

**IN THE HEARINGS AND MEDIATION DEPARTMENT OF THE
INTELLECTUAL PROPERTY OFFICE OF SINGAPORE**

[2026] SGIPOS 10

Trade Mark No. 40202109459Q

IN THE MATTER OF A TRADE MARK APPLICATION

IN THE NAME OF

**OLIMP LABORATORIES SPOLKA Z OGRANICZONA
ODPOWIEDZIALNOSCIA**

... Applicant

AND

AN OPPOSITION BY

COMITÉ INTERNATIONAL OLYMPIQUE

... Opponent

GROUND OF DECISION

TABLE OF CONTENTS

BACKGROUND	2
ISSUE 1: WHETHER THE GROUND OF OPPOSITION UNDER S 8(2)(B) OF THE TMA IS MADE OUT.....	4
SIMILARITY OF MARKS	4
<i>Visual similarity.....</i>	<i>6</i>
<i>Aural similarity.....</i>	<i>12</i>
<i>Conceptual similarity.....</i>	<i>14</i>
<i>Conclusion on similarity of marks</i>	<i>16</i>
IDENTITY/SIMILARITY OF GOODS OR SERVICES.....	16
<i>Class 5.....</i>	<i>17</i>
<i>Class 29.....</i>	<i>19</i>
<i>Class 30.....</i>	<i>21</i>
<i>Conclusion on identity/similarity of goods or services.....</i>	<i>23</i>
LIKELIHOOD OF CONFUSION	24
<i>Degree of similarity of the marks themselves</i>	<i>25</i>
<i>Reputation of the marks</i>	<i>25</i>
<i>Impression given by the marks.....</i>	<i>28</i>
<i>Possibility of imperfect recollection of the marks</i>	<i>28</i>
<i>Normal way in or the circumstances under which consumers would purchase goods or services of that type.....</i>	<i>28</i>
<i>Whether the products are expensive or inexpensive items.....</i>	<i>29</i>
<i>Nature of the goods or services and whether they would tend to command a greater or lesser degree of fastidiousness and attention on the part of prospective purchasers</i>	<i>30</i>

<i>Likely characteristics of the relevant consumers and whether they would or would not tend to apply care or have specialist knowledge in making the purchase</i>	32
<i>Conclusion on likelihood of confusion</i>	33
CONCLUSION ON ISSUE 1	33
ISSUE 2: WHETHER THE GROUND OF OPPOSITION UNDER S 8(4)(B)(II) OF THE TMA IS MADE OUT	33
IDENTITY/SIMILARITY OF MARKS	34
WELL KNOWN TO THE PUBLIC AT LARGE IN SINGAPORE.....	35
DILUTION IN AN UNFAIR MANNER OR TAKING UNFAIR ADVANTAGE	41
<i>Dilution in an unfair manner</i>	41
<i>Taking unfair advantage</i>	44
CONCLUSION ON ISSUE 2.....	45
ISSUE 3: WHETHER THE GROUND OF OPPOSITION UNDER S 8(7)(4) OF THE TMA IS MADE OUT	45
CONCLUSION	47
ANNEX A: DETAILS OF THE OPPONENT’S MARKS	49
ANNEX B: DETAILS OF THE APPLICANT’S MARK	52

Comité International Olympique
v
Olimp Laboratories Spolka Z Ograniczona
Odpowiedzialnoscia

[2026] SGIPOS 10

Trade Mark No. 40202109459Q
IP Adjudicator Jonathan Ng Pang Ern
14 July 2026

11 August 2026

IP Adjudicator Jonathan Ng Pang Ern:

1 The Olympic Games need no introduction. Aspirational for athletes and inspirational for the spectating public, they represent the pinnacle of sporting excellence. But the Olympic Games also serve a noble cause: they “send a powerful message of diversity, inclusion and non-discrimination as athletes from all races, religions, ethnicities and cultures compete with each other and live together in harmony in the Olympic Village” (International Olympic Committee, “Olympic Games: Roles and Responsibilities” <<https://www.olympics.com/ioc/olympic-games-roles-and-responsibilities>> (accessed 11 August 2026)).

2 The intellectual property associated with the Olympic Games is, at the risk of some oversimplification, known as “Olympic properties” (Rule 7 of the Olympic Charter (in force as from 24 June 2026)). Against the backdrop set out at [1] above, it is unsurprising that Olympic properties are zealously guarded. Indeed, the protection of Olympic properties has been said to be “crucial to the viability of the Olympic Movement” (International Olympic Committee,

“Olympic Properties” <<https://www.olympics.com/ioc/olympic-properties>> (accessed 11 August 2026)). Intellectual property rights, including trade marks, play a critical role in this endeavour.

3 The Opponent is the owner of the intellectual property rights over Olympic properties. It brings these proceedings to oppose the registration of the Applicant’s mark pursuant to ss 8(2)(b), 8(4)(b)(ii) and 8(7)(a) of the Trade Marks Act 1998 (2020 Rev Ed) (the “TMA”). Is the opposition under any of these grounds made out? Having considered the evidence and the parties’ submissions, I dismiss the opposition. These are the reasons for my decision.

Background

4 The Opponent is the International Olympic Committee. It is the authority responsible for organising the Olympic Games, which, in its modern iteration, comprise the Summer Olympic Games, the Winter Olympic Games and the Youth Olympic Games.¹ As mentioned earlier (see [3] above), it is the owner of the intellectual property rights over Olympic properties. In these proceedings, it relies on its proprietorship of the following four registered word marks (collectively, the “Opponent’s Marks”) in the following classes. Given the length of the specifications, the complete details of the Opponent’s Marks are set out in Annex A.²

Mark	Registration class
OLYMPIAN	5, 29, 30
OLYMPIAD	5, 29, 30

¹ Notice of Opposition at para 2.

² Notice of Opposition at para 8; Opponent’s Written Submissions in Reply at para 52.

OLYMPIC	5
THE OLYMPICS	5

5 The Applicant is a Polish pharmaceutical company that has been in operation since 1990.³ It applied to register the following composite mark (the “Applicant’s Mark”) in Classes 5, 29 and 30 on 21 May 2020. The complete details of the Applicant’s Mark are set out in Annex B.⁴

Mark	Registration class
	5, 29, 30

6 The Opponent filed its Notice of Opposition on 20 December 2022. It opposes the registration of the Applicant’s Mark pursuant to ss 8(2)(b), 8(4)(b)(ii) and 8(7)(a) of the TMA. Unsurprisingly, the Applicant resists all three grounds of opposition. In the circumstances, the issues that arise for my determination are as follows:

- (a) whether the ground of opposition under s 8(2)(b) of the TMA is made out (“Issue 1”);
- (b) whether the ground of opposition under s 8(4)(b)(ii) of the TMA is made out (“Issue 2”); and

³ Statutory Declaration of Elżbieta Pniewska-Caban at para 4.

⁴ Notice of Opposition at para 12.

- (c) whether the ground of opposition under s 8(7)(a) of the TMA is made out (“Issue 3”).

Issue 1: Whether the ground of opposition under s 8(2)(b) of the TMA is made out

7 Issue 1 is whether the ground of opposition under s 8(2)(b) of the TMA is made out. This provision reads as follows:

- (2) A trade mark must 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.

8 The analysis under s 8(2)(b) of the TMA must necessarily proceed under the step-by-step approach endorsed by the Court of Appeal in *Staywell Hospitality Group Pty Ltd v Starwood Hotels & Resorts Worldwide, Inc and another and another appeal* [2014] 1 SLR 911 (“*Staywell*”). Under this approach, the first two elements in the provision (*ie*, similarity of marks and identity/similarity of goods or services) are assessed individually before the final element (*ie*, likelihood of confusion) is assessed in the round (*Staywell* at [15]).

Similarity of marks

9 Turning first to the element of similarity of marks, it is well established that this is assessed using the three criteria of visual, aural and conceptual similarities. The assessment is undertaken on a mark-for-mark basis without consideration of any extraneous factors (*Staywell* at [20]). In making its assessment, the tribunal assumes the viewpoint of the average consumer who

has imperfect recollection but would nevertheless exercise some care and a measure of good sense in making his or her purchases (*Hai Tong Co (Pte) Ltd v Ventree Singapore Pte Ltd and another and another appeal* [2013] 2 SLR 941 (“*Hai Tong*”) at [40(c)] and [40(d)]). The three criteria are not considered formulaically; instead, they are signposts towards answering the question of whether the marks are similar (*Staywell* at [18]). Thus, it has been said that the similarity of marks is ultimately and inevitably a matter of impression (*Staywell* at [17]).

10 It is also well established that the marks-similarity inquiry must have regard to the distinctive and dominant components of the marks (*Staywell* at [26]). However, this principle is easy to state but not straightforward to apply. In *Staywell*, the Court of Appeal observed (at [22]-[24]) that there are two aspects of distinctiveness in trade mark law: technical distinctiveness and non-technical distinctiveness. Technical distinctiveness usually stands in contradistinction to descriptiveness. It encompasses inherent distinctiveness (where, for example, the words comprising the mark are meaningless and can say nothing about the goods or services) and acquired distinctiveness (where the words do have a meaning and might well say something about the goods or services, yet come to acquire the capacity to act as a badge of origin through long-standing or widespread use). As for non-technical distinctiveness, this refers to what is outstanding and memorable about the mark.

