

D YOUNG & CO TRADE MARK NEWSLETTER *no.142*

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In this issue:

UK trade mark appeal dismissed following AI issues UKIPO cautions litigants	04
Sales of own products qualify as genuine use for retail services Board of Appeal overturns EUIPO's restrictive approach	05
SkyKick in practice Broad specification leads to finding of bad faith	06
Iconix v Dream Pairs UK Supreme Court confirms relevance of post-sale confusion in infringement assessment	07
Comparable UK trade marks and genuine use Post-Brexit update	08

Variant use, promotional use & partial revocation easyGroup partially successful at the Court of Appeal



Full Story [Page 02](#)



As we approach conference season, our team is gearing up for one of the busiest times of the year. The weeks ahead will be full of energy and activity with the chance to connect with colleagues from around the world at the IPO Annual Meeting, MARQUES Annual Conference, PTMG Autumn Conference and INTA Leadership meeting. We look forward to seeing many of you in the weeks ahead and continuing the conversations that move our profession forward. In this edition we are delighted to congratulate our colleagues Bonnie Brooks and Sophie Rann on their outstanding achievements in qualifying as Chartered Trade Mark Attorneys.

Gabriele Engels
Partner, Rechtsanwältin

Events



IPO Annual Meeting

San Diego, USA, 07-09 September 2025
Attending: Jackie Johnson

MARQUES Annual Conference

The Hague, 16-19 September 2025
Attending: Jana Bogatz, Matthew Dick, Charlotte Duly, Gabriele Engels and Anna Reid.

Women in IP Annual Event

Southampton, UK, 01 October 2025
D Young & Co is hosting live streaming of this panel event at our Southampton office.

PTMG Autumn Conference

Budapest, Hungary, 08-10 October 2025
Attending: Yvonne Stone

INTA Leadership Meeting

Florida, USA, 18-25 November 2025
Attending: Jana Bogatz and Anna Reid

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Revocation / infringement

Variant use, promotional use & partial revocation easyGroup partially successful at the Court of Appeal

Two recent Court of Appeal decisions, *easyGroup Ltd v Easy Live (Services) Ltd* (EasyLive) and *easyGroup Ltd v Easyfundraising Ltd* (EasyFundraising), provide clarification regarding the law of variant use, promotional use and partial revocation. In the EasyFundraising appeal, easyGroup was partially successful in overturning the High Court's revocation decisions. In the EasyLive appeal, easyGroup was partially successful in overturning the High Court's finding of non-infringement.

Background

In each case, easyGroup had issued infringement proceedings relying on trade mark registrations such as EASYLIFE, the easylife logo mark, and easy.com:



Image source: [2025] EWCA Civ 1000, dycip.com/2025-EWCA-Civ-1000

Both cases also involved counterclaims for revocation. Materially the same evidence was filed in each case, including evidence of variant use of the easylife logo mark.

The two High Court decisions were issued by different judges within a week of each other. Notably, different conclusions on variant use were reached.

In the first decision, EasyLive, variant use (and subsequently genuine use) was established and the easylife logo mark was only partially revoked. However; in EasyFundraising, the evidence was held to consist of unacceptable variants, and so the revocation against the easylife logo mark was wholly successful. In both High Court decisions, easyGroup's infringement claims were unsuccessful.

Both decisions were appealed to the Court of Appeal.

EasyFundraising: revocation Variant use

Use of a trade mark includes use in a form (the "variant form") differing in elements which do not alter the distinctive character of the mark in the form in which it was registered.

In overturning the finding that easyGroup's evidence did not contain acceptable variants of the easylife logo mark, the Court of Appeal found that:

1. The memorable part of the easylife logo mark was the compound word "easylife". It was held that whilst "easylife" may not be particularly distinctive, it is what gave the mark almost all of its distinctive character.
2. Some of the variant marks could be perceived as composite marks, and divided up accordingly (for example, into a tickball figurative sign and "easylife lifestyle solutions"). In comparing the easylife logo mark to the latter part of the variant mark used, the distinctive character was found not to be altered. The fact that the tickball sign was used together with this part did not affect this.
3. Evidence from the trade mark proprietor as to their subjective reasons for using variants instead of the mark as registered is inadmissible to the assessment of variant use: the question is objective and to be assessed from the perspective of the average consumer.

