

**O-278-16**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. 3135527  
BY JAMES JACKSON**

**TO REGISTER THE TRADE MARK:**

**copycat**

**IN CLASSES 9, 16 AND 25**

**AND**

**IN THE MATTER OF OPPOSITION THERETO  
UNDER NO. 60000380  
BY COOLABI PRODUCTIONS LIMITED**

## BACKGROUND

1. On 10 November 2015 James Jackson applied to register the mark shown on the cover page of this decision in respect of the following goods:

### **Class 9**

*Pre-recorded artwork on physical storage media, including CD's and DVD's; pre-recorded and downloadable videos featuring visual performances, musical and visual recordings; graphics, music, images, animated photos and videos downloadable from a global computer network and wireless devices; video and/or sound recordings; films; video games; on-line electronic publications, downloadable; computer hardware and firmware; computer software (including software downloadable from the Internet); compact discs; digital music (downloadable from the Internet); telecommunications apparatus; mouse mats; mobile phone covers; contact lenses, spectacles and sunglasses; clothing for protection against accident, irradiation or fire.*

### **Class 16**

*Printed matter, books, book covers, newspapers, pamphlets, magazines (periodicals), periodical publications, calendars, pictures; journals (publications), photographs; paper; printed advertising materials, covers for magazines; stationery; pencils; plans, charts, posters; pens; paper tissues, wrapping and packing materials; crayons, writing implements; stickers, decalcomanias, artists' materials (other than colours or varnish); paint brushes; diaries, drawing instruments; greeting cards; instructional and teaching materials (other than apparatus); address books, catalogues, brochures, programmes, adhesives (stationery); paper handkerchiefs, table napkins of paper; binders, graphic reproductions, all included in class 16.*

### **Class 25**

*Articles of clothing; T-shirts, sweatshirts, jackets, hats, caps, headgear, footwear; clothing accessories namely wrist bands, belts, scarves, hooded tops; articles of underclothing.*

2. The application was published for opposition purposes on 4 December 2015, following which Coolabi Productions Limited (the opponent) filed notice of opposition under the fast track opposition procedure.

3. The opposition is based on Section 5(2)(b) of the Trade Marks Act 1994 (the Act) and is directed against all of the goods in the application.

4. The opponent relies upon the UK Trade Mark Registration No. 2580066 for the mark **POPPY CAT**, which has a filing date of 3 May 2011 and was registered on 2 September 2011. The opponent relies on all the goods and services for which the mark is registered, which include goods in classes 3, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30 and 32 and services in classes 38 and 41<sup>1</sup>. The applied for specification is only for goods in classes 9, 16 and 25. Accordingly, I will focus on the opponent's goods in the same classes as those in the application.

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<sup>1</sup> The specification is reproduced below in the Annex to this decision.

5. Mr Jackson filed a counterstatement in which he denied the basis of the opposition.

6. Rules 20(1)-(3) of the Trade Marks Rules (TMR) (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.”

7. 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.

8. No leave was sought in respect of these proceedings.

9. 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.

10. A hearing was neither requested nor considered necessary. Both parties filed written submissions which I will refer to, as necessary, below.

## **DECISION**

11. 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”.

12. An earlier trade mark is defined in Section 6 of the Act, which states:

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

(a) a registered trade mark, international trade mark (UK) or Community trade mark or international trade mark (EC) 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.  
[...]

(2) Reference in this Act to an earlier trade mark include a trade mark in respect of which an application for registration has been made and which, if

registered, would be an earlier trade mark by virtue of subsection (1)(a) or (b), subject to its being so registered.”

13. Given its date of filing, the opponent’s mark is an earlier mark in accordance with Section 6 of the Act. The earlier mark had not been registered for more than five years at the date on which Mr Jackson’s mark was published meaning that the proof of use provisions contained in Section 6A do not apply. The opponent can, as a consequence, rely upon its full specification as registered for its earlier mark in these proceedings.