11 In *V V Technology Pte Ltd v Twitter, Inc* [2023] 5 SLR 513, the General Division of the High Court helpfully clarified that: (a) non-technical distinctiveness essentially refers to the dominant component of the mark (at [63]); and (b) acquired distinctiveness should not be considered at the marks-similarity inquiry (although it can be considered at the confusion inquiry) (at [119(c)]). With this welcome clarification, the principle essentially exhorts

consideration of the inherently distinctive and dominant components of the marks. Where inherent distinctiveness is concerned, an earlier trade mark that has greater inherent distinctiveness enjoys a high threshold before a later trade mark will be considered dissimilar to it (*Staywell* at [25]).

12 With these overarching principles in mind, I now turn to consider the visual, aural and conceptual similarities between the Opponent's Marks and the Applicant's Mark.

Visual similarity

13 As mentioned earlier (see [11] above), the marks-similarity inquiry must have regard to the inherently distinctive and dominant components of the marks. In the context of assessing visual similarity, identifying the dominant component of a mark assumes particular significance where a composite mark is involved. This is because the overall impression conveyed to the public by a composite mark may, in certain circumstances, be dominated by one or more of its components (*Hai Tong* at [62(c)]). The textual component can be the dominant component where, for example, it is large and is in a prominent location in relation to the other components or stands out from the background of the mark (*Hai Tong* at [62(d)]). On the other hand, the device component has been found to be an equally significant, if not the dominant, component where, for example, it is significant and large or of a complicated nature, but not where, for example, it is simple and will not evoke any particular concept for the average consumer or is more likely to be perceived as a decorative element rather than as an element indicating commercial origin (*Hai Tong* at [62(e)]).

14 The Opponent submits that the dominant component of the Applicant's Mark is the "OLIMP" part of the textual component. According to the Opponent, this is because: (a) the "OLIMP" part of the textual component

appears in large, prominent, stylised lettering and occupies the most visually impactful position in the Applicant's Mark; (b) the "SPORT NUTRITION" part of the textual component is significantly smaller than the "OLIMP" part of the textual component, appears in a secondary position below the latter, and is descriptive; and (c) the device component is a simple geometric figure which is likely to be perceived as a decorative element and constitutes a minor component of the Applicant's Mark. Comparing the "OLIMP" part of the textual component of the Applicant's Mark and the Opponent's Marks, which all begin with the "OLYMP" prefix, the Opponent submits that the Opponent's Marks and the Applicant's Mark are visually similar to a high degree.⁵

15 On its part, the Applicant submits that the Opponent's Marks and the Applicant's Mark are visually distinct. While the Opponent's Marks are plain word marks, the Applicant's Mark is a composite mark comprising prominent device elements, stylised lettering, colour features and an overall graphical presentation which materially alter its visual impression. The Applicant argues that the visually distinctive components of the Applicant's Mark are the device component (which is positioned at the beginning of, and slightly above, the "OLIMP" part of the textual component) and the "OLIMP" part of the textual component (which is rendered in a bold, italicised, light grey font which, in turn, gives it a dynamic and stylised appearance). The Applicant accepts that the "SPORT NUTRITION" part of the textual component does not dominate the Applicant's Mark. Overall, the Applicant's position is that the Opponent's Marks and the Applicant's Mark are not visually similar.⁶

16 Both parties' submissions centre around the question of which are the inherently distinctive and dominant components of the Applicant's Mark.

⁵ Opponent's Written Submissions at paras 15-31.

⁶ Applicant's Written Submissions at paras 10-32.

Presumably, this is because the Opponent's Marks are all word marks with a single textual component. My analysis will therefore similarly proceed on this basis.

17 In my view, the *dominant* components of the Applicant's Mark are: (a) the "OLIMP" part of the textual component; and (b) the device component. Both of these components make the mark outstanding and memorable (see [10]-[11] above) for the following reasons:

(a) The "OLIMP" part of the textual component is large and is in a prominent location in relation to the other components (see [13] above). In any event, both parties agree that the "OLIMP" part of the textual component is a dominant component of the Applicant's Mark.

(b) The device component is an equally significant component because of its size and position as well as its integration with the "OLIMP" part of the textual component. With regard to the former, the device component takes up the same amount of real estate as, if not more real estate than, the "OLIMP" part of the textual component in the Applicant's Mark. It is also prominently placed at the top left-hand corner of the Applicant's Mark. It is therefore significant and large (see [13] above). As for the latter, as the Applicant points out, the "OLIMP" part of the textual component is presented in the same light grey colour as the top-right hexagon in the device component.⁷ In my view, this integrates the device component with the "OLIMP" part of the textual component and gives an overall cohesiveness to the Applicant's Mark. To borrow the language of the Principal Assistant Registrar in *Cosmetic Warriors Limited v Genpulse Pte Ltd* [2026] SGIPOS 1 (at [18]), there

⁷ Applicant's Written Submissions at para 24.

is a “unity of design” between the “OLIMP” part of the textual component and the device component.

18 I am further of the view that these same components are also the *inherently distinctive* components of the Applicant’s Mark. The Applicant’s application is to register the Applicant’s Mark in Classes 5, 29 and 30 under the following specifications:⁸

Class 5

Strengthening nutritional supplements containing parapharmaceutical preparations for prophylactic use and for convalescents.

Class 29

Food preparations primarily of vegetables, fruits, meat, nuts, whey, milk, oils and gelatin, and also containing grains, enriched with proteins, vitamins, mineral salts and amino acids.

Class 30

Carbohydrates preparations for food that are enriched with vitamins and mineral salts.

19 Neither the “OLIMP” part of the textual component nor the device component says anything about these goods (see [10] above). These components are therefore the *inherently distinctive* components of the Applicant’s Mark.

20 Having identified the “OLIMP” part of the textual component and the device component as the *inherently distinctive* and dominant components of the Applicant’s Mark, I now turn to compare them with the Opponent’s Marks. In my assessment, the following factors render the Applicant’s Mark visually dissimilar from the Opponent’s Marks:

⁸ Notice of Opposition at para 12.

(a) First, I agree with the Applicant that the Applicant's Mark conveys a different visual impression from the Opponent's Marks. This is owing largely to the presence of the device component, which I have found to be an equally significant component of the Applicant's Mark (see [17(b)] above). Although the Applicant has also relied on the stylised lettering and colour features of the Applicant's Mark, I do not give any weight to these elements in this part of the analysis in view of the Court of Appeal's observation in *Sarika Connoisseur Cafe Pte Ltd v Ferrero SpA* [2013] 1 SLR 531 ("*Sarika*") (at [24]), which, when applied in the context of opposition proceedings, essentially prohibits the use of font-related design elements to differentiate a later trade mark from an earlier word mark with similar underlying words. I am cognisant that the Principal Assistant Registrar in *MAN Marken GmbH v VMAN Engine Singapore Pte Ltd* [2026] SGIPOS 8 took the view (at [19]) that there is a boundary beyond which protection in block letters does not extend. However, in my assessment, the present case does not cross that boundary.

(b) Second, I am unable to accept the Opponent's submission that the Opponent's Marks all begin with the "OLYMP" prefix. I note, as an aside, that this submission appears to misunderstand the meaning of a prefix. Prefixes are letters added to the *beginning* of a base word to make a new word with a different meaning (Cambridge Dictionary, "Prefixes" <<https://dictionary.cambridge.org/grammar/british-grammar/prefixes>> (accessed 11 August 2026)). Thus, "OLYMP" is not a prefix. Instead, it is the base word that is modified by the "IAN", "IAD", "IC" and "ICS" *suffixes* in the Opponent's Marks. Be that as it may, this distinction between prefixes and suffixes is not crucial. The Opponent has not submitted that the "OLYMP" part of the Opponent's Marks is the

inherently distinctive or dominant component of the Opponent's Marks. Thus, the comparison is not with the "OLYMP" part of the Opponent's Marks. Instead, it is with the Opponent's Marks as they appear *in full* (ie, OLYMPIAN, OLYMPIAD, OLYMPIC and THE OLYMPICS). When seen in this light, the Opponent's Marks and the Applicant's Mark are visually dissimilar.

(c) Third, even if the comparison is with the "OLYMP" part of the Opponent's Marks, any similarity between this and the "OLIMP" part of the textual component of the Applicant's Mark should not be overstated. Although there is only a single-letter difference, and notwithstanding that the average consumer's recollection is imperfect (see [9] above), I agree with the Applicant that the letter "I" is sufficiently visually different from the letter "Y" to render the substitution readily noticeable.⁹

21 As against the above, I accept that there is some visual similarity between the Opponent's Marks and the Applicant's Mark because there is ultimately alphabetical overlap between the "OLYMP" part of the Opponent's Marks and the "OLIMP" part of the textual component of the Applicant's Mark. In addition, having regard to the goods for which the Opponent's Marks are registered (see Annex A below), I accept the Opponent's submission that the Opponent's Marks possess a high degree of inherent distinctiveness.¹⁰ Accordingly, they enjoy a high threshold before the Applicant's Mark will be considered dissimilar to them (see [11] above).

⁹ Applicant's Written Submissions at para 27.

¹⁰ Opponent's Written Submissions at paras 12-14.

22 All things considered, I find that the Opponent's Marks and the Applicant's Mark are visually similar to a *low* degree.

Aural similarity

23 There are two approaches to determine aural similarity. The first is to consider the dominant component of the marks (the "Dominant Component Approach"), while the second involves a quantitative assessment as to whether the marks have more syllables in common than not (the "Quantitative Assessment Approach") (*Staywell* at [31]-[32]).

