



Intellectual  
Property  
Office

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

**Your Reference:**  
**International Registration No:**  
WO0000001783263  
**Examiner:** Haydn Walker  
**Direct Telephone:** +44(0)1633814446  
**Date:** 21 October 2024

**Intl Reg No:** WO0000001783263  
**Mark:** HNDRD (Figurative)  
**Holder:** HYAKU SPORTS PTE. LTD.  
**Class(es):** 25, 28

### **Notification Of A Provisional Total/Partial Refusal Of Protection Based On An Opposition By The United Kingdom Intellectual Property Office In Accordance With Article 5 Of The Madrid Protocol**

I am writing to inform you that following receipt of an opposition to the above trade mark, it is necessary to issue this formal provisional refusal letter. This provisional refusal covers **all** of the goods and services of the International Registration.

Please find attached a copy of the TM7 'Notice of Opposition', which includes details of any marks referred to in the statement of case, which was received by the United Kingdom Trade Mark Registry. Copies of these documents have been sent to the holder informing them of this provisional refusal.

If the holder of the International Registration wishes to file a counterstatement, they must complete the form TM8 'Notice of defence and counterstatement', which is available at [ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms) and return it to this office within two months of the date of this letter, that is on or before **23 December 2024**. This period cannot be extended, except in the circumstances described below. The holder should note that failure to file a TM8 will result in the provisional refusal being upheld.

If both parties to this dispute wish to negotiate and want to enter a 'cooling off period' then the time for filing the TM8 can be extended for a further seven months by the filing the form TM9c 'Request for a cooling off period, which is available at [ipo.gov.uk/tmforms](http://ipo.gov.uk/tmforms)

The TM8 should be received on or before the date requested above unless a cooling off period is entered into by the parties.

The holder of the International Registration may also provide an address for service on form TM33 within the period provided to file the TM8. Please note that

a valid address for service is an address in the United Kingdom, Gibraltar or the Channel Islands as set out in rule 11(4).

If the holder files Form TM8 within this two-month period without providing a valid address, further directions will be issued. These will provide the holder with a further period of one month to file a suitable address.

*Haydn Walker*

**Trade Marks Registry**

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# Intellectual Property Office

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**Trade mark number**

UK00003296487

**Status**

Registered

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## Overview

**Trade mark**

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THE HUNDRED

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## Dates

**Filing date**

13 March 2018

**Date of entry in register**

25 October 2019

**Renewal date**

13 March 2028

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## Goods and services

**Classes and terms**

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**Class 9**

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Mechanisms for coin-operated apparatus; Cash registers, calculating machines, data processing equipment, computers; Computer software; Fire-extinguishing apparatus; computer software applications; mobile apps; computer software for business purposes; computer programs for document management; computer software relating to the handling of financial transactions; computer programmes relating to financial matters; data processing software; downloadable video recordings; cloud computing software; downloadable cloud computing software; software for operating an online shop; computer e-commerce software; software for evaluating customer behaviour in online shops; downloadable electronic newsletters; electronic publications; eyewear; sports eyewear; eyewear cases; sunglasses; straps for sunglasses; boxes [cases] for sunglasses; mobile phone covers; cases for mobile phones; bags adapted for laptops; laptop cases; sleeves for

laptops; tablet computer cases; covers for tablet computers; tablet holders adapted for use in cars; selfie sticks; selfie lenses; chargers; usb chargers

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#### **Class 25**

Clothing, footwear, headgear; Articles of clothing made of leather; articles of clothing made of hides; articles of outer clothing; articles of sports clothing; outerwear; clothing for leisure wear; clothing made of fur; clothing made of imitation leather; clothing made of leather; casual clothing; cashmere clothing; woolen clothing; thermal clothing; windproof clothing; coats; rain coats; pants; sweatpants; shorts; sweatshirts; jumpers; t-shirts; dresses; articles of underclothing; sleepwear; belts made from imitation leather; belts made of leather; hats; caps; caps with visors; head bands; neck scarves; winter gloves; fingerless gloves; muffs; ear warmers; athletic footwear; casual footwear; leisure footwear; leather shoes

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#### **Class 28**

Games, toys and playthings; Video game apparatus; Gymnastic and sporting articles; Decorations for Christmas trees; Sporting articles and equipment; Bags adapted for sporting articles; Cases adapted for sporting articles; Balls for playing sports; Inflatable beach balls; Inflatable balls for sports; Manually operated exercise equipment; Body-training apparatus; Body protectors for sports use; Gloves for sports; Playing cards; Toy figures; Plastic toys; Puzzles [toys]; Inflatable toys; Bath toys; parts and fittings for all the aforesaid goods

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#### **Class 38**

Telecommunications; access to content, websites and portals; computer communication and internet access; computer communications services for the transmission of information; computer aided transmission of information and images; electronic transmission of data and documents via computer terminals and electronic devices; electronic transmission of images over a global computer network; operating of electronic communications systems; providing access to a global computer information network; providing access to an internet discussion website; providing access to internet forums; providing access to weblogs; providing multiple use access to global computer information networks for the transfer and dissemination of a wide range of information; satellite broadcasting services relating to sporting events; video on demand transmissions; audio broadcasting; audio, video and multimedia broadcasting via the internet and other communications networks; radio broadcasting services; satellite and cable broadcasting; subscription television broadcasting; information, advisory and consultancy services relating to the aforesaid services.