Decisions of courts of coordinate jurisdictions

Notably, the Court of Appeal also commented on the fact that the High Court decision was incompatible with the EasyLive decision (a copy of which had been provided to the High Court following the handing down of the draft judgment).

The Court of Appeal found that whilst it is possible for two courts to reach opposite conclusions without either making any error of law or principle, the High Court was not justified in substituting its own decision for that of a court of coordinate

➤ Case details at a glance

Jurisdiction: England & Wales

Decision level: High Court

Parties: easyGroup Limited v Easy Live (Services) Limited, Achilleas Pavlou Achilleous and Jonathan Richard Dean Burnside

Citation: [2025] EWCA Civ 946

Date: 24 July 2025

Decision: dycip.com/2025-EWHC-Civ-946

Jurisdiction: England & Wales

Decision level: High Court

Parties: easyGroup Limited v Easyfundraising Limited, The Support Group (UK) Limited and Ian Woodroffe

Citation: [2025] EWCA Civ 1000

Date: 24 July 2025

Decision: dycip.com/2025-EWCA-Civ-1000

jurisdiction just because it disagreed with it.

Partial revocation & coherent subcategories

In the event that it was wrong on its finding of variant use, the High Court had commented on the partial revocation of the easylife logo mark. In determining whether the High Court had reached the correct conclusion, the Court of Appeal provided guidance on considering coherent subcategories of goods and services.

The Court of Appeal confirmed that (as per cases such as ACTC and Ferrari), the essential criteria to be applied in determining independent subcategories are **purpose** and **intended use**. It is not sufficient that different goods may be aimed at different publics or sold in different shops or that different goods or services belong to different market segments.

It was acknowledged that the purpose and intended use criteria are easier to apply to goods than to services. Therefore, the Court of Appeal found that the correct approach is to consider the **intended mode of use** of the services in question.

Whilst the Court of Appeal found that the High Court had not applied this criteria, its proposed limitation of the easylife logo mark's class 35 specification to "providing advertising and promotional space in printed publications" was found to represent a coherent subcategory. It accorded with the principle that advertising services can be differentiated by medium, and hence intended mode of use, even though their purpose is the same. easyGroup's rights in the easylife logo mark were therefore to be revoked to this extent.

The Court of Appeal also applied these principles when considering the grounds of appeal related to the partial revocation of the easyJet mark.

Promotional use and genuine use

In considering whether promotional use of the easy.com mark was sufficient to establish genuine use for "electronic mail services" in class 38, the Court of Appeal found that when evaluating promotional use, the question

is whether the average consumer would perceive the provision of the item in question to be purely for the purpose of promoting the sale of other goods or services or whether they would perceive it to amount to trade in the item in its own right even if with the ulterior purpose of promoting the sale of other goods or services. On this basis, the Court of Appeal overturned the High Court's finding that there had been no genuine use.

EasyFundraising: infringement

easyGroup's appeals with regards to its infringement claims failed. Further details as to the scope of the infringement claims can be found in our summary of the High Court decision "Easier said than done: lessons for brands from the latest easyGroup loss" <https://www.dyoung.com/en/knowledgebank/articles/easygroup-easyfundraising-tm-litigation-uk-high-court>.

EasyLive: revocation

On appeal, the defendant challenged the High Court's decision not to revoke the easylife logo mark in full. In line with the above mentioned principles, the Court of Appeal upheld the High Court's findings on variant use. In terms of partial revocation, and in line with the above, the Court of Appeal found that "providing advertising or promotional space in printed publications" was a subcategory. Therefore, easyGroup's rights were reduced from "advertising services; promotional services" to this narrower scope.