24 Under the Dominant Component Approach, the Opponent submits that the dominant component of the Applicant's Mark is the "OLIMP" part of the Applicant's Mark, which is only aurally differentiated by the short suffixes found in the Opponent's Marks. This, the Opponent says, gives rise to a high degree of aural similarity.¹¹ The Applicant accepts that the "OLIMP" part of the Applicant's Mark is the dominant component of the Applicant's Mark, and that it is likely to be pronounced similarly to the "OLYMP" part of the Opponent's Marks. However, while accepting that there is some degree of aural similarity, the Applicant submits that this similarity is confined to the opening sound and must be assessed together with the materially different endings of the Opponent's Marks. According to the Applicant, these endings contribute materially to the overall sound, rhythm, stress pattern and cadence of each of the Opponent's Marks. Thus, the Applicant says that there is only a low degree of aural similarity.¹²

¹¹ Opponent's Written Submissions at paras 33-35.

¹² Applicant's Written Submissions at paras 34-39.

25 In my view, the dominant component of the Applicant's Mark, for the purposes of assessing aural similarity, is no doubt the "OLIMP" part of the Applicant's Mark. While this is pronounced similarly to the "OLYMP" part of the Opponent's Marks, I agree with the Applicant that the different endings of the Opponent's Marks must be taken into account. As the Applicant submits, these are not negligible suffixes.¹³ In my assessment, under the Dominant Component Approach, there is a moderate degree of aural similarity.

26 As for the Quantitative Assessment Approach, the Opponent submits that the Applicant's Mark is pronounced identically to the first two syllables of the Opponent's Marks. As there are more similar syllables than not, the Opponent submits that there is a high degree of aural similarity.¹⁴ On the other hand, the Applicant emphasises that: (a) the Opponent's OLYMPIC mark contains an additional syllable; (b) the Opponent's OLYMPIAN and OLYMPIAD marks contain two additional syllables; and (c) the Opponent's THE OLYMPICS mark contains both an additional word and an additional ending.¹⁵ Again, the Applicant submits that there is only a low degree of aural similarity.

27 Curiously, both parties, in their submissions on the Quantitative Assessment Approach, have continued to compare the "OLIMP" part of the Applicant's Mark with the Opponent's Marks. With respect, this might not be correct because the Quantitative Assessment Approach does not appear to consider the dominant component of the marks. Indeed, if it did so, then this would render meaningless the distinction between the Dominant Component Approach and the Quantitative Assessment Approach. In my view, the

¹³ Applicant's Written Submissions at para 37.

¹⁴ Opponent's Written Submissions at paras 36-37.

¹⁵ Applicant's Written Submissions at paras 40-44.

comparison should be between the “OLIMP SPORT NUTRITION” part of the Applicant’s Mark and the Opponent’s Marks. However, this does not make any practical difference because the number of syllables in common is two in either case (*ie*, the “OLYMP” part of the Opponent’s Marks and the “OLIMP” part of the Applicant’s Mark). As against the Opponent’s OLYMPIC mark, which comprises three syllables, there are more syllables in common than not. However, as against the Opponent’s OLYMPIAN, OLYMPIAD and THE OLYMPICS marks, which comprise four syllables each, there are as many syllables in common as there are not. In my assessment, under the Quantitative Assessment Approach, there is also a moderate degree of aural similarity.

28 Overall, I find that the Opponent’s Marks and the Applicant’s Mark are aurally similar to a *moderate* degree.

Conceptual similarity

29 Conceptual similarity examines the ideas that lie behind and inform the understanding of the marks (*Staywell* at [35]). It is possible for a mark to have no conceptual significance or offer no clear concept (*Ceramiche Caesar SpA v Caesarstone Sdot-Yam Ltd* [2017] 2 SLR 308 (“*Ceramiche Caesar*”) at [52]).

30 The Opponent submits that the average consumer would perceive the “OLIMP” and “SPORT NUTRITION” parts of the Applicant’s Mark as alluding to the Olympic Games. This is owing to how the Applicant’s own evidence is that the word “Olimp” is a Polish word that translates to “Mount Olympus”. Mount Olympus, in turn, was believed to be the home of the Olympian gods and goddesses. In a similar vein, the words that make up the Opponent’s Marks are defined by or derived from similar concepts relating to Mount Olympus. Accordingly, the average consumer would either: (a) understand the “OLIMP” part of the Applicant’s Mark as referring to Mount

Olympus, and would perceive the Opponent's Marks as inflected forms of the same conceptual root; or (b) perceive the "OLIMP" part of the Applicant's Mark as deriving from the Opponent's Marks, and therefore related to the Olympics and/or Mount Olympus. In addition, the "SPORT NUTRITION" part of the Applicant's Mark reinforces the conceptual association with the Olympic Games.¹⁶

31 As for the Applicant, it submits that the conceptual impact of the "OLIMP" part of the Applicant's Mark is neutral because the average consumer in Singapore is unlikely to ascribe any particular meaning to this foreign word. On the other hand, the Opponent's Marks have geographical, historical, mythological and dictionary meanings and possess a low level of distinctiveness. Furthermore, the "SPORT NUTRITION" part of the Applicant's Mark causes the Applicant's Mark to convey a distinct concept by communicating a clear commercial association with sports-related nutritional products and supplementation.¹⁷

32 I agree with the Applicant that the average consumer in Singapore is unlikely to ascribe any particular meaning to the "OLIMP" part of the Applicant's Mark. In other words, the "OLIMP" part of the Applicant's Mark has no conceptual significance and offers no clear concept (see [29] above). This is because the "OLIMP" part of the Applicant's Mark comprises a foreign word that carries no meaning in the English language. As for the Opponent's Marks, these, in my view, evoke the idea of the Olympic Games. While I appreciate that the Opponent's Marks may, in fact, derive from words with geographical, historical and mythological roots, I do not think that the average consumer in Singapore would be aware of these roots. It is more likely that the

¹⁶ Opponent's Written Submissions at paras 38-50.

¹⁷ Applicant's Written Submissions at paras 45-50.

association drawn will be with the Olympic Games only. Seen in this light, there is no conceptual similarity.

33 But this is not the end of the analysis because there still remains the “SPORT NUTRITION” part of the Applicant’s Mark. I agree with the Applicant that this communicates a clear commercial association with sports-related nutritional products and supplementation. To the extent that the Olympic Games are a sporting event, there is some conceptual overlap. However, the overlap is modest because sports-related nutritional products and supplementation are quite different from a sporting event.

34 On the whole, I find that the Opponent’s Marks and the Applicant’s Mark are conceptually similar to a *low* degree.

Conclusion on similarity of marks

35 In summary, I find that the Opponent’s Marks and the Applicant’s Mark are: (a) visually similar to a low degree (see [22] above); (b) aurally similar to a moderate degree (see [28] above); and (c) conceptually similar to a low degree (see [34] above). Taken together, the marks are similar rather than dissimilar, but only to a low degree.

Identity/similarity of goods or services

36 The second element in the analysis under s 8(2)(b) of the TMA is that of identity/similarity of goods or services. Goods and services will be regarded as identical where they are registered or to be registered in the same class and specification. Where this is so, extraneous factors need (and must) not be considered. However, where the goods and services are only similar but not identical, extraneous factors may be relevant in establishing the degree of

similarity. These include, in particular, the uses and the users of the goods and services in question, their inherent nature and the extent to which they are competitive (*Staywell* at [82]).

37 The Opponent's Marks are all registered in Class 5. In addition, the Opponent's OLYMPIAN and OLYMPIAD marks are also registered in Classes 29 and 30. The Applicant's application is for registration in Classes 5, 29 and 30.

Class 5

38 In Class 5, the goods for which the Opponent's Marks are protected and the goods for which the Applicant's Mark is to be registered are as follows:¹⁸

Opponent's Marks	Applicant's Mark
<u>OLYMPIAN mark</u> Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for dental fillings and dental impressions; disinfectants; pesticides; fungicides, herbicides.	Strengthening nutritional supplements containing parapharmaceutical preparations for prophylactic use and for convalescents.

¹⁸ Notice of Opposition at paras 8 and 12; Opponent's Written Submissions in Reply at para 52.

<u>OLYMPIAD and OLYMPIC marks</u> Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for dental fillings and dental impressions; disinfectants; pesticides; fungicides, herbicides; pharmaceutical preparations for diagnosis; veterinary pharmaceutical preparations for diagnosis; veterinary and pharmaceutical substances for medical use; diagnostic preparations and reagents for medical use; diagnostic substances for medical use; contrasting substances for medical imaging; scanning diagnostic reagents for use in vivo; diagnostic imaging agents for magnetic resonance imaging (MRI); radiopharmaceuticals for medical and clinical use; radiopharmaceutical sources and norms for nuclear medicine; radioactive pharmaceuticals and non-radioactive reagents for producing radiopharmaceuticals for in-vivo diagnosis or for therapeutic use; gases and mixtures for medical imaging; medical diagnostic reagents contained in pre-filled bottles; chemical solutions for medical use contained in pre-filled cartridges; gases and gas mixtures for medical purposes contained in pre-filled cylinders.	
<u>THE OLYMPICS mark</u> Pharmaceutical and veterinary products; hygienic products for medical use; dietetic substances for medical use, food for babies; plasters, materials for dressings; material for stopping teeth and dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.	