### **Section 5(2)(b) case law**

14. 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**

15. Some of the contested goods, e.g. mouse mats in class 9, paper in class 16 and footwear in class 25, are identical to the goods on which the opposition is based. For reasons of procedural economy, I will not undertake a full comparison of the goods listed above. The examination of the opposition will proceed on the basis that the contested goods are identical to those covered by the earlier mark. If the opposition should fail, even where the goods are identical, it follows that the opposition will also fail where the goods are only similar.

### **Comparison of marks**

16. 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 Court of Justice of the European Union (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.”

17. It would be wrong, therefore, artificially to dissect the marks, 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.

18. The respective marks are shown below:

Mr Jackson's mark	Opponent's mark
copycat	POPPY CAT

### Overall impression

19. Mr Jackson's mark consists of the word copycat presented in lower case; self-evidently, it is the dominant and distinctive component of the mark. The opponent's mark consists of two words POPPY and CAT presented in upper case; together they form the dominant and distinctive element of the mark and contribute equally to the overall impression it conveys.

### Visual similarity

20. The marks are of different lengths and differ in that Mr Jackson's mark is presented as a single seven letter word whilst the opponent's mark consists of two separate words, which are made of five and three letters respectively. The last three letters cat/CAT of each mark are the same. The marks also coincide to the extent that they contain op/OP in the second and third letter position and y/Y at, respectively, the fourth letter position (in Mr Jackson's mark) and the end of the first word POPPY (in the opponent's mark). As the concept of fair and notional use would allow either mark to be used in upper or lower case, it matters not the difference in casing. However, the change of the first letter c/P of the marks, the double consonants PP in the middle of the first word of the opponent's mark and the fact that in the opponent's mark the words POPPY and CAT are separated, create, in my view, a striking difference. Overall, there is a low to medium degree of visual similarity.

### Aural similarity

21. The aural differences between the marks are less striking than the visual differences. This is because, when the opponent's mark is articulated, the gap between POPPY and CAT will be nearly imperceptible and the difference created by the sound of the double PP will be less noticeable. There is a medium to high degree of aural similarity.

### Conceptual similarity

22. The opponent makes a bare assertion that the marks are visually, phonetically and conceptually similar, but provides no reason to support its claim. On the conceptual similarity Mr Jackson submits:

"1. "POPPY CAT" consists of two words of which upon simple investigation relates to an animated character called "POPPY" who they seek to inform the observer is a "CAT" by character name alone."

And

“...2. As such “POPPY CAT” (A characters (sic) name and a word separated by a phonetic break known in the text as a space) could not be confused with the singular word copycat.”

23. Conceptually, I begin by observing that the word copycat is a well-known word and that the average consumer would not divide it into two separate words, i.e. copy and cat. In reaching a conclusion on this point, I have reminded myself of the comments of the Appointed Person in *Cherokee* (BL-O/048/08). The word ‘copycat’ is defined by Oxford English Dictionary as:

“*noun informal, derogatory* (especially in children's use) a person who copies another's behaviour, dress, or ideas”.

24. This accords with my own experience of the use of the word and whilst no evidence has been filed on how pervasive the use of the word ‘copycat’ is in the UK, I am satisfied that my own state of knowledge is likely to reflect that of the average consumer of the parties’ goods.

25. The term POPPY has two primary significances. One is a flower, the other a feminine forename. Absent evidence, I reject Mr Jackson’s claim that POPPY CAT will be seen as an animated character or that it would be perceived by the average consumer as such. Although I do not think the matter can be beyond doubt, I think it is most likely that consumers will see the opponent’s mark as referring to a cat whose name is POPPY. As the competing marks have entirely different meanings, they are conceptually dissonant.

### **Distinctive character of the earlier mark**

26. 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).”

27. These are fast track opposition proceedings in which it was not necessary for the opponent to provide any evidence of the use it may have made of its earlier mark, thus, I have only the inherent characteristics to consider.

28. In my view, the opponent's mark is neither descriptive nor allusive in relation to any of the registered goods in classes 9, 16 and 25 (to which I limit my comparison) and I consider that the mark is endowed with an average degree of distinctive character.