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#### **Class 41**

Education; Providing of training; Entertainment; Sporting and cultural activities; publication and distribution of printed media and recordings; electronic publications (not downloadable); production, distribution and showing of films and recordings; providing electronic publications from a global computer network or the internet, not downloadable; magazine publishing; multimedia publishing; publication of booklets; publication of books; organising of entertainment; entertainment services for children; production of live entertainment; providing facilities for entertainment; arranging of competitions for education or entertainment; production of live entertainment events; presentation of live entertainment events; organising of exhibitions for entertainment purposes; entertainment services relating to sporting events; sport camps; organising of sports and sports events; organisation of sports tournaments; hire of equipment for sports; ticket agency services [entertainment]; ticket information services for entertainment events; information, advisory and consultancy services relating to the

aforesaid services

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## Names and addresses

### Owner(s) name

**England and Wales Cricket Board Limited**

Lords Ground, St. Johns Wood, London, NW8 8QZ, United Kingdom

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### IPO representative name

**Onside Law**

642A Kings Road, London, SW6 2DU, United Kingdom

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## Publications

### First advert

**Journal**

2018/015

**Date of publication**

13 April 2018

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Intellectual Property Office is an operating name of the Patent Office

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# Intellectual Property Office

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**Trade mark number**

UK00003399634

**Status**

Registered

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## Overview

**Trade mark**

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**Dates****Filing date**

15 May 2019

**Date of entry in register**

11 October 2019

**Renewal date**

15 May 2029

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## Goods and services

**Classes and terms**

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**Class 9**

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Mechanisms for coin-operated apparatus; Cash registers, calculating machines, data processing equipment, computers; Computer software; Fire-extinguishing apparatus; computer software applications; mobile apps; computer software for business purposes; computer programs for document

management; computer software relating to the handling of financial transactions; computer programmes relating to financial matters; data processing software; downloadable video recordings; cloud computing software; downloadable cloud computing software; software for operating an online shop; computer e-commerce software; software for evaluating customer behaviour in online shops; downloadable electronic newsletters; electronic publications; eyewear; sports eyewear; eyewear cases; sunglasses; straps for sunglasses; boxes [cases] for sunglasses; mobile phone covers; cases for mobile phones; bags adapted for laptops; laptop cases; sleeves for laptops; tablet computer cases; covers for tablet computers; tablet holders adapted for use in cars; selfie sticks; selfie lenses; chargers; usb chargers

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Education; Providing of training; Entertainment; Sporting and cultural activities; publication and distribution of printed media and recordings; electronic publications (not downloadable); production, distribution and showing of films and recordings; providing electronic publications from a global computer network or the internet, not downloadable; magazine publishing; multimedia publishing; publication of booklets; publication of books; organising of entertainment; entertainment services for children; production of live entertainment; providing

facilities for entertainment; arranging of competitions for education or entertainment; production of live entertainment events; presentation of live entertainment events; organising of exhibitions for entertainment purposes; entertainment services relating to sporting events; sport camps; organising of sports and sports events; organisation of sports tournaments; hire of equipment for sports; ticket agency services [entertainment]; ticket information services for entertainment events; information, advisory and consultancy services relating to the aforesaid services

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## Names and addresses

### Owner(s) name

#### England and Wales Cricket Board Limited

England & Wales Cricket Board, Lords Cricket Ground, St. Johns Wood Road, LONDON, NW8 8QZ, United Kingdom

#### Country of Incorporation

United Kingdom

#### Company registration number

03251364

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### IPO representative name

#### Onside Law

642A Kings Road, London, SW6 2DU, United Kingdom

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## Publications

### First advert

#### Journal

2019/023

#### Date of publication

07 June 2019

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Intellectual Property Office is an operating name of the Patent Office



**Form TM7**  
**Notice of opposition and statement of grounds**

Fee  £100 Opposition based on Section 5(1) and/or 5(2) ONLY

£200 Opposition based on, or including, any other grounds

*Note: If you wish to oppose under Section 5(1) and/or 5(2) and one or more other grounds, the fee will be £200*

**Use this form** to notify of an opposition to a trade mark application or international registration and to set out the grounds on which you are basing this opposition.

**Do not use this form** if you wish to file a Fast Track opposition under Section 5(1) and/or 5(2): use Form TM7F.

<p><b>1. Trade mark number</b> Number of the trade mark you are opposing. If the opposition concerns an International Registration, help us identify the correct trade mark by adding "IR".</p>	<p>WO0000001783263</p>	
<p><b>2. Full name of applicant/holder</b> Whose trade mark you are opposing.</p>	<p>HYAKU SPORTS PTE. LTD.</p>	
<p><b>3. Full name of opponent</b> Person or company opposing the above trade mark.</p>	<p>ENGLAND AND WALES CRICKET BOARD LIMITED</p>	
<p><b>Address</b> If the address is not within the United Kingdom, Gibraltar or the Channel Islands you must have a representative in one of these regions and complete section 4 below.</p> <p><b>PLEASE NOTE:</b> Publication of name and address and other information you provide. We publish the owner's name and address and other information you provide in our searchable records. You should provide a business or PO Box address if you do not want your home address published.</p> <p><i>A copy of this form will also be sent to the trade mark applicant/holder.</i></p>	<p>Lords Cricket Ground</p> <p>St. John's Wood</p> <p>London</p> <p>Postcode NW8 8QZ</p>	
<p><i>If you are opposing on the basis of a comparable mark, please refer to TPN 2/2020 for information about the address for service that will apply to you.</i></p>		
<p><b>ADDITIONAL INFORMATION:</b> It will no longer be possible for two (or more) parties to jointly oppose a trade mark based on earlier marks/rights that they each own, unless the parties jointly own the relevant earlier marks/rights. Separate oppositions will now be required. See section 38(2A) of the Act.</p>		
<p><b>Email address</b> In order to enable us to correspond with you by email, please provide an email address to be used for the purposes of these proceedings and any subsequent appeal to the Appointed Person.</p>	<p></p>	