39 The Opponent submits that the parts of the specifications for the Opponent's Marks referring to pharmaceutical and veterinary preparations and dietetic substances adapted for medical use refer to goods that are identical or

highly similar to the goods in the specification for the Applicant's Mark.¹⁹ The Applicant does not dispute that there is some overlap in the goods under Class 5.²⁰

40 There is no doubt some similarity between the goods for which the Opponent's Marks are protected and the goods for which the Applicant's Mark is to be registered. However, this similarity should not be overstated. In my judgment, there is a difference in their inherent nature. The goods for which the Applicant's Mark is to be registered are in the nature of *supplements*. As the Opponent itself points out, these do not generally require a medical prescription.²¹ In contrast, the goods for which the Opponent's Marks are protected seem to be more *medicinal*. Thus, while there is some similarity in that both categories of goods are ultimately used for bettering one's health, their users may be different and they may not be directly competitive. All things considered, I am of the view that there is a *moderate* degree of similarity between the goods under Class 5.

Class 29

41 In Class 29, the goods for which the Opponent's OLYMPIAN and OLYMPIAD marks are protected and the goods for which the Applicant's Mark is to be registered are as follows:²²

¹⁹ Opponent's Written Submissions at paras 55-60.

²⁰ Applicant's Written Submissions at para 57.

²¹ Opponent's Written Submissions at para 57.

²² Notice of Opposition at paras 8 and 12; Opponent's Written Submissions in Reply at para 52.

Opponent's Marks	Applicant's Mark
<u>OLYMPIAN mark</u> Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruit and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats. <u>OLYMPIAD mark</u> Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.	Food preparations primarily of vegetables, fruits, meat, nuts, whey, milk, oils and gelatin, and also containing grains, enriched with proteins, vitamins, mineral salts and amino acids.

42 The Opponent submits that the goods for which the Opponent's OLYMPIAN and OLYMPIAD marks are protected and the goods for which the Applicant's Mark is to be registered are highly similar, owing to how: (a) nearly all of the listed primary ingredients in the specification for the latter correspond to a category covered by the specifications for the former; (b) both sets of goods target the same class of consumers, who are ordinary members of the public seeking food products for everyday consumption; and (c) both sets of goods are distributed through the same trade channels.²³ On the other hand, the Applicant says that there is a low or moderate degree of similarity. The Applicant emphasises that the goods for which the Applicant's Mark is to be registered are composite preparations made from a combination of ingredients, and are further enriched with proteins, vitamins, mineral salts and amino acids. Thus, while they may contain ingredients such as vegetables, fruits, meat, milk or oils, this does not make them identical to those ingredients. The Applicant highlights that consumers would approach the goods for which the Applicant's Mark is to be registered as formulated nutritional products, and not as substitutes for ordinary

²³ Opponent's Written Submissions at paras 61-66.

meat, fruit, dairy products or oils. In addition, the two sets of goods are neither in competition with one another nor complementary, and while there may be some overlap in consumers and broad retail channels, the goods are likely to be marketed differently.²⁴

43 In my view, there is a difference in the inherent nature of the goods for which the Opponent's OLYMPIAN and OLYMPIAD marks are protected and the inherent nature of the goods for which the Applicant's Mark is to be registered. This arises from how the latter comprise "[f]ood preparations" which are (and this is important) "enriched with proteins, vitamins, mineral salts and amino acids". In contrast, the former are essentially day-to-day food items comprising primary ingredients and processed food products. To the extent that both categories of goods are used in the same way (*ie*, for consumption), there is some similarity between them. However, the users of these goods are unlikely to be the same. The goods for which the Applicant's Mark is to be registered are likely to be consumed by health-conscious members of the public who are likely to lead an active lifestyle. On the other hand, the goods for which the Opponent's OLYMPIAN and OLYMPIAD marks are protected are likely to be consumed by all members of the public. For this same reason, the two categories of goods are also not directly competitive. On the whole, I am of the view that there is a *moderate* degree of similarity between the goods under Class 29.

Class 30

44 In Class 30, the goods for which the Opponent's OLYMPIAN and OLYMPIAD marks are protected and the goods for which the Applicant's Mark is to be registered are as follows:²⁵

²⁴ Applicant's Written Submissions at paras 58-63.

²⁵ Notice of Opposition at paras 8 and 12; Opponent's Written Submissions in Reply at para 52.

Opponent's Marks	Applicant's Mark
<u>OLYMPIAN mark</u> Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice for refreshment. <u>OLYMPIAD mark</u> Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, edible ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice for refreshment.	Carbohydrates preparations for food that are enriched with vitamins and mineral salts.

45 The Opponent submits that the goods for which the Opponent's OLYMPIAN and OLYMPIAD marks are protected and the goods for which the Applicant's Mark is to be registered are highly similar because: (a) they share the same physical presentation (typically in powdered, granular or grain form) and are displayed and used in the same way; (b) they target the same class of users, namely, ordinary members of the public seeking carbohydrate-based food products for everyday consumption; and (c) they are distributed through the same trade channels.²⁶ On its part, the Applicant argues that there is a low or moderate degree of similarity. It says that the goods for which the Applicant's Mark is to be registered are specialised carbohydrate preparations which are specifically formulated and enriched with vitamins and mineral salts. Their defining character is their fortified and nutritionally formulated nature, which

²⁶ Opponent's Written Submissions at paras 67-72.

sets them apart from simple ordinary sources of carbohydrates. Furthermore, any overlap between the two categories of goods is confined to a broad food-related level and does not justify a finding that they are identical or highly similar.²⁷

46 My reasoning at [43] above applies with equal force here. The inherent nature of the goods for which the Opponent’s OLYMPIAN and OLYMPIAD marks are protected and the inherent nature of the goods for which the Applicant’s Mark is to be registered are different. While the latter comprise “[c]arbohydrates preparations” which are (and, again, this is important) “enriched with vitamins and mineral salts”, the former comprise a variety of day-to-day processed food products. Thus, although there is some similarity between the two categories of goods in that they are used in the same way (*ie*, for consumption), the other relevant factors point towards dissimilarity. Once again, the goods for which the Applicant’s Mark is to be registered are likely to be consumed by health-conscious members of the public who are likely to lead an active lifestyle, whereas the goods for which the Opponent’s OLYMPIAN and OLYMPIAD marks are protected are likely to be consumed by all members of the public. Flowing from this, the two categories of goods are also not directly competitive. Similar to the conclusion I have reached in respect of the goods under Class 29, I am of the view that there is a *moderate* degree of similarity between the goods under Class 30.

Conclusion on identity/similarity of goods or services

47 In summary, I find that: (a) under Class 5, the goods for which the Opponent’s Marks are protected and the goods for which the Applicant’s Mark is to be registered are similar to a moderate degree (see [40] above); (b) under

²⁷ Applicant’s Written Submissions at paras 64-68.

Class 29, the goods for which the Opponent's OLYMPIAN and OLYMPIAD marks are protected and the goods for which the Applicant's Mark is to be registered are similar to a moderate degree (see [43] above); and (c) under Class 30, the goods for which the Opponent's OLYMPIAN and OLYMPIAD marks are protected and the goods for which the Applicant's Mark is to be registered are similar to a moderate degree (see [46] above). Overall, the goods are similar rather than dissimilar, and they are so to a moderate degree.

Likelihood of confusion

48 The final element in the analysis under s 8(2)(b) of the TMA is that of likelihood of confusion. This invites consideration of: (a) how similar the marks are; (b) how similar the goods or services are; and (c) given this, how likely the relevant segment of the public will be confused (*Staywell* at [55]). In the context of opposition proceedings, both the actual and notional fair uses of the marks are relevant (*Staywell* at [60]). Furthermore, confusion is not just limited to mistaking one mark for another; it also extends to where the relevant segment of the public may well perceive that the contesting marks are different, but may yet remain confused as to the origin which each mark signifies and may perceive that goods bearing the two marks emanate from the same source or from sources that are economically linked or associated (*Ceramiche Caesar* at [57]).

49 As for extraneous factors, those that are intrinsic to the very nature of the goods and/or affect the impact that the similarity of marks and goods or services has on the consumer may be taken into account. In contrast, those that are not inherent in the goods or services, but are susceptible to changes that can be made by a trader from time to time, cannot be taken into account (*Staywell* at [95]). Thus, the factors that can be taken into account include (*Staywell* at [96]; *Ceramiche Caesar* at [56]):

(a) factors relating to the impact of marks-similarity on consumer perception: (i) the degree of similarity of the marks themselves; (ii) the reputation of the marks; (iii) the impression given by the marks; and (iv) the possibility of imperfect recollection of the marks; and

(b) factors relating to the impact of goods/services-similarity on consumer perception: (i) the normal way in or the circumstances under which consumers would purchase goods or services of that type; (ii) whether the products are expensive or inexpensive items; (iii) the nature of the goods or services and whether they would tend to command a greater or lesser degree of fastidiousness and attention on the part of prospective purchasers; and (iv) the likely characteristics of the relevant consumers and whether they would or would not tend to apply care or have specialist knowledge in making the purchase.

50 As the parties' submissions broadly adopt a framework analysing these factors, I will proceed to do the same.

Degree of similarity of the marks themselves

51 I first consider the factors relating to the impact of marks-similarity on consumer perception. The first of these factors is the degree of similarity of the marks themselves. The consequence here is self-evident: the greater the degree of similarity, the more likely that confusion may ensue (*Hai Tong* at [85(c)(iii)]). As I have found that the marks are similar only to a low degree (see [35] above), this factor points *against* a likelihood of confusion.