### **Likelihood of confusion**

29. Mr Jackson argues that as the opponent has not sought to oppose other marks containing the word(s) copycat/COPY CAT, this means that there is no likelihood of confusion with his mark. However, this is irrelevant, since, as the opponent pointed out, it is a matter for the proprietor of an earlier mark to decide what later marks it seeks to oppose.

30. 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.

31. Earlier in this decision I indicated that I would limit my assessment to the parties' goods in classes 9, 16 and 25 and that I will proceed on the basis, most favourable to the opponent i.e. that the competing goods are identical. I must also bear in mind that the analysis must be made through the eyes of the average consumer for the goods at issue.

32. 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.”

33. The average consumer for the parties' goods is likely to include both the general public and business users. The purchasing process is likely to be primarily visual with the goods being selected from the shelves of a shop or from the pages of a website although I do not discount aural consideration in the form of, for example, interaction with a sales assistant and orders placed by phone. Whilst the level of



attention is likely to vary depending on the price and the nature of the goods, from low, e.g. members of the general public selecting a mouse mat, to higher than average, e.g. business users selecting hardware and software, I will judge the matter according to the lower level of attention, which constitutes the best case for the opponent. I remind myself that I have found that the marks are visually similar to a low to medium degree, aurally similar to a medium to high degree and conceptually dissonant.

34. In reaching a conclusion, I bear in mind the decision of the CJEU in *The Picasso Estate v OHIM*, Case C-361/04 P, where it found that:

“20. By stating in paragraph 56 of the judgment under appeal that, where the meaning of at least one of the two signs at issue is clear and specific so that it can be grasped immediately by the relevant public, the conceptual differences observed between those signs may counteract the visual and phonetic similarities between them, and by subsequently holding that that applies in the present case, the Court of First Instance did not in any way err in law.”

35. Even proceeding on the basis that goods are identical and that the average consumer will pay a low degree of attention during the purchasing act, in my view, the completely different conceptual messages that will be conveyed by the competing marks are so obvious, that they will counteract the visual and phonetic similarities between the marks. I am satisfied, there is no likelihood of either direct confusion (in the sense that the average consumer mistakes one mark for the other) or indirect confusion (where the average consumer assumes the goods come from the same or related undertakings).

## **CONCLUSION**

36. The opposition has failed, and subject to any successful appeal, the application will proceed to registration.

## **COSTS**

37. As Mr Jackson has been successful, he is entitled to a contribution towards his costs. Awards of costs in Fast Track opposition proceedings are governed by Tribunal Practice Notice (TPN) 2/2015. Bearing both that TPN and the fact that Mr Jackson has not been legally represented in these proceedings in mind, I award costs to Mr Jackson on the following basis:

Preparing a statement and considering the other side's statement: £ 100

Preparing submissions: £ 100

**Total: £ 200**

38. I order Coolabi Productions Limited to pay James Jackson the sum of £ 200 as a contribution towards his costs. This sum is to be paid within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case, if any appeal against this decision is unsuccessful.

**Dated this 6th day of June 2016**

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

## **Annex**

### **Class 3**

*Cosmetics and fragrances; cosmetic kits; perfumery; essential oils; creams, lotions and powders for the cosmetic treatment and care of the skin, hands, face, body, eyes, hair and nails; skin moisturizers; hand cream; talcum powder; lip balm; non-medicated preparations for the hair, shampoo, hair conditioner, mousse, styling gel; anti-perspirants and deodorants for personal use; shower gel, body wash, soap; sun screen; bath oil, bubble bath; toothpaste; baby wipes; wipes impregnated with cosmetic lotions and cleaning agents; cotton wool, cotton balls and cotton buds for cosmetic and personal use.*