**4. Representative name**  
If you have no representative, go to section 5.

**Address**  
The address provided in this section must be within the United Kingdom, Gibraltar or the Channel Islands.  
*If you are opposing on the basis of a comparable mark, please refer to TPN 2/2020 for information about the address for service that will apply to you.*

**NOTE:** We will communicate with the representative if this section has been completed.

**Email address**  
Complete if you would like us to correspond with you by email.

STOBBS IP

Building 1000

Cambridge Research Park

Cambridge

Postcode CB25 9PD

paralegals@iamstobbs.com

**5. Related proceedings**  
If applicable, select location of any related proceedings and enter the case number allocated to the proceedings.

	IPO Registry		UK Courts		EUIPO
Number					

**6. Opposition notification date**  
If you have informed the applicant/holder of an intention to oppose the trade mark application, designation – enter the date you notified them.  
[\*\*See Note]

4 SEPTEMBER 2024

**\*\*Note:** An opposition launched without giving the applicant or holder a reasonable opportunity to withdraw the application, international designation or amendment may result in the opponent being ineligible for an award of costs.

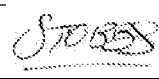
**7. Declaration**

I believe that the facts stated in this form and the attached statement of grounds are true.

**Signature**  
This can be typed or handwritten.

**Name**  
(BLOCK CAPITALS)

**Date**



STOBBS

4 OCTOBER 2024

**8. Your reference**  
Complete if you would like us to quote this in communications with you, otherwise leave blank.

3792/30075

**Contact details**  
Name, daytime telephone number of the person to contact in case of query.

Joel McDonald  
01223 435240

Number of sheets attached to this form

30

Please tick on what grounds you are opposing the trade mark and continue to the relevant section(s)

Opposition is based on Sections 5(1) or 5(2): The trade mark is either identical or similar to an earlier trade mark and is to be registered for identical and/or similar goods and services.

**Note:** Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark.

> COMPLETE SECTION A

Opposition is based on Section 5(3): The trade mark is either identical or similar to an earlier trade mark which has a reputation. Using the later mark would take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier mark.

**Note:** Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier trade mark. Ticking this box means that the total fee for this form is £200.

> COMPLETE SECTION B

Opposition is based on Section 5(4)(a): Where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.

**Note:** Opposition on these grounds must be made by the 'proprietor' (owner) of the earlier right. Ticking this box means that the total fee for this form is £200.

> COMPLETE SECTION C

Opposition is based on Section 3: The trade mark is excluded from registration because it describes the goods/services, or is not distinctive, or consists of signs that are customary within the trade, or the application was made in bad faith.

**Note:** Ticking this box means that the total fee for this form is £200.

> COMPLETE SECTION D

Opposition is based on other grounds.

**Note:** Ticking this box means that the total fee for this form is £200.

> COMPLETE SECTION E

**SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.**

**Q1. Please tick the relevant section(s) that apply.**

<input type="checkbox"/>	5(1) It is <b>identical</b> with an earlier mark and for <b>identical goods or services</b> as the earlier mark
<input type="checkbox"/>	5(2)(a) It is <b>identical</b> with an earlier mark and for <b>similar goods or services</b> as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is <b>similar</b> to an earlier mark and for <b>identical or similar goods or services</b> as the earlier mark.

*You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.*

**Information before you complete the rest of section A**

Q2 – Q7 of section A are based on the earlier trade mark.

Q8 & Q9 of section A are based on the trade mark you are opposing.

**ABOUT THE EARLIER TRADE MARK**

**Q2. Trade mark number**

Your trade mark.

UK00003296487

**Q3. Type of mark**

Please tick.

<input checked="" type="checkbox"/>	UK	<input type="checkbox"/>	International UK
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Please note, tick the "UK" box above if your mark is a national UK mark, a comparable mark deriving from a registered EUTM or IR(EU), or a national UK mark which constitutes a re-filing of a pending EUTM – please see TPN 2/2020 for further information.

**Q4. Representation of your trade mark**

Text only – enter your trade mark only and no other supporting information.

Or

An image – if you are unable to put your image in the box below, you can attach an image of the earlier trade mark to your email or print the image if sending by post.

THE HUNDRED
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**Q5. Which goods or services covered by the earlier trade mark are relied upon for the opposition?**

These should be the goods and services of the earlier trade mark and not the trade mark you are opposing. These goods and services should also be identical and/or similar to those contained in the trade mark application.

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
All goods in classes 25 and 28.	

**Q6. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?**

You should tick 'no' if the earlier trade mark was registered less than 5 years before the application or priority date of the application you are opposing.

Yes > GO TO Q7

No > GO TO Q8

**Q7. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?**

Yes > GO TO Q7a

No > GO TO Q7b

Please note: If you are relying on a comparable mark please see TPN 2/2020 for when it may be permissible to rely on use in the EU rather than solely in the UK.

**Q7a. For which of the goods and services listed at Q5 is trade mark use being claimed?**

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q8.