Reputation of the marks

52 The second factor relating to the impact of marks-similarity on consumer perception is the reputation of the marks. In considering this factor,

the approach is not “reputation-therefore-confusion” (Ng-Loy Wee Loon SC, *Law of Intellectual Property of Singapore* (Sweet & Maxwell, 3rd Ed, 2021) (“*Law of Intellectual Property of Singapore*”) at para 21.5.29(d)). Thus, not only does a strong reputation not necessarily equate to a higher likelihood of confusion, but it could in fact have the contrary effect (*Staywell* at [96(a)]).

53 Both parties’ submissions focus on the reputation of the Opponent’s Marks. The Opponent submits that the reputation of the Opponent’s Marks in Singapore is very substantial, and this increases the likelihood of confusion because: (a) a far greater proportion of consumers encountering the Applicant’s Mark will call to mind the Opponent’s Marks; and (b) the reputation of the Opponent’s Marks in the field of sports amplifies the likelihood of confusion when the average consumer views the “OLIMP” and “SPORT NUTRITION” parts of the Applicant’s Mark.²⁸ As for the Applicant, it submits that the Opponent has not established that the Opponent’s Marks are well known in Singapore in relation to the goods in Classes 5, 29 and 30. In any event, even if the Opponent’s Marks are well known, consumers would be more, not less, likely to notice that the Applicant’s Mark is a different composite mark. They would also recognise that the Applicant’s Mark does not reproduce the complete words, distinctive endings or established visual presentation of the Opponent’s Marks.²⁹

54 I start by observing that the Applicant has not cited any authority for the proposition that the Opponent must establish that the Opponent’s Marks are well known (or, more accurately, enjoy a strong reputation) in Singapore *in relation to the goods in Classes 5, 29 and 30*. However, as mentioned earlier (see [48] above), the confusion inquiry invites consideration of: (a) how similar the marks

²⁸ Opponent’s Written Submissions at paras 79-82.

²⁹ Applicant’s Written Submissions at paras 77-86.

are; (b) how similar the goods or services are; and (c) *given this*, how likely the relevant segment of the public will be confused. Indeed, the Court of Appeal has observed that the only relevant type of confusion for the purpose of grounding an opposition is that which is *brought about by* the similarity between the competing marks and between the goods and services in relation to which the marks are used (*Staywell* at [15]). In other words, the likelihood of confusion, if it arises, must be *because of* the similarity of marks and the similarity of goods or services. Accordingly, I am inclined to agree with the Applicant that the Opponent must establish that the Opponent's Marks enjoy a strong reputation in Singapore in relation to the goods in Classes 5, 29 and 30. Having regard to the evidence put forth by the Opponent, which I consider in detail at [76]-[84] below, I agree with the Applicant that the Opponent has not established this. On this analysis, the reputation of the marks is a *neutral* factor.

55 If I am wrong on this, then for the reasons set out at [76]-[84] below, I am satisfied that the Opponent's OLYMPIC and THE OLYMPICS marks enjoy a strong reputation in Singapore. However, this strong reputation points *against* a likelihood of confusion because the relevant segment of the public would be all too familiar with the Opponent's OLYMPIC and THE OLYMPICS marks. This would cause them to notice the differences between the Opponent's OLYMPIC and THE OLYMPICS marks and the Applicant's Mark, including those mentioned at [20], [25], [27] and [32] above. As for the Opponent's OLYMPIAN and OLYMPIAD marks, for the same reasons set out at [83] below, I am not satisfied that they have a strong reputation in Singapore and, therefore, *vis-à-vis* these marks, the reputation of the marks is a *neutral* factor.

Impression given by the marks

56 The third factor relating to the impact of marks-similarity on consumer perception is the impression given by the marks. In the present case, this factor does not add much to the analysis beyond that which is already covered under the degree of similarity of the marks themselves. In my view, it is a *neutral* factor.

Possibility of imperfect recollection of the marks

57 The final factor relating to the impact of marks-similarity on consumer perception is the possibility of imperfect recollection of the marks. In my view, this is also a *neutral* factor. As mentioned earlier (see [55] above), the strong reputation enjoyed by the Opponent's OLYMPIC and THE OLYMPICS marks would cause the relevant segment of the public to notice the differences between the Opponent's OLYMPIC and THE OLYMPICS marks and the Applicant's Mark. The possibility of imperfect recollection therefore does not increase the likelihood of confusion. As for the Opponent's OLYMPIAN and OLYMPIAD marks, although these do not have a similarly strong reputation in Singapore, I do not think that the possibility of imperfect recollection significantly increases the likelihood of confusion because there are ultimately still differences between the Opponent's OLYMPIAN and OLYMPIAD marks and the Applicant's Mark.

Normal way in or the circumstances under which consumers would purchase goods or services of that type

58 Turning to the factors relating to the impact of goods/services-similarity on consumer perception, the first of these is the normal way in or the circumstances under which consumers would purchase goods or services of that type. The Applicant submits that the manner in which the goods for which the

Applicant's Mark is to be registered are marketed and sold is likely to encourage careful visual inspection because the goods are commonly presented in packaging bearing detailed information concerning their ingredients, nutritional values, dosage, warnings, intended use and source. Thus, whether the goods are encountered in pharmacies, specialist nutrition stores, supermarkets or online platforms, consumers are likely to compare the goods visually and review the accompanying product descriptions before completing the purchase.³⁰

59 I agree with the Applicant that whether these goods are purchased in-store or via online platforms, consumers are likely to visually inspect the goods carefully to review the accompanying product descriptions. This therefore places greater emphasis on the visual similarity between the marks. As I have found that the marks are visually similar only to a low degree (see [22] above), this factor points *against* a likelihood of confusion.

Whether the products are expensive or inexpensive items

60 The second factor relating to the impact of goods/services-similarity on consumer perception is whether the products are expensive or inexpensive items. The Opponent submits that the goods in Classes 5, 29 and 30 are not expensive or high value items, but are instead mass-market consumer food and nutritional products sold at accessible price points in supermarkets and online platforms. The average consumer of such goods will not likely pay a heightened degree of attention nor exercise a greater level of fastidiousness when purchasing these goods.³¹ On the other hand, the Applicant submits that while the goods for which the Applicant's Mark is to be registered may not be especially expensive, this does not mean that they are purchased with a low

³⁰ Applicant's Written Submissions at paras 93-94.

³¹ Opponent's Written Submissions at paras 89-90.

degree of attention. This is because the potential impact of an ingestible product on health, nutrition or physical performance is capable of commanding care independently of price.³²

61 Although both parties seem to accept that the goods in question are inexpensive, I am of the view that this might not necessarily be the case. As mentioned earlier (see [40], [43] and [46] above), the goods for which the Applicant's Mark is to be registered are, essentially, supplements and enriched food/carbohydrate preparations. While these goods are likely to be inexpensive in *absolute* terms, they may actually be expensive in *relative* terms. This is especially so for the goods for which the Applicant's Mark is to be registered in Classes 29 and 30. That these goods are enriched with proteins, vitamins, mineral salts and amino acids (for Class 29) and vitamins and mineral salts (for Class 30) means that they are likely to be priced at a premium when compared with comparable goods that are not similarly enriched. This will cause the relevant segment of the public to pay greater attention when making their purchase, as they will want to be satisfied that the premium they are paying is justified. In my view, this points *against* a likelihood of confusion.

62 Even if I am wrong on this, and the goods in question are inexpensive, I agree with the Applicant that the price of the goods assumes less significance owing to the nature of the goods (which I will come to at [63]-[65] below). On this analysis, the price of the products is a *neutral* factor.

Nature of the goods or services and whether they would tend to command a greater or lesser degree of fastidiousness and attention on the part of prospective purchasers

63 The third factor relating to the impact of goods/services-similarity on

³² Applicant's Written Submissions at para 95.

consumer perception is the nature of the goods or services and whether they would tend to command a greater or lesser degree of fastidiousness and attention on the part of prospective purchasers. In *Hai Tong*, the Court of Appeal held (at [85(c)(i)]) that, other things being equal, if the goods in question are medicinal or highly technical products (and these are examples only), it would be legitimate to have regard to the fact that because of their nature, a higher degree of similarity between the contesting marks might have to be shown to warrant a finding of likely confusion than when dealing with products that demand less fastidiousness or care on the part of the relevant segment of the public.

64 The Opponent submits that the goods for which the Applicant's Mark is to be registered are purchased on a regular and recurring basis, as opposed to one-off or infrequent purchases requiring considered deliberation. Accordingly, the degree of attention and care that the average consumer will exercise is low or average at best.³³ In contrast, the Applicant submits that the nature of the goods in question is such that the average consumer is likely to exercise a greater degree of care and attention in the purchasing process than would ordinarily be exercised in relation to inexpensive, everyday consumer goods. This is because the goods are intended for ingestion and may be selected for particular health, dietary, nutritional or recuperative purposes.³⁴

65 As mentioned earlier (see [40], [43] and [46] above), the goods for which the Applicant's Mark is to be registered are, essentially, supplements and enriched food/carbohydrate preparations. In my view, these are akin to the examples of medicinal or highly technical products mentioned in *Hai Tong* (see [63] above), and would therefore tend to command a greater degree of fastidiousness and attention on the part of prospective purchasers. Such

³³ Opponent's Written Submissions at paras 91-92.

