

## Sky not clad in glory

### IPO rejects Sky's opposition to SKYCLAD trade mark application

By Decision No. O-031-18, Hearing Officer Mark Bryant rejected in full an opposition brought by Sky plc and Sky International AG ("Sky") to a trade mark application for the word mark SKYCLAD (the "Contested Mark") in respect of, inter alia, retail of jewellery and precious stones in Class 35 and electricity generation services in Class 40, in the name of Ecotricity Group Limited. Sky relied on various earlier trade marks that were not yet subject to proof of use requirements, including a UK trade mark for the word mark SKY that covered electricity generation services and various services relating to the sale of jewellery. In rejecting Sky's opposition pursuant to s.5(2)(b) of the Trade Marks Act 1994 (the "Act"), the Hearing Officer found that the identity and/or similarity of the services together with the inclusion of the word SKY within the Contested Mark was not sufficient to lead to a likelihood of confusion. Specifically, even though the word SKY would be identified within the Contested Mark, the Hearing Officer found that the Contested Mark would be perceived as an invented word or unit with no discernible conceptual identity such that the word SKY did not retain an independent distinctive character within the mark as a whole. This formed an important point of difference with Sky's trade mark, which had a clearly defined and obvious concept. On balance, therefore he found no likelihood of confusion. The Hearing Officer also rejected Sky's oppositions based on s.5(3) and s.5(4)(a) of the Act.

[Charlotte Blythe](#) (Née Scott) represented the successful Trade Mark Applicant.

Click [here](#) to read the full decision.

If you would like to speak to someone about this news flash, please contact:

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