**Q7b. Please state any proper reasons for non-use.**

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**DETAILS OF THE TRADE MARK YOU ARE OPPOSING**

**Q8. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q5?**

These should be the goods and services of the trade mark you are opposing and not the earlier trade mark.

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

**Q9. Use this space to supply any further information about why you consider there is a likelihood of confusion and for example why you consider the respective marks or goods and/or services to be similar.**

<p>Please see paragraphs 2, 3, 4, 5 of the attached Statement of Grounds.</p>
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**SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.**

*You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.*

**ABOUT THE EARLIER TRADE MARK**

**Q1. Trade mark number**

Your trade mark

UK00003296487

**Q2. Type of mark**

Please tick.

<input checked="" type="checkbox"/>	UK	<input type="checkbox"/>	International UK
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Please note, tick the "UK" box above if your mark is a national UK mark, a comparable mark deriving from a registered EUTM or IR(EU), or a national UK mark which constitutes a re-filing of a pending EUTM – please see TPN 2/2020 for further information.

**Q3. Representation of your trade mark**

Text only – enter your trade mark only and no other supporting information.

Or

An image – if you are unable to put your image in the box below, you can attach an image of the earlier trade mark to your email or print the image if sending by post.

THE HUNDRED
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**Q4. For which goods or services covered by your earlier trade mark does it have a reputation?**

These should be the goods and services of the earlier trade mark and not the trade mark you are opposing.

	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

25: clothing, footwear, headgear.

28: gymnastic and sporting articles; sporting articles and equipment; bags adapted for sporting articles; cases adapted for sporting articles; balls for playing sports; body protectors for sports use; gloves for sports.

41: entertainment; sporting and cultural activities; entertainment services relating to sporting events; organising of sports and sports events; organisation of sports tournaments.

**Q5. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?**

These should be the goods and services of the trade mark you are opposing and not the earlier trade mark.

<input checked="" type="checkbox"/>	All goods and services
	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

**Q6. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?**

Yes

No

*Use this space to supply any further information*

Please see paragraphs 2, 3, 4, 6, 7, 8, 12, 13 of the attached Statement of Grounds.

**QUESTIONS 7 TO 9 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q6.**

**Q7. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.**

Please see paragraphs 2, 3, 4, 6, 7, 8, 9, 12, 13 of the attached Statement of Grounds.

**Q8. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.**

Please see paragraphs 2, 3, 4, 6, 7, 8, 10, 12, 13 of the attached Statement of Grounds.

**Q9. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.**

Please see paragraphs 2, 3, 4, 6, 7, 8, 11, 12, 13 of the attached Statement of Grounds.

**Q10. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?**

You should tick 'no' if the earlier trade mark was registered less than 5 years before the application or priority date of the application you are opposing.

Yes > GO TO 11

No > GO TO Q13

**Q11. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?**

Yes > GO TO 12a

No > GO TO Q12b

Please note: If you are relying on a comparable mark please see TPN 2/2020 for when it may be permissible to rely on use in the EU rather than solely in the UK.

**Q12a. For which of the goods and services listed at Q4 is trade mark use being claimed?**

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q13

**Q12b. Please state any proper reasons for non-use.**

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**Q13. Use this space to give any further information to explain why you are opposing the application on this ground.**

N/A
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**SECTION C: Opposition is based on Section 5(4)(a) of the Trade Marks Act, where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.**

*You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.*

**ABOUT THE EARLIER UNREGISTERED TRADE MARK**

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**Q1. Representation of your trade mark**

Text only – enter your trade mark only and no other supporting information.

Or

An image – if you are unable to put your image in the box below, you can attach an image of the earlier trade mark to your email or print the image if sending by post.

THE HUNDRED

**Q2. When and where was the earlier right first used in the UK?**

**Date used:**

Enter date of first use.

2021

**Where used:**

Enter name of city/region or specify 'throughout UK' if used nationally.

Throughout the UK.



[Skip to main content](#)

# Intellectual Property Office

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**Trade mark number**

UK00003296487

**Status**

Registered

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## Overview

**Trade mark**

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THE HUNDRED

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**Dates**

**Filing date**

13 March 2018

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25 October 2019

**Renewal date**

13 March 2028

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## Goods and services

**Classes and terms**

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**Class 9**

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Mechanisms for coin-operated apparatus; Cash registers, calculating machines, data processing equipment, computers; Computer software; Fire-extinguishing apparatus; computer software applications; mobile apps; computer software for business purposes; computer programs for document management; computer software relating to the handling of financial transactions; computer programmes relating to financial matters; data processing software; downloadable video recordings; cloud computing software; downloadable cloud computing software; software for operating an online shop; computer e-commerce software; software for evaluating customer behaviour in online shops; downloadable electronic newsletters; electronic publications; eyewear; sports eyewear; eyewear cases; sunglasses; straps for sunglasses; boxes [cases] for sunglasses; mobile phone covers; cases for mobile phones; bags adapted for laptops; laptop cases; sleeves for laptops; tablet computer cases; covers for tablet computers; tablet holders adapted for use in cars; selfie sticks; selfie lenses;

chargers; usb chargers

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#### Class 25

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#### Class 28

Games, toys and playthings; Video game apparatus; Gymnastic and sporting articles; Decorations for Christmas trees; Sporting articles and equipment; Bags adapted for sporting articles; Cases adapted for sporting articles; Balls for playing sports; Inflatable beach balls; Inflatable balls for sports; Manually operated exercise equipment; Body-training apparatus; Body protectors for sports use; Gloves for sports; Playing cards; Toy figures; Plastic toys; Puzzles [toys]; Inflatable toys; Bath toys; parts and fittings for all the aforesaid goods

