

CANCELLATION No C 72 812 (INVALIDITY)

Scott Sports SA, Route du Crochet 11, 1762 Givisiez, Switzerland (applicant), represented by **Balder IP Law, S.L.**, Paseo de la Castellana 93, 28046 Madrid, Spain (professional representative)

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Aima Technology Group Co., Ltd, No.5 Aima Road, South Zone of Jinghai, Economic Development Zone, Tianjin, China (IR holder), represented by **Ingenias**, Av. Diagonal, 514, 1-4, 08006 Barcelona, Spain (professional representative).

On 27/02/2026, the Cancellation Division takes the following

DECISION

1. The application for a declaration of invalidity is rejected in its entirety.
2. The applicant bears the costs, fixed at EUR 450.

REASONS

On 03/07/2025, the applicant filed a request for a declaration of invalidity against international registration designating the European Union No 1 689 953 **SCOOX** (figurative mark) (the international registration). The request is directed against all the goods covered by the international registration. The application is based on EUTM registration No 4 508 461 'SCOTT'. The applicant invoked Article 60(1)(a) EUTMR in conjunction with Article 8(1)(b) EUTMR.

SUMMARY OF THE PARTIES' ARGUMENTS

The **applicant** argues that a likelihood of confusion exists between the marks in question and that the goods are highly similar. In its view, this is because the marks operate in the same business sector and markets, namely the automotive industry. In addition, the contested goods are means of transport and serve the core purpose of personal transportation, thereby creating a functional overlap with the applicant's goods. Furthermore, the goods are sold through specialised retailers (bike shops, auto dealerships), and increasingly through multi-brand mobility platforms. Both the contested and the applicant's goods are promoted online, which means that they are sold through the same distribution channels and target similar customers. It adds that it is increasingly common for businesses specialising in bicycles and related components to diversify their offerings by expanding into adjacent sectors such as electric vehicles – including cars – especially given the convergence of sustainable transport solutions and the rising demand for electric mobility products. According to the applicant, consumers are used to seeing manufacturers operate across different segments of the transport market (from traditional bicycles to electric scooters, mopeds and compact electric vehicles) under a single brand identity. Consequently, it would not be unusual for the relevant public to

expect that a trade mark protecting bicycles or electric bicycles would also offer electric cars, and vice versa.

For reasons that will become apparent below, the applicant's other arguments – relating, inter alia, to the comparison of the signs and the marks' distinctive and dominant elements – need not be summarised.

The **IR holder** did not submit any observations in reply, even though it was explicitly invited to do so.

LIKELIHOOD OF CONFUSION – ARTICLE 60(1)(a) EUTMR IN CONJUNCTION WITH ARTICLE 8(1)(b) EUTMR

Pursuant to Article 8(1)(b) EUTMR, a likelihood of confusion exists if there is a risk that the public might believe that the goods or services in question, under the assumption that they bear the marks in question, come from the same undertaking or, as the case may be, from economically linked undertakings. Whether a likelihood of confusion exists depends on the appreciation in a global assessment of several factors, which are interdependent. These factors include the similarity of the signs, the similarity of the goods and services, the distinctiveness of the earlier mark, the distinctive and dominant elements of the conflicting signs and the relevant public.

a) The goods

The relevant factors relating to the comparison of the goods or services include, inter alia, their nature, their intended purpose, their method of use and whether they are in competition with each other or are complementary ('the Canon criteria'). It is also necessary to take into account, besides the Canon criteria, other factors, namely distribution channels, the relevant public and the usual origin of the goods or services (02/06/2021, T-177/20, *Hispano Suiza / Hispano Suiza*, EU:T:2021:312, § 21-22).

The goods on which the application is based are the following:

Class 12: *Bicycles; accessories, parts and fittings for bicycles; handlebar grips.*

The contested goods are the following:

Class 12: *Cars; electric cars.*

The contested goods differ significantly from the applicant's *bicycles* in all relevant respects. The mere fact that both are land vehicles does not suffice to find similarity between these goods. The contested goods are motor-powered, enclosed and mechanically complex vehicles intended for high-speed road use. By contrast, the applicant's *bicycles* are typically non-motorised (except, technically, e-bikes, although these still require pedalling), manually operated vehicles consisting essentially of a frame, wheels and a pedal mechanism. Their purpose diverges in that cars serve as long-distance, fast personal transportation, while bicycles are mainly used for short-distance travel, leisure, exercise or sport. They are therefore neither in competition nor complementary. Their methods of use do not coincide, as driving a motor vehicle requires specific skills and licensing, whereas riding a bicycle requires only physical pedalling and basic balance. Furthermore, contrary to the applicant's arguments, these goods target different customers because cars are high-value purchases, while the applicant's *bicycles* are lower-priced goods. The former are typically purchased through

specialised dealerships, whereas the latter are purchased in bicycle shops or general sports retailers. These goods also originate from different types of manufacturers. Cars (including electric cars) are produced by specialised automotive companies with dedicated industrial infrastructures for the design, engineering and assembly of complex motor-powered vehicles. The applicant's *bicycles*, by contrast, are typically manufactured by undertakings active in the bicycle or sporting goods sector, whose production focuses on manually operated or pedal-assisted vehicles. In the absence of any corroborating evidence, the applicant's argument that it is increasingly common for businesses specialising in bicycles and related components to diversify their offerings by expanding into adjacent sectors such as electric vehicles, including cars, cannot be followed. These industries do not usually overlap in terms of technical expertise, production processes or commercial positioning. It goes without saying that a comparison between the applicant's *accessories, parts and fittings for bicycles; handlebar grips* and the contested goods does not lead to a different outcome, as they are even further removed from the contested goods. Consequently, the goods in question are considered dissimilar.

Conclusion

According to Article 8(1)(b) EUTMR, the similarity of the goods or services is a condition for a finding of likelihood of confusion. Since the goods are clearly dissimilar, one of the necessary conditions of Article 8(1)(b) EUTMR is not fulfilled. The rule, invoked by the applicant, that a lesser degree of similarity between goods and services may be offset by a greater degree of similarity between the marks and vice versa does not come into play in this case. The application must therefore be rejected.

COSTS

According to Article 109(1) EUTMR, the losing party in cancellation proceedings must bear the fees and costs incurred by the other party.

Since the applicant is the losing party, it must bear the costs incurred by the IR holder in the course of these proceedings.

According to Article 109(7) EUTMR and Article 18(1)(c)(ii) EUTMIR, the costs to be paid to the IR holder are the representation costs, which are to be fixed on the basis of the maximum rate set therein.



The Cancellation Division

Michaela SIMANDLOVA

Christophe DU JARDIN

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According to Article 67 EUTMR, any party adversely affected by this decision has a right to appeal against this decision. According to Article 68 EUTMR, notice of appeal must

be filed in writing at the Office within two months of the date of notification of this decision. It must be filed in the language of the proceedings in which the decision subject to appeal was taken. Furthermore, a written statement of the grounds of appeal must be filed within four months of the same date. The notice of appeal will be deemed to be filed only when the appeal fee of EUR 720 has been paid.