### **Class 9**

*Computer games; computer game software; video game programmes; interactive entertainment software; electronic games; video game cartridges; computer and video game software downloaded from the Internet or other computer networks; printed publications, limited to magazines, comics, periodicals, artwork publications, newsletters and newspapers all in electronically readable form; animated cartoons and films; sound, video, film and picture recordings; pre-recorded media in the form of compact discs, CD ROMs, DVDs, computer discs, video cassettes, video tapes; sound recordings, other than audio books; computer software relating to children's education and entertainment; automatic vending machines and mechanisms for coin operated apparatus; apparatus and instruments for recording and/or reproducing sound and/or video and/or data and/or information; telecommunications devices and accessories; electronic audio equipment; portable audio and video players; radios, clock radios; televisions; games consoles; cameras; video cameras, audio-visual apparatus; mats for use with a computer mouse; decorative magnets; sunglasses and spectacle frames; spectacle cases; compasses; binoculars; telescopes; microscopes; microphones; calculators; bicycle helmets, protective helmets; protective elbow and knee pads; floats for bathing and swimming; water wings; swimming belts; CD and DVD wallet holders; parts and fittings for all the aforesaid goods.*

### **Class 11**

*Night lights; seasonal lights; lamps; hanging lamps; chandeliers; lamp shades; string lights; decorative electric lighting sets; light wands; flashlights; bicycle reflectors; bicycle lights.*

### **Class 14**

*Jewellery; imitation and plastic jewellery; jewellery boxes; jewellery cases; jewellery stands; watches and clocks; watch straps; key rings; tie-pins; cufflinks; parts and fittings for all the aforesaid goods.*

### **Class 16**

*Paper and paper articles; cardboard and cardboard articles; greetings cards; postcards; trading cards; gift wrap; gift bags; gift tags; wrapping and packaging*

*material (included in class 16); badges made of cardboard or paper; stickers (other than for use with sticker books), transfers and decals; decorative wall decals; framed or unframed pictures, photographs, prints; posters; stationery; pens, pencils, coloured pencils, felt-tipped pens, markers and crayons; cases and containers for pens, pencils, coloured pencils, felt-tipped pens, markers and crayons; erasers, rulers, stencils, pencil sharpeners, pencil and pen holders; adhesives and glues for household purposes; modelling clay; printing stamps and ink pads; chalk and chalk boards; notebooks, notepads, blank journals; folders, binders, document files; boxes for stationery and papers; boxes made of paper or cardboard; writing pads and paper; blank drawing books, colouring books; join-the-dot books; art paints and art painting sets; paint boxes; paint brushes, pastels; rubber stamps, printing blocks; ink pads for stamps; calendars; diaries; address books; scrap books; autograph books; magazines, comics, periodicals, artwork publications, newsletters, newspapers; sheet music; bookmarks; bookends; height charts; party accessories made of paper or cardboard; party invitations; party decorations and banners made of paper or cardboard; coasters made of paper or cardboard; paper table coverings; table mats; paper table napkins; paper handkerchiefs and tissues; printed patterns for costumes; notebook holders; document cases and holders; dry eraser boards; whiteboards.*

### **Class 18**

*Articles made of leather or imitations of leather; bags, back packs, rucksacks, school bags and satchels, book bags, waist packs, duffle bags, lunch bags, gym bags, sports bags, tote bags, messenger bags, beach bags, diaper bags; toiletry cases and bags sold empty; key cases; suitcases, travel cases, luggage, holdalls, handbags, shoulder bags; umbrellas, parasols, walking sticks; wallets, purses, coin purses.*

### **Class 20**

*Furniture; mirrors; picture frames, photo frames; beds; chairs; high chairs for babies; book shelves; magazine racks, ottomans; stools; tables; tray tables; novelty chairs, inflatable chairs; bean bag chairs; rocking chairs; media storage furniture; indoor blinds; figurines made of wood, wax, plaster, resin or plastic; sleeping bags, sleeping mats; drinking straws; pillows and cushions; novelty pillows; clothes hangers; clothes hooks and pegs; fabric hanging organizers; prefabricated closet organization systems made of wood or metal; mobiles; plastic cake decorations; cork notice boards and pin boards; memo boards; wall decorations of wood; non-metal and non-paper containers for storage; wooden knobs, plastic knobs, non-metal drawer pulls; non-metal name plates; lap desks.*