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#### Class 38

Telecommunications; access to content, websites and portals; computer communication and internet access; computer communications services for the transmission of information; computer aided transmission of information and images; electronic transmission of data and documents via computer terminals and electronic devices; electronic transmission of images over a global computer network; operating of electronic communications systems; providing access to a global computer information network; providing access to an internet discussion website; providing access to internet forums; providing access to weblogs; providing multiple use access to global computer information networks for the transfer and dissemination of a wide range of information; satellite broadcasting services relating to sporting events; video on demand transmissions; audio broadcasting; audio, video and multimedia broadcasting via the internet and other communications networks; radio broadcasting services; satellite and cable broadcasting; subscription television broadcasting; information, advisory and consultancy services relating to the aforesaid services.

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#### Class 41

Education; Providing of training; Entertainment; Sporting and cultural activities; publication and distribution of printed media and recordings; electronic publications (not downloadable); production, distribution and showing of films and recordings; providing electronic publications from a global computer network or the internet, not downloadable; magazine publishing; multimedia publishing; publication of booklets; publication of books; organising of entertainment; entertainment services for children; production of live entertainment; providing facilities for entertainment; arranging of competitions for education or entertainment; production of live entertainment events; presentation of live entertainment events; organising of exhibitions for entertainment purposes; entertainment services relating to sporting events; sport camps; organising of sports and sports events; organisation of sports tournaments; hire of equipment for sports; ticket agency services [entertainment]; ticket information services for entertainment events; information, advisory and consultancy services relating to the aforesaid services

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## Names and addresses

Owner(s) name

**England and Wales Cricket Board Limited**

Lords Ground, St. Johns Wood, London, NW8 8QZ, United Kingdom

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## **IPO representative name**

**Onside Law**

642A Kings Road, London, SW6 2DU, United Kingdom

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## **Publications**

### **First advert**

**Journal**

2018/015

**Date of publication**

13 April 2018

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Intellectual Property Office is an operating name of the Patent Office

**SECTION A: Opposition is based on sections 5(1) or 5(2) of the Trade Marks Act on the basis of an earlier registered or pending mark.**

**Q1. Please tick the relevant section(s) that apply.**

<input type="checkbox"/>	5(1) It is <b>identical</b> with an earlier mark and for <b>identical goods or services</b> as the earlier mark
<input type="checkbox"/>	5(2)(a) It is <b>identical</b> with an earlier mark and for <b>similar goods or services</b> as the earlier mark.
<input checked="" type="checkbox"/>	5(2)(b) It is <b>similar</b> to an earlier mark and for <b>identical or similar goods or services</b> as the earlier mark.

*You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.*

**Information before you complete the rest of section A**

Q2 – Q7 of section A are based on the earlier trade mark.

Q8 & Q9 of section A are based on the trade mark you are opposing.

**ABOUT THE EARLIER TRADE MARK**

**Q2. Trade mark number**

Your trade mark.

UK00003399634

**Q3. Type of mark**

Please tick.

<input checked="" type="checkbox"/>	UK	<input type="checkbox"/>	International UK
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Please note, tick the "UK" box above if your mark is a national UK mark, a comparable mark deriving from a registered EUTM or IR(EU), or a national UK mark which constitutes a re-filing of a pending EUTM – please see TPN 2/2020 for further information.

**Q4. Representation of your trade mark**

Text only – enter your trade mark only and no other supporting information.

Or

An image – if you are unable to put your image in the box below, you can attach an image of the earlier trade mark to your email or print the image if sending by post.

The logo for 'THE HUNDRED' is displayed in a large, bold, black font. The word 'THE' is positioned vertically to the left of 'HUNDRED', which is written in a larger, all-caps font.

**Q5. Which goods or services covered by the earlier trade mark are relied upon for the opposition?**

These should be the goods and services of the earlier trade mark and not the trade mark you are opposing. These goods and services should also be identical and/or similar to those contained in the trade mark application.

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>
All goods in classes 25 and 28.	

**Q6. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?**

You should tick 'no' if the earlier trade mark was registered less than 5 years before the application or priority date of the application you are opposing.

Yes > GO TO Q7

No > GO TO Q8

**Q7. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?**

Yes > GO TO Q7a

No > GO TO Q7b

Please note: If you are relying on a comparable mark please see TPN 2/2020 for when it may be permissible to rely on use in the EU rather than solely in the UK.

**Q7a. For which of the goods and services listed at Q5 is trade mark use being claimed?**

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

> GO TO Q8.

**Q7b. Please state any proper reasons for non-use.**

--

**DETAILS OF THE TRADE MARK YOU ARE OPPOSING**

**Q8. Which goods or services in the application that you are opposing do you claim are identical or similar to those covered by the earlier mark which you have listed at Q5?**

These should be the goods and services of the trade mark you are opposing and not the earlier trade mark.

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

**Q9. Use this space to supply any further information about why you consider there is a likelihood of confusion and for example why you consider the respective marks or goods and/or services to be similar.**

<p>Please see paragraphs 2, 3, 4, 5 of the attached Statement of Grounds.</p>
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**SECTION B: Opposition is based on section 5(3) of the Trade Marks Act on the basis of an earlier registered or pending trade mark, that is identical with or similar to an earlier mark which has a reputation.**

*You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.*

**ABOUT THE EARLIER TRADE MARK**

**Q1. Trade mark number**

Your trade mark

UK00003399634

**Q2. Type of mark**

Please tick.