EasyLive: infringement

The defendant, Easy Live (Services) Ltd, ran a business offering auction services and advertising auction catalogues online. easyGroup brought a claim under section 10(2)(b) of the Trade Marks Act 1994, alleging that the defendant's use of signs such as "Easy Live," "Easy Live (Services) Ltd," and "Easy Live Auction" infringed its marks by creating a likelihood of confusion.

On appeal, a significant point of contention was whether "EASYLIFE" and "EASY LIVE" were conceptually different. The High Court believed so to an extent, interpreting "live" as an adjective (for example, a live auction) and "life" as a noun. The Court of Appeal

disagreed, finding that "live" could equally be interpreted as a verb, meaning to live, closely aligning conceptually with "life." As such, the High Court had erred in downplaying the semantic similarity between the two.

In reassessing the likelihood of confusion, given the similarity of the marks, the Court of Appeal allowed the appeal to the extent of substituting a finding of infringement of both the EASYLIFE mark and the easylife logo mark by use of the sign EASY LIVE.

Authors:

Mia McIntyre & Sophie Rann



In short

In determining variant use, the verbal and dominant elements of figurative marks appear to be key to assessments of distinctiveness. The decisions also highlight the importance of registering updated logos, so as to avoid any potential issues with regard to variant use.

In considering partial revocation, the essential criteria to be applied in determining independent subcategories are purpose and intended use.

In determining genuine use, promotional use can be sufficient.

In determining infringement, the analysis of conceptual similarity is not always clear cut. The meaning of words can shift depending on context. Courts must take account of multiple interpretations, including how average consumers might understand and misread them.

UK trade mark appeal dismissed following AI issues

UKIPO cautions litigants

Case details at a glance

Jurisdiction: UK

Decision level: UKIPO appeal

Parties: Proheath Inc and Pro

Health Solutions Ltd

Citation: BL O/0559/25

Date: 20 June 2025

Decision (PDF): dycip.com/ukipo-o055925

In a recent UKIPO trade mark appeal questions were raised by the appointed person in relation to the use (or rather mis-use) of artificial intelligence (AI) in preparing arguments.

Issues arose in relation to the skeleton argument and grounds of appeal filed for the appellant by Dr Soufian (who was acting as a litigant in person) and also the skeleton argument filed for the respondent by Mr Victor Caddy (of IAM The Victor LLP).

Dr Soufian had filed his grounds of appeal in narrative form and at the end of the grounds included a list of cases and “quotes”. Despite the cases being real, three of the “quotes” were not found in the decisions cited. The appointed person, Phillip Johnson, concluded that the summary misrepresented the cases substantially. Dr Soufian admitted that he had drafted the grounds with the assistance of ChatGPT and, when addressing the numerous errors in the citations and problems with the skeleton arguments, he apologised unreservedly.

Mr Caddy, who is a trade mark attorney, also had his skeleton argument scrutinised by the appointed person. Three real cases were found to be correctly cited; however, during the hearing, Mr Caddy was unable to identify the part of the judgments which supported the propositions made. After the hearing he sent email to the UKIPO Secretariat in which he said that he had not been expecting to “make out my own side’s case more so than had been done in the skeleton”. The appointed person concluded that this did not improve Mr Caddy’s position and “clearly makes it worse”.

The appointed person cited the case of Ayinde, R (on the application of) v London Borough of Haringey [2025] EWHC 1383 (Admin), in which the Divisional Court had considered the problems arising from advocates using generative AI (including ChatGPT) in preparing court documents. In that case it was said that in the context of legal research, the risks of using AI are now well known. Whilst generative AI tools trained on a large language model (such as ChatGPT) are capable of producing apparently coherent and plausible responses

This case highlights the risks posed by litigants relying on the accuracy of AI



to prompts, it was acknowledged that those coherent and plausible responses may turn out to be entirely incorrect. It was concluded that there are serious implications for the administration of justice and public confidence in the justice system if AI is misused.

The AP said that Dr Soufian, despite being a litigant-in-person, was still under a duty not to mislead the court; however, it was noted that a litigant-in person should not be punished for raising irrelevant arguments which are honestly made or putting forward arguments based on genuine misunderstandings of the law. The appointed person noted that there is a difference between honest mistakes and misunderstandings and relying on laws which have been fabricated.