### **Class 21**

*Household and kitchen utensils and containers; glassware; porcelain, ceramic and earthenware goods; boxes made of glass, porcelain, ceramic or earthenware; cups, mugs, plates, dishes, bowls and pots; cups made of paper or plastic; plates made of paper or plastic; disposable tableware (other than cutlery); bottles; water canteens; drinking bottles; drinking glasses; lunch boxes; containers for food or beverages; soap boxes, soap dishes, soap dispensers; toothbrushes; electric toothbrushes; toothbrush holders and containers; combs, brushes; sponges; potties, toilet trainer seats; bins for storage; waste paper bins and waste baskets for domestic use; plastic table coverings; money boxes; cookie cutters; articles for use in cake decorating.*

**Class 24**

*Textiles and textile goods; household linen; kitchen towels, towels; beach towels; handkerchiefs; napkins; oven mitts; dishcloths; flannels; washing mitts; table linen; table cloths; place mats, table mats, coasters; bed linen; baby blankets, infant bedding sets; bed sheets; duvets; duvet covers; blankets for beds; bedspreads; bed covers; pillow cases; valances; textile wall hangings; curtains; shower curtains; fabric flags.*

**Class 25**

*Clothing, footwear, headgear; shirts, shorts, trousers, T-shirts, polo shirts, sweatshirts, sweaters, dresses, skirts; boxer shorts, lingerie, socks, hosiery, underwear; coats, jackets; sleepwear; slippers; hats, caps, visors; scarves, ear muffs, gloves; swimwear; beachwear; bathrobes, dressing gowns; infant wear; belts; fancy dress, masquerade and Halloween costumes.*

**Class 26**

*Badges and novelty badges included in class 26; patches; buttons, ribbon and braid; hair bands and slides; belt clasps; hairgrips; hair and shoe ornaments; hat ornaments; shoe laces; brooches and buckles.*

**Class 27**

*Carpets, rugs, mats and matting, linoleums and other materials for covering existing floors; wall hangings (non-textile); wall borders; wallpaper; door mats; bath mats.*

**Class 28**

*Toys; games; playthings; gymnastic and sporting articles; toy figures; dolls, plush dolls, rag dolls; doll accessories and clothes; plush toys; soft toys; soft sculpted toy figures and dolls; puppets; fancy dress, masquerade and Halloween masks; board games; playing cards, card games; jigsaw puzzles; craft and activity sets; balls; toy watches; balloons; mobiles; pool rings, water wings; inflatable swimming pools; bath toys; pool toys; kites; soap bubbles; novelties for parties; roller skates, in-line skates, skateboards; elbow pads, knee pads; jump ropes; party hats; decorations for Christmas trees; amusement apparatus and electronic arcade games; toy confectionery dispensers.*

**Class 29**

*Meat, fish, poultry and game; preparations made from meat, fish, seafood, poultry and game; meat extracts; soups; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; dairy products; eggs, milk and milk products; edible oils and fats; nuts; snack foods; potato chips; desserts and fillings therefor; prepared meals and ingredients therefor; prepared salads; fruit salads.*

**Class 30**

*Confectionery; chocolate; ices, ice cream, frozen confections; coffee, tea, cocoa, sugar, rice, flour and preparations made from cereals, bread, cakes, pastry; cake mixes; honey, treacle; sauces; custard; spices; breakfast cereals; biscuits, cookies; pancakes; pizzas; popcorn; cocoa and chocolate based beverages; edible cake decorations.*

**Class 32**

*Mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.*

**Class 38**

*Broadcasting services; television and radio broadcasting services.*

**Class 41**

*Education and entertainment services; sporting and cultural activities; film, video, radio and television entertainment; production and distribution of television programmes, videos and films; entertainment services provided via the Internet; streaming of audio and video material on the Internet; videotape, film, CD-ROM, DVD and cassette production; video and videotape editing; organisation of games and competitions; provision of play facilities for children; music writing services; amusement arcade services; information, advisory and consultancy services relating to the aforesaid services.*