³⁴ Applicant's Written Submissions at paras 89-91.

purchasers are not simply looking for something to eat. Instead, as the Applicant submits, they are looking for goods with specific health, dietary, nutritional or recuperative properties. Accordingly, this factor points *against* a likelihood of confusion.

Likely characteristics of the relevant consumers and whether they would or would not tend to apply care or have specialist knowledge in making the purchase

66 The final factor relating to the impact of goods/services-similarity on consumer perception is the likely characteristics of the relevant consumers and whether they would or would not tend to apply care or have specialist knowledge in making the purchase. The Opponent submits that the goods for which the Applicant's Mark is to be registered do not require specialist knowledge to purchase.³⁵ On the other hand, the Applicant submits that, in some cases, the goods may be selected following advice from pharmacists, medical professionals, nutritionists, trainers or other knowledgeable intermediaries, and this would reduce the likelihood of confusion.³⁶

67 In my view, while the goods for which the Applicant's Mark is to be registered may be purchased on the advice of specialists, they would, more often than not, be purchased directly by consumers. However, as mentioned earlier (see [43] and [46] above), the users of the goods for which the Applicant's Mark is to be registered in Classes 29 and 30 are likely to be health-conscious members of the public who are likely to lead an active lifestyle. The same can be said for the users of the goods for which the Applicant's Mark is to be registered in Class 5. In my view, such users would tend to apply care in making their purchases because, as alluded to earlier (see [65] above), they are looking

³⁵ Opponent's Written Submissions at paras 83-88.

³⁶ Applicant's Written Submissions at para 92.

for goods with specific health, dietary, nutritional or recuperative properties. While knowledge of such properties may not be specialist, this does not detract from the fact that greater care will be exercised in the course of the purchase. Thus, this factor points *against* a likelihood of confusion.

Conclusion on likelihood of confusion

68 In summary, the relevant factors either point against a likelihood of confusion or are neutral (see [51]-[67] above). On the whole, I am of the view that the relevant segment of the public would neither mistake the Applicant's Mark for the Opponent's Marks nor perceive that the goods bearing the Opponent's Marks and the Applicant's Mark emanate from the same source or from sources that are economically linked or associated (see [48] above). In the circumstances, I find that there is no likelihood of confusion.

Conclusion on Issue 1

69 To conclude Issue 1, although the Opponent's Marks and the Applicant's Mark are similar (see [35] above) and the goods for which the Opponent's Marks are protected and the goods for which the Applicant's Mark is to be registered are also similar (see [47] above), there is no likelihood of confusion (see [68] above). The ground of opposition under s 8(2)(b) of the TMA is therefore not made out.

Issue 2: Whether the ground of opposition under s 8(4)(b)(ii) of the TMA is made out

70 Issue 2 is whether the ground of opposition under s 8(4)(b)(ii) of the TMA is made out. This provision, which sets out what is known as the "anti-dilution right" (*Law of Intellectual Property of Singapore* at para 21.5.47), reads as follows:

(4) Subject to subsection (5), where an application for registration of a trade mark is made on or after 1 July 2004, if the whole or an essential part of the trade mark is identical with or similar to an earlier trade mark, the later trade mark must not be registered if —

(a) the earlier trade mark is well known in Singapore; and

(b) use of the later trade mark in relation to the goods or services for which the later trade mark is sought to be registered —

...

(ii) if the earlier trade mark is well known to the public at large in Singapore —

(A) would cause dilution in an unfair manner of the distinctive character of the earlier trade mark; or

(B) would take unfair advantage of the distinctive character of the earlier trade mark.

71 Leaving aside the requirement that the application for registration of the later trade mark must be made on or after 1 July 2004 (which is not in dispute in the present proceedings), there are three elements in this provision: (a) identity/similarity of marks; (b) the earlier trade mark is well known to the public at large in Singapore; and (c) dilution in an unfair manner or taking unfair advantage of the distinctive character of the earlier trade mark (*Law of Intellectual Property of Singapore* at para 21.5.50).

Identity/similarity of marks

72 I start with the first element, which is identity/similarity of marks. This inquiry is substantially the same as the corresponding inquiry for the purposes of s 8(2)(b) of the TMA (*Rovio Entertainment Ltd v Kimanis Food Industries Sdn Bhd* [2015] 5 SLR 618 at [142]-[147]). Accordingly, I repeat my earlier

finding that the Opponent's Marks and the Applicant's Mark are similar, albeit only to a low degree (see [35] above).

Well known to the public at large in Singapore

73 Turning to the second element, which is that the earlier trade mark must be well known to the public at large in Singapore, s 2(7)-(9) of the TMA set out the matters that are relevant in determining whether a trade mark is well known in Singapore:

(7) Subject to subsection (8), in deciding, for the purposes of this Act, whether a trade mark is well known in Singapore, it is relevant to take into account any matter from which it may be inferred that the trade mark is well known, including such of the following matters as may be relevant:

- (a) the degree to which the trade mark is known to or recognised by any relevant sector of the public in Singapore;
- (b) the duration, extent and geographical area of —
 - (i) any use of the trade mark; or
 - (ii) any promotion of the trade mark, including any advertising of, any publicity given to, or any presentation at any fair or exhibition of, the goods or services to which the trade mark is applied;
- (c) any registration or application for the registration of the trade mark in any country or territory in which the trade mark is used or recognised, and the duration of such registration or application;
- (d) any successful enforcement of any right in the trade mark in any country or territory, and the extent to which the trade mark was recognised as well known by the competent authorities of that country or territory;
- (e) any value associated with the trade mark.

(8) Where it is determined that a trade mark is well known to any relevant sector of the public in Singapore, the trade mark is deemed to be well known in Singapore.

(9) In subsections (7) and (8), “relevant sector of the public in Singapore” includes any of the following:

- (a) all actual consumers and potential consumers in Singapore of the goods or services to which the trade mark is applied;
- (b) all persons in Singapore involved in the distribution of the goods or services to which the trade mark is applied;
- (c) all businesses and bodies corporate in Singapore dealing in the goods or services to which the trade mark is applied.

74 Of all the matters mentioned in s 2(7) of the TMA, it is the first matter (*ie*, the degree to which the trade mark is known to or recognised by any relevant sector of the public in Singapore) that is arguably the most crucial factor when determining whether a trade mark is well known in Singapore. Indeed, because of the deeming provision in s 2(8) of the TMA, it appears that all the other matters in s 2(7) of the TMA are irrelevant once it is determined that the earlier trade mark is well known to any relevant sector of the public in Singapore (*Novelty Pte Ltd v Amanresorts Ltd and another* [2009] 3 SLR(R) 216 (“*Novelty*”) at [139]-[140]).

75 All the above said, the requirement in s 8(4)(b)(ii) of the TMA is not simply that the earlier trade mark is well known in Singapore; it is that the earlier trade mark is well known *to the public at large* in Singapore. This involves a higher threshold: the earlier trade mark must be recognised by most sectors of the public (*City Chain Stores (S) Pte Ltd v Louis Vuitton Malletier* [2010] 1 SLR 382 at [94]). Niche fame (*ie*, reputation within a relevant sector of the public) is not sufficient to meet this threshold (*Law of Intellectual Property of Singapore* at para 21.5.51).

76 The Opponent submits that the Opponent's Marks are well known to the public at large in Singapore in view of the following factors: (a) the Opponent's registrations in Singapore across all 45 classes of the Nice Classification; (b) the extensive history of the Olympic Games; (c) the mass broadcast reach in Singapore of the London 2012, Rio 2016 and Tokyo 2020 Olympic Games; (d) Singapore's hosting of the first Youth Olympic Games in 2010; (e) Singapore's consistent participation in the Olympic Games; (f) the international and domestic Olympic partnerships and sponsorships; (g) the Opponent's strong online presence; and (h) the Opponent's significant revenue from the commercialisation of the Opponent's Marks worldwide.³⁷

77 In my view, several of these factors do not speak directly to the issue of whether the Opponent's Marks are well known to the public at large in Singapore. Some of them primarily concern the international, rather than local, reach of the Opponent's Marks (*eg*, the extensive history of the Olympic Games, the Opponent's strong online presence and the Opponent's significant revenue from the commercialisation of the Opponent's Marks worldwide). Others do not show that the Opponent's Marks were actually known, even if they may have been used (*eg*, the Opponent's registrations in Singapore across all 45 classes of the Nice Classification and the international and domestic Olympic partnerships and sponsorships). Finally, still others focus on a rather limited sector of the Singaporean public (*eg*, Singapore's hosting of the first Youth Olympic Games in 2010). To be clear, some of these factors may well fall within the broad range of matters listed in s 2(7) of the TMA. For this reason, they may still be taken into account for the purposes of *inferring* that the Opponent's Marks are well known to the public at large in Singapore.

³⁷ Opponent's Written Submissions at paras 97-126.

78 However, I do not propose considering these factors in detail because there are two related factors which speak much more directly to the issue of whether the Opponent's Marks are well known to the public at large in Singapore: the mass broadcast reach in Singapore of the London 2012, Rio 2016 and Tokyo 2020 Olympic Games and Singapore's consistent participation in the Olympic Games. In my judgment, these sufficiently establish that the Olympic Games are well known to the public at large in Singapore.