Further, in a nod to UKIPO practice, the appointed person said that it was important that all litigants before the registrar (whether *ex parte* or *inter partes*) and all parties to any appeal to the appointed person are made aware of the risks of using AI. He said “a very clear warning needs to be given to make even the most nervous litigant

aware of the risks they are taking”. In the future, he said that if a notice warning of the risks of using AI is included in registry correspondence, an apparent lack of experience (in the case of Dr Soufian) is much less likely to be such strong mitigation.

It should be noted that the appointed person did accept that it was possible that Mr Caddy found the references and simply read them (and misunderstood them) in a way that he was unable to follow or understand; however, he highlighted that advocates should always be prepared to explain to a court or tribunal what they have included in skeleton or other written arguments.

In entering into relatively uncharted territory, this case highlights the risks posed by litigants relying on the accuracy of AI without proper checks and verification. Despite the huge potential advantages that AI has, in a brave new world this case serves as a clear warning that human input remains vital.

Author:
Richard Burton



Sales of own products qualify as genuine use for retail services

Board of Appeal overturns EUIPO's restrictive approach

The Board of Appeal has confirmed that retail services limited to the trade mark proprietor's own products may constitute genuine use under European Union trade mark law, provided they involve more than the mere act of sale. The decision clarifies the interpretation of "retail services" and rejects the restrictive approach taken by the EU Intellectual Property Office (EUIPO) in the recent years.

Background: a restrictive interpretation of retail services

The case concerns the genuine use of the RITUALS trade mark for retail services. Rituals, known for its lifestyle and wellness products, exclusively sells its own products in its own branded shops. The EUIPO's Cancellation Division questioned whether such activities could be classified as retail services within the meaning of the Nice Classification.

The Cancellation Division relied on the explanatory note to class 35, which defines retail services as "the bringing together, for the benefit of others, of a variety of goods... enabling customers to conveniently view and purchase those goods." The EUIPO interprets the characteristic "for the benefit of others" narrowly, holding that "others" must be third-party manufacturers or trade mark proprietors seeking an outlet for their goods. Since Rituals sells only its own products, the Cancellation Division considered its activities to be nothing more than the sale of goods, covered by registrations for the relevant product classes, and not independent retail services.

Rituals' appeal: the retail experience beyond product sales

Rituals appealed to the Board of Appeal, emphasising that its retail model goes beyond the simple sale of goods. In its stores, customers can test products (for example, handwashing with Rituals soaps), enjoy Rituals-branded tea, receive demonstrations and treatments from trained staff (for example, hand massage), attend workshops and classes, personalise products, and access digital services such as mindfulness and yoga apps.

The Board of Appeal's decision: alignment with the CJEU's *Praktiker* judgment

The Board of Appeal overturned the Cancellation Division's decision. It found that retail services are not limited to acting as an outlet for third-party goods. Rather, consistent with the Court of Justice of the European Union's (CJEU) judgment in *Praktiker* (C-418/02), retail services comprise both the act of selling goods and all activities aimed at encouraging the conclusion of sales transactions. Accordingly, retail services are to be understood as follows:

- The objective of retail trade is the sale of goods to consumers.
- Retail trade includes the legal sales transaction together with all activity carried out by the trader for the purpose of encouraging the conclusion of that sales transaction.
- Such activity consists, *inter alia*, in selecting an assortment of goods offered for sale, and offering a variety of services aimed at inducing the consumer to conclude the transaction with the trader in question rather than with a competitor.

Applying this definition, the Board of Appeal found that Rituals' retail model fits within the scope of retail services. It recognised that Rituals operates a retail model including curated product assortments, in-store demonstrations, customer experiences (for

example, hand massages, tea rituals), and a selective distribution system with strict brand guidelines and support for authorised retail partners. These activities are aimed at facilitating purchasing decisions and enhancing the consumer experience, thus fulfilling the definition of retail services.