<input checked="" type="checkbox"/>	UK	<input type="checkbox"/>	International UK
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Please note, tick the "UK" box above if your mark is a national UK mark, a comparable mark deriving from a registered EUTM or IR(EU), or a national UK mark which constitutes a re-filing of a pending EUTM – please see TPN 2/2020 for further information.

**Q3. Representation of your trade mark**

Text only – enter your trade mark only and no other supporting information.

Or

An image – if you are unable to put your image in the box below, you can attach an image of the earlier trade mark to your email or print the image if sending by post.

**THE HUNDRED**

**Q4. For which goods or services covered by your earlier trade mark does it have a reputation?**  
These should be the goods and services of the earlier trade mark and not the trade mark you are opposing.

<input type="checkbox"/>	All goods and services
<input checked="" type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

25: clothing, footwear, headgear.

28: gymnastic and sporting articles; sporting articles and equipment; bags adapted for sporting articles; cases adapted for sporting articles; balls for playing sports; body protectors for sports use; gloves for sports.

41: entertainment; sporting and cultural activities; entertainment services relating to sporting events; organising of sports and sports events; organisation of sports tournaments.

**Q5. For which goods or services in the application (you are opposing) would use of the applicant's mark take unfair advantage of, or be detrimental to, the distinctive character or reputation of the earlier trade mark?**  
These should be the goods and services of the trade mark you are opposing and not the earlier trade mark.

<input checked="" type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services <i>(please specify below, use a continuation sheet if necessary)</i>

**Q6. Is it claimed that the similarity between the reputed earlier trade mark and the later trade mark is such that the relevant public will believe that they are used by the same undertaking or think that there is an economic connection between the users of the trade marks?**



Yes



No

*Use this space to supply any further information*

Please see paragraphs 2, 3, 4, 6, 7, 8, 12, 13 of the attached Statement of Grounds.

**QUESTIONS 7 TO 9 SHOULD BE ANSWERED IF THERE IS ANY OTHER BASIS FOR YOUR CLAIM OTHER THAN FOR YOUR ANSWER TO Q6.**

**Q7. Is there any other basis for your claim of unfair advantage? If so, please explain what the advantage would be to the holder of the later mark, and why it is unfair.**

Please see paragraphs 2, 3, 4, 6, 7, 8, 9, 12, 13 of the attached Statement of Grounds.

**Q8. Is there any other basis for your claim of detriment to the reputation of the earlier mark? If so, please explain what the detriment would be and how it would occur.**

Please see paragraphs 2, 3, 4, 6, 7, 8, 10, 12, 13 of the attached Statement of Grounds.

**Q9. Is there any other basis for your claim of detriment to the distinctive character of the earlier mark? If so, please explain what the detriment would be and how it would affect the economic behaviour of the relevant public.**

Please see paragraphs 2, 3, 4, 6, 7, 8, 11, 12, 13 of the attached Statement of Grounds.

**Q10. STATEMENT OF USE - Was the registration or protection process for the earlier trade mark completed 5 years or more before the application date (or priority date, if applicable) of the application or international registration you wish to oppose?**

You should tick 'no' if the earlier trade mark was registered less than 5 years before the application or priority date of the application you are opposing.

Yes > GO TO 11

No > GO TO Q13

**Q11. Has the trade mark been used in the 5-year period ending on the date of application (or priority date, if applicable) of the opposed mark?**

Yes > GO TO 12a

No > GO TO Q12b

Please note: If you are relying on a comparable mark please see TPN 2/2020 for when it may be permissible to rely on use in the EU rather than solely in the UK.

**Q12a. For which of the goods and services listed at Q4 is trade mark use being claimed?**

<input type="checkbox"/>	All goods and services
<input type="checkbox"/>	Some goods and services ( <i>please specify below, use a continuation sheet if necessary</i> )

> GO TO Q13

**Q12b. Please state any proper reasons for non-use.**

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**Q13. Use this space to give any further information to explain why you are opposing the application on this ground.**

N/A
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**SECTION C: Opposition is based on Section 5(4)(a) of the Trade Marks Act, where the use of the applicant's trade mark would be contrary to law, in particular, the law of passing off.**

*You must use a separate sheet for each earlier mark, so copy this sheet as many times as you need.*

#### **ABOUT THE EARLIER UNREGISTERED TRADE MARK**

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##### **Q1. Representation of your trade mark**

Text only – enter your trade mark only and no other supporting information.

Or

An image – if you are unable to put your image in the box below, you can attach an image of the earlier trade mark to your email or print the image if sending by post.

The logo for 'THE HUNDRED' is displayed in a large, bold, black, sans-serif font. The word 'THE' is positioned vertically to the left of the word 'HUNDRED', which is written horizontally. The letters are thick and blocky, with a slight shadow effect.

##### **Q2. When and where was the earlier right first used in the UK?**

###### **Date used:**

Enter date of first use.

2021

###### **Where used:**

Enter name of city/region or specify 'throughout UK' if used nationally.

Throughout the UK.