79 The broadcasts of the Olympic Games enjoy an overwhelming local viewership. The evidence reveals the following:

(a) For the London 2012 Olympic Games, 3.37 million viewers watched the Olympic Games across three MediaCorp channels.³⁸

(b) For the Rio 2016 Olympic Games: (i) more than 2.75 million viewers watched the Olympic Games on okto; (ii) over 10.6 million video views were recorded from 670,000 unique viewers on Toggle; and (iii) 18 million views were registered on 115 videos posted on Channel NewsAsia's Facebook page.³⁹

(c) For the Tokyo 2020 Olympic Games: (i) 2.4 million viewers watched the Olympic Games on Channel 5; and (ii) 20.2 million video views were recorded on meWATCH.⁴⁰

80 The overwhelming local viewership of the Olympic Games is partly fuelled by Singapore's consistent participation in the same. Singapore has

³⁸ Opponent's Written Submissions at para 103(a)(ii); Statutory Declaration of Mariam Mahdavi and Pâquerette Girard Zappelli at Exhibit M-8.

³⁹ Opponent's Written Submissions at para 103(b)(ii); Statutory Declaration of Mariam Mahdavi and Pâquerette Girard Zappelli at Exhibit M-12.

⁴⁰ Opponent's Written Submissions at para 103(c)(ii); Statutory Declaration of Mariam Mahdavi and Pâquerette Girard Zappelli at Exhibit M-17.

participated in every edition of the Summer Olympic Games since the London 1948 Olympic Games, except for the Moscow 1980 Olympic Games.⁴¹ Thus, for example, when swimmer Joseph Schooling momentarily won Singapore's first Olympic gold medal in the Rio 2016 Olympic Games, this was viewed by close to 440,000 viewers on okto. Further, more than 130,000 video views were recorded on Toggle.⁴² Parliament even moved a motion to congratulate Schooling on his achievements, with the Minister for Social and Family Development, Mr Tan Chuan-Jin, observing, albeit with some hyperbole, that "the whole of Singapore came to a standstill for a minute" during the finals of the Men's 100-metre Butterfly Swimming event.⁴³

81 The Opponent submits that the viewership numbers for the London 2012, Rio 2016 and Tokyo 2020 Olympic Games suggest that at least more than half of Singapore's total population had watched each of these editions of the Olympic Games.⁴⁴ The Applicant, on its part, submits that these figures require careful treatment, not least because raw audience figures do not necessarily show how many unique persons encountered each of the Opponent's Marks, how frequently they did so, or the extent of their exposure.⁴⁵ I accept that the viewership numbers do leave some questions unanswered and should not be unthinkingly accepted in their entirety. However, I am of the view that they are, on balance, sufficient to establish that the broadcasts of the Olympic Games enjoy an overwhelming local viewership, even if it may not be to the full extent suggested by the Opponent.

⁴¹ Opponent's Written Submissions at para 108; Statutory Declaration of Mariam Mahdavi and Pâquerette Girard Zappelli at Exhibit M-26.

⁴² Opponent's Written Submissions at para 103(b)(ii); Statutory Declaration of Mariam Mahdavi and Pâquerette Girard Zappelli at Exhibit M-12.

⁴³ Opponent's Written Submissions at para 103(b)(iii); Statutory Declaration of Mariam Mahdavi and Pâquerette Girard Zappelli at Exhibit M-14.

⁴⁴ Opponent's Written Submissions at para 104.

⁴⁵ Applicant's Written Submissions at para 112.

82 In view of the above, I am of the view that there is no question that the Olympic Games are well known to the public at large in Singapore. Indeed, as I mentioned at the start of these grounds of decision (see [1] above), the Olympic Games need no introduction. However, as the Applicant points out,⁴⁶ the relevant question is not whether the *Olympic Games* are well known to the public at large in Singapore; it is whether the *Opponent's Marks* are similarly well known.

83 I am prepared to infer that the Opponent's OLYMPIC and THE OLYMPICS marks would have necessarily featured in the broadcasts of the Olympic Games in Singapore. As the Opponent alludes to,⁴⁷ these are identifiers of the Olympic Games. I am unable to say the same for the Opponent's OLYMPIAN and OLYMPIAD marks. If the term "Olympian" appeared in these broadcasts, it would, in all likelihood, have been used descriptively to refer to an athlete participating in the Olympic Games. As for the term "Olympiad", the Opponent has adduced a single sample image from the London 2012 Olympic Games broadcast which refers to "GAMES OF THE XXX OLYMPIAD".⁴⁸ In the present context, the term "Olympiad" refers to a period of four years between one edition of the Olympic Games and the next.⁴⁹ But, interesting as this nugget of information may be, I do not think that the public at large in Singapore would be aware of it. Any use of the term "Olympiad" in the broadcasts of the Olympic Games in Singapore is likely to be modest.

84 I therefore find that the Opponent's OLYMPIC and THE OLYMPICS marks are well known to the public at large in Singapore. This conclusion is

⁴⁶ Applicant's Written Submissions at paras 108-109.

⁴⁷ Opponent's Written Submissions in Reply at para 85(a).

⁴⁸ Statutory Declaration of Mariam Mahdavi and Pâquerette Girard Zappelli at Exhibit M-6.

⁴⁹ Statutory Declaration of Elżbieta Pniewska-Caban at Exhibit EP-7.

fortified by a survey of the cases where a trade mark has been found to be well known to the public at large in Singapore. In Tony Yeo and Yuen Kit Kuan, “Trademarks That Are Well Known to the Public at Large in Singapore: A Review of the Evidentiary Landscape” [2025] SAL Prac 23, the authors highlight that, up to the point of the article, there have only been seven cases in which a trade mark has been found to be well known to the public at large in Singapore. These cases involve the following marks: (a) a “Clinique” mark; (b) a “Nutella” mark; (c) “SEIKO” marks; (d) “INTEL” marks and “INTEL”-formative marks; (e) “GUCCI” marks; (f) a “GMAIL” mark; and (g) a “TikTok” mark. It would, I think, be safe to say that the Opponent’s OLYMPIC and THE OLYMPICS marks are as well known as, if not more well known than, these marks.

Dilution in an unfair manner or taking unfair advantage

85 Finally, I come to the third element, which is dilution in an unfair manner or taking unfair advantage of the distinctive character of the earlier trade mark. Dilution in an unfair manner and taking unfair advantage are disjunctive and distinct concepts, and I will discuss each of them in turn.

Dilution in an unfair manner

86 The concept of dilution is defined in s 2(1) of the TMA as follows:

...

“dilution”, in relation to a trade mark, means the lessening of the capacity of the trade mark to identify and distinguish goods or services, regardless of whether there is —

- (a) any competition between the proprietor of the trade mark and any other party; or
- (b) any likelihood of confusion on the part of the public;

...

87 As can be seen, dilution refers to the lessening of the capacity of the trade mark to identify and distinguish goods or services. In *Novelty*, the Court of Appeal held (at [225]) that dilution encompasses both dilution by blurring and dilution by tarnishment. In the present proceedings, the Opponent has only relied on dilution by blurring.⁵⁰ There are two elements to dilution by blurring: (a) the consumer must form a mental association or link between the marks (*ie*, the consumer will “call to mind” the earlier trade mark after seeing the later trade mark used in relation to the applicant’s goods); and (b) a real and serious likelihood of damage to the distinctive character of the earlier trade mark (*Sarika* at [99]-[101]). Although these appear to be distinct elements, it seems that once it is found that the consumer will form a mental association or link between the marks, a finding of a real and serious likelihood of damage to the distinctive character of the earlier trade mark is likely to follow (*Sarika* at [101]).

88 The relevant factors in determining whether the consumer will form a mental association or link between the marks include: (a) the extent to which the earlier trade mark is recognised in Singapore; (b) the distinctiveness of the earlier trade mark; (c) the degree of similarity between the marks; (d) whether the later trade mark was derived from the earlier trade mark; and (e) the degree of similarity of goods or services (*Sarika* at [100]).

89 These factors can be readily applied in view of my earlier findings:

- (a) The Opponent’s OLYMPIC and THE OLYMPICS marks enjoy a strong reputation in Singapore (see [55] above).

⁵⁰ Opponent’s Written Submissions at para 129.

- (b) The Opponent's Marks possess a high degree of inherent distinctiveness (see [21] above).
- (c) The Opponent's Marks and the Applicant's Mark are similar to a low degree (see [35] above).
- (d) The Applicant's Mark is not derived from the Opponent's Marks (see [30] above).
- (e) The goods for which the Opponent's Marks are protected and the goods for which the Applicant's Mark is to be registered are similar to a moderate degree (see [47] above).

90 As can be seen, the factors pull in somewhat different directions. Nonetheless, I would venture to suggest that, at least on the present facts, greater weight ought to be accorded to the degree of similarity between the marks. Regardless of the other factors, it is unlikely that a consumer will form a mental association or link between the marks if the marks are not very similar. Conversely, if the marks are very similar, it is likely that a consumer will still form a mental association or link between the marks even if the other factors point to a contrary conclusion. Giving greater weight, then, to the degree of similarity between the marks, I find that the consumer will not form a mental association or link between the Opponent's OLYMPIC and THE OLYMPICS marks and the Applicant's Mark. It flows from this that there will also not be a real and serious likelihood of damage to the distinctive character of the Opponent's OLYMPIC and THE OLYMPICS marks. Overall, there is no dilution in an unfair manner of the distinctive character of the Opponent's OLYMPIC and THE OLYMPICS marks.