The Board of Appeal further emphasised that the characteristic "for the benefit of others" should not be considered limited to other manufacturers or trade mark proprietors, as the EUIPO currently interprets it. Consumers themselves are "others" who can benefit from the retailer's services. In fact, in view of the Board of Appeal "retail services are there also, and above all, for the benefit of the consumer".

Implications of the decision

Whether the decision represents a shift from the EUIPO's established position on mono-brand stores remains to be seen. What is clear is that offering a comprehensive shopping "experience" aimed at boosting sales can constitute genuine use for retail services, even where only the trade mark proprietor's own products are sold.

While much will depend on the quality of evidence and reasoning in each case, the decision provides mono-brand retailers with greater confidence in invoking and defending class 35 registrations for retail services.

Author:

Julian Graf Wrangel



Board of Appeal confirms sales of own products qualify as genuine use for retail services



SkyKick in practice

Broad specification leads to finding of bad faith

Case details at a glance

Jurisdiction: UK

Decision level: UKIPO

Parties: Cashflow Corporation Ltd and SE Bicycles Company Limited

Citation: O/0439/24

Date: 09 May 2025

Decision (PDF): dycip.com/o043925-enerjo

The United Kingdom Intellectual Property Office (UKIPO) has applied the Supreme Court judgment in *SkyKick UK Ltd and Anor v Sky Ltd and Ors* ([2024] UKSC 36) (*SkyKick*) in case O/0439/24 regarding a UK trade mark application for ENERJO.

In May 2022, long before the *SkyKick* decision, Cashflow Corporation Ltd (the applicant) applied to register ENERJO for a specification spanning 13 classes. The application was opposed by SE Bicycles Company Limited (the opponent) based on Sections 5(2) (b) and 3(6) of the Trade Marks Act 1994

The 5(2)(b) ground relied on a standard likelihood of confusion assessment between ENERJO and a number of ENERGI logo marks. Whilst the opposition under this ground was rather more mundane, the decision provides a useful summary on the requirements for proving use of an earlier right. The burden lies with the proprietor to prove use through relevant UK evidence during the relevant time period. The opponent failed in this requirement. They had one registration that was not subject to proof, and the hearing officer's analysis under this ground took a pragmatic approach considering the extreme length of the applicant's specification, identifying a number of identical goods and

noting that if the opposition failed for the identical goods then it would fail for the similar goods. Ultimately this ground did not succeed.

The 3(6) ground claimed bad faith on the basis the applicant did not have a *bona fide* intention to use ENERJO for all of the goods and services covered. The opponent noted the specification was 81 pages in length; the hearing officer claimed a page count of over 120, with either result suggesting an extensive list covering diverse terms from truncheons and knuckle dusters, to fish meal fertilizers, decompression chambers, aeroplanes, fur care, cleaning and repair, pleasure boat transport and golf course design with a host of varied goods and services in between. When filing the application, the applicant would have declared a *bona fide* intention to use across the terms covered. With such a broad specification, the opponent's position was this declaration was false and the applicant had a dishonest state of mind or intention, filing the application with the intention of either undermining the interests of third parties or obtaining an exclusive right for purposes other than those falling within the functions of a trade mark.

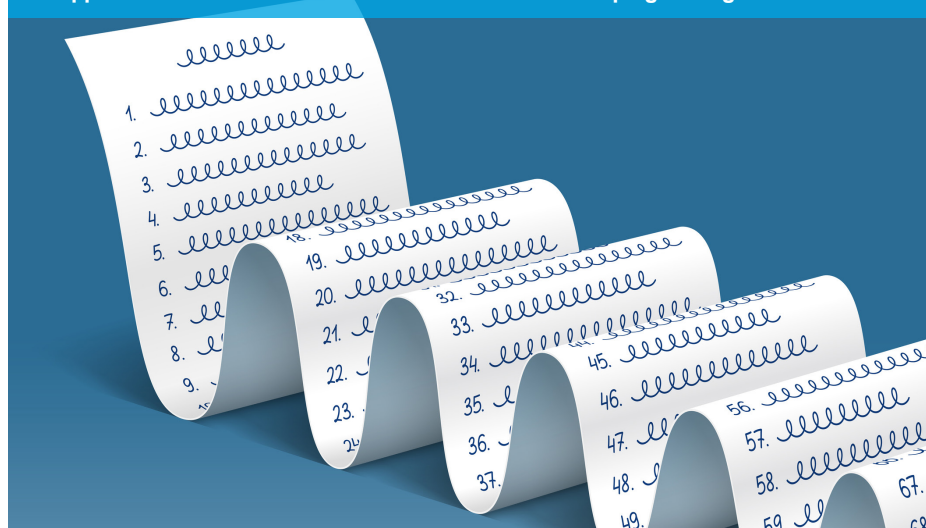
The applicant did file a defence but only the opponent filed evidence in chief. There was not a hearing and only the opponent filed written submissions.

