



World Intellectual Property
Organisation (WIPO)
International Bureau
34, Chemin des Colombettes
1211 Geneva 20
Switzerland

Your Reference:
International Registration No:
WO0000001759990
Examiner: Stacey McCarron
Direct Telephone: +44(0)1633814697
Date: 19 November 2023

Please reply by **19 January 2024** quoting the International Registration number

Dear Sir/Madam,

Intl Reg No: WO0000001759990
Mark: The Pets Table
Holder: Factor 75 B.V.
Classes: 5, 9, 16, 18, 25, 28, 31, 35, 39, 41, 42, 43

Notification of a Provisional Partial Refusal of Protection (not based on an opposition) by the Intellectual Property Office

I have examined your designation under the Trade Marks Act 1994 and carried out a search of the relevant trade mark registers. Your designation does not appear to meet the requirements for Protection for the following reasons.

Absolute grounds for refusal

Retail

There is an objection under Section 1(1) and 3 (1)(a) against the following 'retail service'-type terms listed in your class 35 specification:

'retail store and on-line retail store services featuring subscription boxes containing pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements; mail order subscription services featuring pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet health, pet toys, food, beverages, and supplements; retail store and on-line retail store services featuring pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, supplements, bags, clothing, meat, fish, poultry and game, seafood and shellfish, meat substitutes, potatoes, dairy products and substitutes therefor, nuts, eggs, broth, fruits, vegetables, meat extracts, soups, stocks, jellies, jams, compotes, milk and

milk products, edible oils and fats; retail store and on-line retail store services featuring ready meals and snacks, cereals, rice, corn, flour and preparations made from cereals, bread, pastries and confectionery, bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices, flavorings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products; retail store and on-line retail store services featuring processed grains and starches for food, and food products made therefrom, baking preparations, herbs, natural plants and flowers, foodstuffs and beverages for animals, malt, raw and unprocessed grains and seeds, non-alcoholic beverages, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and meals for pets to be cooked according to specific recipes, including enclosed recipes'

These terms do not meet the legal criteria as set out by the Court of Justice of the European Union in the *Praktiker* case (see C-418/02). Our classification practice in respect of 'retail service'-type claims is set out in the current edition of the Trade Marks Manual (under the third section entitled 'The Examination Guide'). For more information on this practice, you can view the Manual via the following hyperlink (please note that the relevant section begins on page 200):

<https://www.gov.uk/guidance/trade-marks-manual/the-classification-addendum>

This objection may be overcome by amending the objectionable terms to the following:

'retail store and on-line retail store services **connected with the sale of** subscription boxes containing pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements; mail order ~~subscription~~ **retail services connected with the sale of** pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet health, pet toys, food, beverages, and supplements; retail store and on-line retail store services connected with the sale of pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, supplements, bags, clothing, meat, fish, poultry and game, seafood and shellfish, meat substitutes, potatoes, dairy products and substitutes therefor, nuts, eggs, broth, fruits, vegetables, meat extracts, soups, stocks, jellies, jams, compotes, milk and milk products, edible oils and fats; retail store and on-line retail store services connected with the sale of ready meals and snacks, cereals, rice, corn, flour and preparations made from cereals, bread, pastries and confectionery, bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices, flavorings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products; retail store and on-line retail store services connected with the sale of processed grains and

starches for food, and food products made therefrom, baking preparations, herbs, natural plants and flowers, foodstuffs and beverages for animals, malt, raw and unprocessed grains and seeds, non-alcoholic beverages, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and meals for pets to be cooked according to specific recipes, including enclosed recipes'

Next step

If you disagree with my assessment of your designation, you can write or telephone me. My contact details are shown at the top of this letter.

Your response may be sent by post or email to:

Trademark.examination@ipo.gov.uk

If following this discussion, you still disagree with my findings you have the right to request a hearing with a senior officer to discuss the matter further.

If your address is outside of the United Kingdom, the Isle of Man, Channel Island and Gibraltar you must provide us with a contact address in one of the above areas. This can be done by filling in and returning a Form TM33 "Appointment of change of Representative (for trade mark owners or holders)". This form is available at:

ipo.gov.uk/tmforms

If you do not reply by the date shown above, I will publish it in our online Trade Marks Journal, but only for:

Classes 5, 9, 16, 18, 25, 28, 31, 39, 41, 42 and 43 for the specifications as filed.

And

Class 35 for a specification of –

Providing consumer information in the field of pets, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; providing consumer information via a website in the field of pets, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, meal planning for pets, pet health, pet toys, pet supplies, food, beverages, and supplements; retail store and on-line retail store services connected with the sale of subscription boxes containing pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, and supplements; mail order retail services connected with the sale of pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet health, pet toys, food, beverages, and supplements; online ordering services in the field of pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food,

beverages, and supplements; retail store and on-line retail store services connected with the sale of pet products, pet food, pet beverages, supplements for pets, pet treats, prepared meals for pets, recipes for pets, pet toys, pet supplies, food, beverages, supplements, bags, clothing, meat, fish, poultry and game, seafood and shellfish, meat substitutes, potatoes, dairy products and substitutes therefor, nuts, eggs, broth, fruits, vegetables, meat extracts, soups, stocks, jellies, jams, compotes, milk and milk products, edible oils and fats; retail store and on-line retail store services connected with the sale of ready meals and snacks, cereals, rice, corn, flour and preparations made from cereals, bread, pastries and confectionery, bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices, flavorings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products; retail store and on-line retail store services connected with the sale of processed grains and starches for food, and food products made therefrom, baking preparations, herbs, natural plants and flowers, foodstuffs and beverages for animals, malt, raw and unprocessed grains and seeds, non-alcoholic beverages, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and meals for pets to be cooked according to specific recipes, including enclosed recipes; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of meat, fish, poultry and game, seafood and shellfish, meat substitutes, meat substitute products, ready meals consisting predominantly of meat, fish, poultry, game, seafood, potatoes; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of dairy products and substitutes therefor, nuts being fruits, eggs, broth and/or vegetables, meat extracts, soups and stocks, preserved, frozen, dried and cooked fruits and vegetables in the nature of nuts being fruits and pulses, jellies, jams, compotes, eggs, milk and milk products, dairy products and substitutes therefor, soy milk, edible oils and fats; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of cereals, rice, corn, rice, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, frozen yogurts, sorbets, sugar, natural sweeteners, sweet coatings and fillings, and bee products for culinary purposes, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces being condiments, spices; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of flavourings for beverages, ice, raw and unprocessed agricultural, horticultural, aquacultural and forestry products, processed grains and starches for food, and goods made therefrom; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of baking preparations and yeasts, live animals, fresh fruits and vegetables, fresh herbs, natural plants and flowers, foodstuffs and beverages for animals, raw and unprocessed grains and seeds, bulbs, seedlings and seeds for planting; arranging of subscriptions to combinations of goods, namely, subscription-based order fulfillment services in the field of food in the nature of mineral and aerated waters and other non-alcoholic beverages, fruit beverages, fruit juices, syrups and other preparations for making beverages, including in pre-portioned form, including for enabling meals and pet meals to be cooked according to specific recipes, including enclosed recipes, in the form of prepared

food kits ready for cooking and assembly as a meal; customer loyalty services for sales promotion and/or advertising purposes.'

The provisional refusal of all other goods/services will then become final.

Yours faithfully

Stacey McCarron

Trade Marks Registry