[Skip to main content](#)

# **Intellectual Property Office**

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**Trade mark number**

UK00003399634

**Status**

Registered

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## **Overview**

**Trade mark**

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**THE HUNDRED**

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**Dates**

**Filing date**

15 May 2019

**Date of entry in register**

11 October 2019

**Renewal date**

15 May 2029

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## **Goods and services**

**Classes and terms**

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**Class** 

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Mechanisms for coin-operated apparatus; Cash registers, calculating machines, data processing equipment, computers; Computer software; Fire-extinguishing apparatus; computer software applications; mobile apps; computer software for business purposes; computer programs for document management; computer software relating to the handling of financial transactions; computer programmes relating to financial matters; data processing software; downloadable video recordings; cloud computing software; downloadable cloud computing software; software for operating an online shop; computer e-

commerce software; software for evaluating customer behaviour in online shops; downloadable electronic newsletters; electronic publications; eyewear; sports eyewear; eyewear cases; sunglasses; straps for sunglasses; boxes [cases] for sunglasses; mobile phone covers; cases for mobile phones; bags adapted for laptops; laptop cases; sleeves for laptops; tablet computer cases; covers for tablet computers; tablet holders adapted for use in cars; selfie sticks; selfie lenses; chargers; usb chargers

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#### Class 25

Clothing, footwear, headgear; Articles of clothing made of leather; articles of clothing made of hides; articles of outer clothing; articles of sports clothing; outerwear; clothing for leisure wear; clothing made of fur; clothing made of imitation leather; clothing made of leather; casual clothing; cashmere clothing; woolen clothing; thermal clothing; windproof clothing; coats; rain coats; pants; sweatpants; shorts; sweatshirts; jumpers; t-shirts; dresses; articles of underclothing; sleepwear; belts made from imitation leather; belts made of leather; hats; caps; caps with visors; head bands; neck scarves; winter gloves; fingerless gloves; muffs; ear warmers; athletic footwear; casual footwear; leisure footwear; leather shoes

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#### Class 28

Games, toys and playthings; Video game apparatus; Gymnastic and sporting articles; Decorations for Christmas trees; Sporting articles and equipment; Bags adapted for sporting articles; Cases adapted for sporting articles; Balls for playing sports; Inflatable beach balls; Inflatable balls for sports; Manually operated exercise equipment; Body-training apparatus; Body protectors for sports use; Gloves for sports; Playing cards; Toy figures; Plastic toys; Puzzles [toys]; Inflatable toys; Bath toys; parts and fittings for all the aforesaid goods

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#### Class 38

Telecommunications; access to content, websites and portals; computer communication and internet access; computer communications services for the transmission of information; computer aided transmission of information and images; electronic transmission of data and documents via computer terminals and electronic devices; electronic transmission of images over a global computer network; operating of electronic communications systems; providing access to a global computer information network; providing access to an internet discussion website; providing access to internet forums; providing access to weblogs; providing multiple use access to global computer information networks for the transfer and dissemination of a wide range of information; satellite broadcasting services relating to sporting events; video on demand transmissions; audio broadcasting; audio, video and multimedia broadcasting via the internet and other communications networks; radio broadcasting services; satellite and cable broadcasting; subscription television broadcasting; information, advisory and consultancy services relating to the aforesaid services.

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#### Class 41

Education; Providing of training; Entertainment; Sporting and cultural activities; publication and distribution of printed media and recordings; electronic publications (not downloadable); production, distribution and showing of films and recordings; providing electronic publications from a global computer network or the internet, not downloadable; magazine publishing; multimedia publishing; publication of booklets; publication of books; organising of entertainment; entertainment services for children; production of live entertainment; providing facilities for entertainment; arranging of competitions for education or entertainment; production of live entertainment events; presentation of live entertainment events; organising of exhibitions for entertainment purposes; entertainment services relating to sporting events; sport camps; organising of sports and sports events; organisation of sports tournaments; hire of equipment for sports; ticket agency services [entertainment]; ticket information services for entertainment events; information, advisory and consultancy services relating to the aforesaid services

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## Names and addresses

### Owner(s) name

#### England and Wales Cricket Board Limited

England & Wales Cricket Board, Lords Cricket Ground, St. Johns Wood Road, LONDON, NW8 8QZ, United Kingdom

#### Country of Incorporation

United Kingdom

#### Company registration number

03251364

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### IPO representative name

#### Onside Law

642A Kings Road, London, SW6 2DU, United Kingdom

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## Publications

### First advert

#### Journal

2019/023

#### Date of publication

07 June 2019

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Intellectual Property Office is an operating name of the Patent Office

**Trade Marks Act 1994**

**UK Designation of International Registration No. 1783263**



**In classes 25, 28**

**In the name of HYAKU SPORTS PTE. LTD.**

**-and-**

**Opposition thereto by**

**England and Wales Cricket Board Limited**

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**STATEMENT OF GROUNDS**

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1. The Opponent is England and Wales Cricket Board Limited of Lords Ground, St. Johns Wood, London, NW8 8QZ, United Kingdom (hereinafter referred to as "the Opponent").
2. The Opponent owns a prior registration for the mark THE HUNDRED covering classes 09, 25, 28, 38 and 41. The Opponent also owns a prior registration for the mark

**THE HUNDRED**

[THE HUNDRED] covering classes 09, 25, 28, 38 and 41. The Opponent's prior registrations are as outlined in the Form TM7 (hereinafter referred to as "the Opponent's Earlier Marks").



3. The mark **HNDRD** applied for by HYAKU SPORTS PTE. LTD. (hereinafter referred to as the "the Applicant") in International Registration No. 1783263 (hereinafter referred to as "the Application") contains the verbal element HNDRD, which reads as "HUNDRED", and is highly similar to the Opponent's Earlier Marks on the basis of phonetic, visual and conceptual comparisons.
4. The Application covers goods in classes 25 and 28 which are identical, alternatively highly similar, to those goods in classes 25 and 28 for which the Opponent's Earlier Marks are protected.
5. In view of the similarity of the marks at issue and the identity and/or similarity in the goods covered, the Opponent submits that there exists a likelihood of confusion on the part of the public, including a likelihood of association. As such, the Opponent requests that the

Application be refused in its entirety under the provisions of Section 5(2)(b) of the Trade Marks Act 1994.