Taking unfair advantage

91 The concept of taking unfair advantage covers cases where there is clear exploitation on the coat-tails of the mark with a reputation (*Ferrero SPA v Sarika Connoisseur Cafe Pte Ltd* [2011] SGHC 176 (“*Ferrero*”) at [180]). In assessing whether an unfair advantage had been taken, relevant factors include: (a) the strength of the earlier trade mark’s reputation and the degree of distinctive character of the earlier trade mark; (b) the degree of similarity between the marks at issue; (c) the nature and degree of proximity of the goods or services concerned; and (d) the immediacy and strength with which the earlier trade mark is brought to mind by the later trade mark (*Ferrero* at [182]-[186]).

92 Once again, these factors can be readily applied in view of my earlier findings:

- (a) The Opponent’s OLYMPIC and THE OLYMPICS marks enjoy a strong reputation in Singapore (see [55] above) and the Opponent’s Marks possess a high degree of inherent distinctiveness (see [21] above).
- (b) The Opponent’s Marks and the Applicant’s Mark are similar to a low degree (see [35] above).
- (c) The goods for which the Opponent’s Marks are protected and the goods for which the Applicant’s Mark is to be registered are similar to a moderate degree (see [47] above).
- (d) The immediacy and strength with which the Opponent’s OLYMPIC and THE OLYMPICS marks are brought to mind by the Applicant’s Mark are likely to be low given my finding that the consumer will not form a mental association or link between the

Opponent's OLYMPIC and THE OLYMPICS marks and the Applicant's Mark (see [90] above).

93 Considering these factors in the round, I am, like the Court in *Ferrero* (at [188]), not convinced that the Applicant gained *any* advantage, let alone an *unfair* advantage. There is therefore no taking unfair advantage of the distinctive character of the Opponent's OLYMPIC and THE OLYMPICS marks.

Conclusion on Issue 2

94 To conclude Issue 2, although the Opponent's Marks and the Applicant's Mark are similar (see [72] above) and the Opponent's OLYMPIC and THE OLYMPICS marks are well known to the public at large in Singapore (see [84] above), there is neither dilution in an unfair manner nor taking unfair advantage of the distinctive character of the Opponent's OLYMPIC and THE OLYMPICS marks (see [90] and [93] above). The ground of opposition under s 8(4)(b)(ii) of the TMA is therefore not made out.

Issue 3: Whether the ground of opposition under s 8(7)(a) of the TMA is made out

95 Issue 3 is whether the ground of opposition under s 8(7)(a) of the TMA is made out. This provision reads as follows:

(7) A trade mark must not be registered if, or to the extent that, its use in Singapore is liable to be prevented —

- (a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade; or

...

96 In the present proceedings, the Opponent relies on the tort of passing off as the “rule of law” referred to in s 8(7)(a) of the TMA.⁵¹ To succeed in an action for passing off, the classic trinity of goodwill, misrepresentation and damage must be proven (*Staywell* at [130]).

97 It is not necessary to consider Issue 3 in detail because it is dispositively resolved by my earlier finding on the likelihood of confusion for the purposes of Issue 1. In *Singsung Pte Ltd v LG 26 Electronics Pte Ltd (trading as L S Electrical Trading)* [2016] 4 SLR 86, the Court of Appeal held (at [40]), in relation to the element of misrepresentation, that the misrepresentation in question must give rise to confusion (or the likelihood thereof) in order to be actionable under the law of passing off. Although the Court of Appeal did not explicitly state that confusion in the context of the tort of passing off is the same as confusion for the purposes of the trade mark regime, this much is clear from the Court of Appeal’s earlier decisions in *Sarika*, *Novelty* and *Staywell*. The reasoning proceeds as follows:

(a) The test for the misrepresentation requirement in the tort of passing off is similar in substance to the test for the “connection” requirement in s 55(3)(a) of the TMA (*Sarika* at [77]; *Novelty* at [234]).

(b) The “connection” requirement in s 55(3)(a) of the TMA is, in turn, satisfied where there is a likelihood of confusion (*Staywell* at [120]; *Sarika* at [76]).

98 As I have found that there is no likelihood of confusion (see [68] above), and the Opponent does not contend that there is actual confusion,⁵² it follows that the misrepresentation requirement will not be satisfied. Thus, even if the

⁵¹ Notice of Opposition at paras 22-24.

⁵² Opponent’s Written Submissions at para 181.

other elements of goodwill and damage are satisfied, this ground of opposition will still fail. I therefore find that the ground of opposition under s 8(7)(a) of the TMA is not made out.

Conclusion

99 To summarise, I have found that:

- (a) in respect of Issue 1, the ground of opposition under s 8(2)(b) of the TMA is not made out (see [69] above);
- (b) in respect of Issue 2, the ground of opposition under s 8(4)(b)(ii) of the TMA is not made out (see [94] above); and
- (c) in respect of Issue 3, the ground of opposition under s 8(7)(a) of the TMA is not made out (see [98] above).

100 Given the noble cause served by the Olympic Games and the role of Olympic properties in furthering this cause (see [1]-[2] above), the Opponent's opposition to the registration of the Applicant's Mark is not inexplicable. However, as the High Court observed in *The Polo/Lauren Co, LP v Shop In Department Store Pte Ltd* [2005] 4 SLR(R) 816 (at [19]), although the protection the law offers to a proprietor of a trade mark is wide, it is not infinite. For the reasons set out in these grounds of decision, I have found that the protection afforded by the trade mark regime does not extend so far as to prevent the registration of the Applicant's Mark, which ultimately shares only vague similarities with the Opponent's Marks.

101 Accordingly, the opposition is dismissed and the Applicant's Mark is to proceed to registration. Having regard to the parties' submissions on costs in

their written submissions, the Applicant shall also be entitled to costs fixed at \$10,050 (inclusive of disbursements).

Jonathan Ng Pang Ern
IP Adjudicator

Millicent Lui (Ghows LLC) for the Applicant;
S Sivananthan and Hong Wei Hao Randy (Bird & Bird ATMD LLP)
for the Opponent.

Annex A: Details of the Opponent's Marks⁵³

SN	Mark	Registration class and specification
1	OLYMPIAN (T1016121D)	<u>Class 5</u> Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for dental fillings and dental impressions; disinfectants; pesticides; fungicides, herbicides. <u>Class 29</u> Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruit and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats. <u>Class 30</u> Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice for refreshment.

⁵³ Notice of Opposition at para 8; Opponent's Written Submissions in Reply at para 52.

SN	Mark	Registration class and specification
2	OLYMPIAD (T1302405F)	<u>Class 5</u> Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for dental fillings and dental impressions; disinfectants; pesticides; fungicides, herbicides; pharmaceutical preparations for diagnosis; veterinary pharmaceutical preparations for diagnosis; veterinary and pharmaceutical substances for medical use; diagnostic preparations and reagents for medical use; diagnostic substances for medical use; contrasting substances for medical imaging; scanning diagnostic reagents for use in vivo; diagnostic imaging agents for magnetic resonance imaging (MRI); radiopharmaceuticals for medical and clinical use; radiopharmaceutical sources and norms for nuclear medicine; radioactive pharmaceuticals and non-radioactive reagents for producing radiopharmaceuticals for in-vivo diagnosis or for therapeutic use; gases and mixtures for medical imaging; medical diagnostic reagents contained in pre-filled bottles; chemical solutions for medical use contained in pre-filled cartridges; gases and gas mixtures for medical purposes contained in pre-filled cylinders. <u>Class 29</u> Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats. <u>Class 30</u> Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, edible ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice for refreshment.

SN	Mark	Registration class and specification
3	OLYMPIC (T1214480E)	<u>Class 5</u> Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for dental fillings and dental impressions; disinfectants; pesticides; fungicides, herbicides; pharmaceutical preparations for diagnosis; veterinary pharmaceutical preparations for diagnosis; veterinary and pharmaceutical substances for medical use; diagnostic preparations and reagents for medical use; diagnostic substances for medical use; contrasting substances for medical imaging; scanning diagnostic reagents for use in vivo; diagnostic imaging agents for magnetic resonance imaging (MRI); radiopharmaceuticals for medical and clinical use; radiopharmaceutical sources and norms for nuclear medicine; radioactive pharmaceuticals and non-radioactive reagents for producing radiopharmaceuticals for in-vivo diagnosis or for therapeutic use; gases and mixtures for medical imaging; medical diagnostic reagents contained in pre-filled bottles; chemical solutions for medical use contained in pre-filled cartridges; gases and gas mixtures for medical purposes contained in pre-filled cylinders.
4	THE OLYMPICS (T0215641Z)	<u>Class 5</u> Pharmaceutical and veterinary products; hygienic products for medical use; dietetic substances for medical use, food for babies; plasters, materials for dressings; material for stopping teeth and dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Annex B: Details of the Applicant's Mark⁵⁴

Mark	Registration class and specification
 (40202109459Q)	<u>Class 5</u> Strengthening nutritional supplements containing parapharmaceutical preparations for prophylactic use and for convalescents. <u>Class 29</u> Food preparations primarily of vegetables, fruits, meat, nuts, whey, milk, oils and gelatin, and also containing grains, enriched with proteins, vitamins, mineral salts and amino acids. <u>Class 30</u> Carbohydrates preparations for food that are enriched with vitamins and mineral salts.

⁵⁴ Notice of Opposition at para 12.