SkyKick was considered relevant in light of the opponent's pleaded case under 3(6) and the opposition was suspended in April 2024 pending the outcome of the Supreme Court's decision. Following the *SkyKick* decision, the opposition resumed in March 2025. The applicant filed submissions at this point which were vague, did not indicate any real business intention, and relied on the position that they had not covered all 45 classes. At no point did the applicant file evidence as to their commercial activities to explain why their broad specification may have been appropriate.

The hearing officer noted that "It is difficult to imagine that one business would use its trade mark to indicate to customers that it is responsible for providing goods and services as varied as those in the specification at issue". Without any real justification from the applicant, the breadth of the "arbitrary and disparate" specification was sufficient to question whether the applicant had an intention to use the mark for all of the goods and services in the application. As the applicant failed to discharge the *prima facie* case against it, bad faith was found.

The ENERJO decision, whilst interesting due to the application of the findings in *SkyKick*, is a relatively straightforward example of bad faith considering the minor role the applicant played in defending their position.

The application documented intention to use across a sweeping list of goods and services



As with *SkyKick*, this decision does not automatically equate broad specifications with bad faith. The UKIPO has subsequently issued Practice Amendment Notice 1/25 (PAN 1/25) which highlights the need for trade mark applicants to have a commercial rationale for the terms covered, particularly where specifications are broad and cover a range of seemingly unconnected goods and services. PAN 1/25 will lead to greater scrutiny of specifications at the application stage.

Author:
Charlotte Duly



This article was first published by *World Trademark Review* on 03 July 2025.

Iconix v Dream Pairs

UK Supreme Court confirms relevance of post-sale confusion in infringement assessment

Case details at a glance

Jurisdiction: England & Wales

Decision level: Supreme Court

Parties: Iconix Luxembourg Holdings

SARL (respondent) v Dream Pairs

Europe Inc and another (appellants)

Date: 24 June 2025

Citation: [2025] UKSC 25

Decision (PDF): dycip.com/2025-UKSC-25

This Supreme Court decision highlights the relevance of post-sale confusion to the assessment of similarity and confusion in UK trade mark infringement matters.

This is important because it will now be increasingly relevant in trade mark disputes to consider how trade marks and branding are perceived by consumers day-to-day, including from realistic viewpoints and angles.

Brand owners will benefit, in particular, from the Supreme Court's conclusion that consumer confusion between a brand and third-party signs can be enough to give rise to a trade mark infringement claim, even if the consumer does not make a purchasing decision based on that confusion.

This judgment serves as another reminder that whilst judges can come to completely different conclusions when assessing similarity and likelihood of confusion, appellate courts should not interfere with trial judges' factual findings unless there is a clear error of law or irrationality.

Background

Iconix Luxembourg Holdings SARL owns the Umbro brand, including its famous "double diamond" logo, registered as UK trade marks and used on football boots since 1987.

Dream Pairs Europe Inc began selling footwear in the UK in 2018 featuring a "DP sign" logo, which Iconix argued was confusingly similar to the Umbro trade marks.



Umbro trade marks (above left) and Dream Pairs DP sign logo (above right).