6. Furthermore, the Opponent has developed a massive reputation in its trade marks THE

**THE HUNDRED**

HUNDRED and (as identified in the Form TM7) (hereinafter, the 'Opponent's Reputed Marks') in relation to its core sporting and entertainment services, and related goods and sponsorship activities. That reputation was established prior to the filing date of the Application.

7. The Opponent submits that use of the mark applied for by the Applicant would, without due cause, take unfair advantage of, or be detrimental to, the distinctive character or repute of the Opponent's Reputed Marks and therefore that the Application should be refused under s.5(3) of the Trade Marks Act 1994.
8. The Opponent submits that the Applicant's use of the sign applied for in relation to the claimed goods and services would create a link with the Opponent's Reputed Marks in the mind of the consumer. The link would be such that the relevant public will believe that the Applicant's use of the mark applied for is use by the Opponent or by a party economically linked with or endorsed by the Opponent.



9. The Opponent further submits that the Applicant's use of the sign **HNDRD**, which creates a link in the mind of the relevant consumer with the Opponent's Reputed Marks, would constitute free-riding by the Applicant on the reputation of the Opponent. This would be an unfair advantage taken without due cause, even if the consumer were not confused.
10. Furthermore, the Opponent submits that the use of the mark applied for by the Applicant would, without due cause, be detrimental to the reputation of the Opponent's Reputed Marks. The risk is that the Applicant's use of the mark applied for (which brings to mind the Opponent's Reputed Marks) in the context of the claimed goods over which the Opponent has no quality control would lead consumers to associate their experience of the Applicant's goods with the Opponent, even if they would not be confused. This would damage the reputation of the Opponent's marks.
11. The Opponent also submits that use by the Applicant of the mark that is the subject of the Application would, without due cause, be detrimental to the distinctive character of the Opponent's Reputed Marks. The ability of the Opponent's Reputed Marks to identify the goods or services (for which they are registered and reputed) as coming from the Opponent would be weakened. Use of the similar mark by the Applicant would lead to dispersion of the identity and hold upon the public's mind of the Opponent's Reputed Marks as synonymous with the Opponent in relation to the goods and services for which they are registered and used. The economic behaviour of the relevant public would be altered, in that they would cease to rely on the exclusivity of the Opponent's Reputed

Marks to identify the goods and services of the Opponent, even if they would not be confused.

12. The Opponent is not aware of any due cause which requires the Applicant to use the sign



subject of the Application. It is for the Applicant to show such due cause.

13. Accordingly, the Opponent requests that the Application be refused in its entirety under the provisions of Section 5(3) of the Trade Marks Act 1994.

14. The Opponent submits that the use of the applied for sign in the UK by the Applicant would be liable to be prevented by virtue of the law of passing off protecting unregistered trade marks and other signs used in the course of trade.

15. As will be shown in evidence to follow, there is goodwill in the signs THE HUNDRED and



in the UK in relation to a range of goods and services (as set on in the Form TM7) as a result of use since as early as 2021.

16. The Opponent is the owner of that goodwill.

17. The Opponent submits that use of the sign applied for by the Applicant would amount to a misrepresentation, causing damage.

18. On this basis, the Opponent submits that the Application should be refused in its entirety in accordance with the provisions of Section 5(4)(a) of the Trade Marks Act 1994.

19. The Opponent requests that the Application be refused in its entirety and requests an award of costs in its favour.

.....  
**STOBBS**  
**04 October 2024**

# Before you send us your form

Make sure you have:

- Answered questions 1 – 8 and then the relevant Sections.
- Provided a signature and date at question 7. This can be typed or handwritten.
- Made payment by card, cheque, bank transfer or IPO deposit account.
- Completed the payment sheet above.

| We aim to process this form within 20 working days (4 weeks).

**Email your completed PDF form to:  
forms@ipo.gov.uk**

If you cannot email us your form, you can print and post your form to:  
Intellectual Property Office, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ.

**Please note: It takes longer to process paper forms sent by post.**

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**Subject :** DP TM7 - WO0000001783263 - STOBBS REF: 3792/30075

**Received :** 2024-10-04 17:26:24

**From Address :** Mark.ONeill@iamstobbs.com

**To Address :** Forms@ipo.gov.uk

You don't often get email from mark.oneill@iamstobbs.com. [Learn why this is important](#)

**TRADE MARK APPLICATION NUMBER: WO0000001783263**

**OUR CLIENT: ENGLAND AND WALES CRICKET BOARD LIMITED**  
**FORM TM7: NOTICE OF OPPOSITION AND STATEMENT OF GROUNDS**

Dear Sirs

We act for England and Wales Cricket Board Limited and attach herewith Form TM7 and relative Statement of Grounds in relation to International Registration number WO0000001783263 by HYAKU SPORTS PTE. LTD.

We thank you in advance for your cooperation and look forward to hearing from you.

Kind regards

Mark O'Neill  
IA Executive

+44 (0)1223 435240  
[Mark.ONeill@iamstobbs.com](mailto:Mark.ONeill@iamstobbs.com)  
[www.iamstobbs.com](http://www.iamstobbs.com)

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