; poultry (meat); edible oils and fats; tomato purée; milk and milk products; eggs and powdered eggs; fish and seafood products, including caviar and mussels (not living); preparations for making broth; broth concentrates; milk-based cream concentrates; frosted fruits.
32	Beer; fruit juices; vegetable juices (beverages); mineral water (beverages); preserved drinking water; non-alcoholic beverages and preparations for making beverages.
33	Fruit extracts containing alcohol; balms containing alcohol (beverages); alcoholic beverages (except beer).
35	Advertizing; market studies; business and statistical information; sale by auction; import-export agencies; document reproduction; commercial or industrial management assistance; projects (business management assistance); computerized file management; office machines and equipment rental; organization of exhibitions for commercial or advertising purposes; employment agencies; business and statistical information on available jobs; business research; efficiency experts; sales promotion (for third parties); services relating to computer-aided sorting and processing of scientific research findings.
36	Insurance underwriting; capital investment; credit bureaux; financial information; leasing of real estate; real estate management; mutual funds; charitable fund raising; banking; financial affairs, stock exchange quotations; brokerage; safe deposit services; customs brokerage; factoring.

	691220	24.02.98	37	Vehicle service stations; vehicle repair, vehicle maintenance, vehicle cleaning; road paving and road surfacing repair; installation, maintenance and repair of machinery, refrigerating apparatus, electric and electronic apparatus; building construction, repair and cleaning; communication system installation for buildings; rental of construction equipment; explosion work; quarrying services; mining extraction, including gas and petroleum extraction; well drilling; trench digging; pipeline construction and maintenance.
			38	Communications by telegraphs and telephones; communications by computer terminals; television broadcasting, including cable television; radio broadcasting; communications by telex machines and facsimile machines; access to specific communication channels; electronic mail; rental of message sending apparatus.
			39	Transport by pipeline; transport of people or freight; vehicle rental, rental of storage containers; chauffeur services; garage rental; parking place rental; storage of goods; forwarding agency services; tourist offices, except for hotel and boarding house reservations; transport brokerage; packaging of goods; message delivery.
			40	Purification, including ecological purification, purification of the air, water (ponds, drinking water, sewage water) and soil; woodworking; fur and leather conditioning; wool treating; metal treating; waste processing (treatment); services relating to the treatment of materials for making jewelry, clothing, artwork and handicrafts, drapery, furniture, technological equipment non-standardized on individual orders.
			4	Industrial oils and greases; lubricants; non-chemical additives for motor fuel; cutting fluids; lubricating grease.

## ANNEX B

Mark	Number	Effective Date	Class	Specification
	800123	07.01.60	7	Clutches (being parts of machines) and parts thereof included in Class 7.
	800124	07.01.60	12	Clutches for land vehicle propulsion systems, and parts thereof included in Class 12.
	1165610	30.11.81	12	Clutches, clutch plates, clutch disengaging mechanisms, brakes, couplings and drive shafts, all for land vehicles.
	1165611	30.11.81	12	Clutches, clutch plates, clutch disengaging mechanisms, brakes, couplings and drive shafts, all for land vehicles.
LuK	1506121	08.04.92	12	Parts for land vehicles; all included in Class 12.
LuK	1506122	08.04.92	37	Repair and reconditioning of parts for land vehicles; all included in Class 37.