Source: [2024] EWCA Civ 29
dycip.com/2024-EWCA-Civ-29

Procedural history

Iconix issued a claim against Dream Pairs for trade mark infringement under sections 10(2) and 10(3) of the Trade Marks Act 1994, alleging that the DP sign was likely to

When assessing similarity the court will consider how the sign will be perceived in use



cause consumer confusion, including after the point of sale (post-sale confusion).

Court of first instance (High Court):

dismissed Iconix's claim, finding only a "very faint" similarity between the Umbro trade marks and the DP sign and no likelihood of consumer confusion, either at the point of sale or post-sale.

Court of Appeal: overturned the decision of the High Court, holding that the trial judge's findings were "irrational". The Court of Appeal found a "moderately high" similarity in the post-sale context (for example, when the product is seen on someone in public) and a likelihood of confusion among a significant proportion of consumers.

Supreme Court: unanimously allowed Dream Pairs' appeal, meaning the High Court's decision that the DP sign did **not** infringe the Umbro trade marks was restored.

The Supreme Court's approach

1. Assessment of similarity: The Supreme Court clarified that when assessing similarity, the court will consider how the sign will be perceived in use (for example, when the logo is seen on a football boot worn on the street, or on the pitch!) for the purpose of establishing whether the signs at issue are similar and, if so, the degree of similarity. Importantly, this includes when consumers see the sign from realistic viewpoints and angles, not just in a paper based side-by-side comparison divorced of real-life context.

2. Assessment of confusion: The Supreme Court clarified that where a passer-by is confused by a third-party sign and a registered trade mark, this can be enough in itself to establish confusion, and so a claim for trade mark infringement. The consumer does not need to make a transactional decision (that is, purchase of a third-party product because it wrongly thinks the brand owner is responsible for the product) in order for a trade mark infringement claim to arise. Confusion in itself is enough.

3. Appellate review: The Supreme Court emphasised that appellate courts should not interfere with trial judges' assessments on factual findings unless there is a clear error of law or irrationality, which the Supreme Court found there was not. Instead, the court considered the trial judge had undertaken a proper assessment (including post-sale confusion) and therefore the Court of Appeal should not have interfered. It is important, therefore, for brand owners to make their best case the first time round.

Authors:

Ella Lane & Phil Leonard



In short

This Supreme Court decision highlights the relevance of post-sale confusion to the assessment of similarity and confusion in UK trade mark infringement matters.

D YOUNG & CO INTELLECTUAL PROPERTY

And finally...

Brexit / comparable UK trade marks

Comparable UK trade marks and genuine use Post-Brexit update

On 01 January 2021, the United Kingdom Intellectual Property Office (UKIPO) cloned existing EU trade mark registrations and protected EU designations of international registrations into registered UK rights known as “comparable UK trade marks”.

When proving use of comparable UK trade marks (whether in the context of opposition, invalidation, revocation or infringement proceedings), rights holders are able to rely on European Union use dated on or before 31 December 2020 and/or UK use.

Therefore, from 01 January 2026, revocation applicants may request proof of use for a continuous five-year period in which only UK use is relevant; and for UK applications filed on 31 December 2025 onwards (which do not claim priority back to an earlier date) and which have been opposed on the basis of comparable UK trade marks, applicants may request proof of use for a period of time that does not encompass EU use.

Is action required?

- Where comparable UK trade marks have not been used, rights holders are

encouraged to use their marks in the UK as soon as possible **but only** if use is genuine and commercially relevant. However, it would be down to the facts of the case (including the relevant market, any reasons for non-use, timing of use preparations, and knowledge of an impending revocation action) as to whether a few months of UK use would be sufficient to prove genuine use in a revocation action filed early next year.

- Conversely, those with a business interest in a mark identical/similar to a comparable UK trade mark may wish to conduct investigations into the extent of use of the comparable UK trade mark before the end of 2025, and consider whether to file non-use revocation actions in early 2026.
- When conducting clearance searches and filing new applications in the UK, the risks associated with comparable UK trade marks that have not been used in the UK will continue to reduce this year.

Please contact your usual D Young & Co advisor if you have any queries.

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