

O/715/19

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. UK00003370642
BY CHARTER HOUSE CORPORATE PARTNERS LIMITED
TO REGISTER THE TRADE MARK:**

Charter HCP

IN CLASS 36

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 600001152 BY
HCP HOHAUS ADVISORY**

BACKGROUND AND PLEADINGS

1. On 28 January 2019, Charter House Corporate Partners Limited (“the applicant”) applied to register the trade mark **Charter HCP** in the UK. The application was published for opposition purposes on 5 April 2019. Registration is sought for the services listed in the Annex to this decision.

2. The application is opposed by HCP Hohaus Advisory (“the opponent”) by way of the Fast Track opposition procedure commenced on 21 June 2019. The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opponent relies on International Registration designating the UK no. 1336719 for the trade mark **HCP**. The earlier mark was registered on 25 January 2017 and protection in the UK was granted on 31 August 2017. The opponent relies upon all services for which the earlier mark is registered, namely:

Class 36 Asset and portfolio management, investment analysis services, fund investment, carrying out capital market transactions, carrying out online financial transactions, automated banking services, banking and financing services, services provided by consultants relating to capital investment, services provided by consultants relating to financial organization of companies, advisory services relating to financial investment management, venture capital financing services for companies, financial information via websites.

3. The opponent submits that there is a likelihood of confusion because the respective services are identical or similar, and the marks are similar.

4. The applicant filed a counterstatement denying the claims made.

5. Rule 6 of the Trade Marks (Fast Track Opposition) (Amendment) Rules 2013, S.I. 2013 2235, disapplies paragraphs 1-3 of Rule 20 of the Trade Mark Rules 2008, but provides that Rule 20(4) shall continue to apply. Rule 20(4) states that:

“(4) The registrar may, at any time, give leave to either party to file evidence upon such terms as the registrar thinks fit.”

6. The net effect of these changes is to require the parties to seek leave in order to file evidence in fast track oppositions. No leave was sought in respect of these proceedings.

7. Neither the opponent nor the applicant are represented.

8. Rule 62(5) (as amended) states that arguments in fast track proceedings shall be heard orally only if (i) the Office requests it or (ii) either party to the proceedings requests it and the registrar considers that oral proceedings are necessary to deal with the case justly and at proportionate cost; otherwise, written arguments will be taken. A hearing was neither requested nor considered necessary; both parties filed written submissions in lieu.

PRELIMINARY ISSUE

9. The parties' written submissions in lieu address other marks on the register which include the letters HCP and the way in which the marks are used in practice. I note that the parties have also made reference to the fact that the Financial Conduct Authority and Companies House have not considered their marks to be confusingly similar, as they have authorised them or allowed registration of names. In *Zero Industry Srl v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-400/06, the General Court (“GC”) stated that:

“73. As regards the results of the research submitted by the applicant, according to which 93 Community trade marks are made up of or include the word ‘zero’, it should be pointed out that the Opposition Division found, in that regard, that ‘... there are no indications as to how many of such trade marks are effectively used in the market’. The applicant did not dispute that finding before the Board of Appeal but none the less reverted to the issue of that evidence in its application lodged at the Court. It must be found that the mere fact that a number of trade marks relating to the goods at issue contain the word

‘zero’ is not enough to establish that the distinctive character of that element has been weakened because of its frequent use in the field concerned (see, by analogy, Case T 135/04 GfK v OHIM – BUS(Online Bus) [2005] ECR II 4865, paragraph 68, and Case T 29/04 Castellblanch v OHIM – Champagne Roederer (CRISTAL CASTELLBLANCH) [2005] ECR II 5309, paragraph 71).”

10. For the avoidance of doubt, when assessing the likelihood of confusion under section 5(2)(b), it is necessary to consider the potential for conflict between the applied for mark and the earlier mark in light of all the relevant circumstances. It is clear from the case law, that the existence of other trade marks on the register is not relevant to the decision I must make.

11. Further, in *O2 Holdings Limited, O2 (UK) Limited v Hutchinson 3G UK Limited* (Case C-533/06), the Court of Justice of the European Union (“CJEU”) stated at paragraph 66 of its judgment that when assessing likelihood of confusion in the context of registering a new trade mark, it is necessary to consider all the circumstances in which the mark applied for might be used if it were registered. As a result, my assessment must take into account the applied-for mark and services and any potential conflict with the earlier trade mark and its listed services and not any difference between their current marketing strategies and use in practice. Registration of a company name and/or authorisation with the Financial Conduct Authority are also not factors that I can take into consideration in reaching my decision.

DECISION

12. Section 5(2)(b) of the Act states as follows:

“5(2) A trade mark shall not be registered if because –

(a)...

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.”

13. The trade mark upon which the opponent relies qualifies as an earlier trade mark pursuant to section 6 of the Act. As the opponent’s trade mark had not completed its registration process more than 5 years before the date of the application in issue in these proceedings, it is not subject to proof of use pursuant to section 6A of the Act. The opponent can, therefore, rely upon all of the services it has identified.

Section 5(2)(b) – case law

14. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a greater degree of similarity between the marks, and vice versa;

(h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;

(i) mere association, in the strict sense that the later mark brings to mind the earlier mark, is not sufficient;

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

(k) if the association between the marks creates a risk that the public will wrongly believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of services

15. The competing services are listed in paragraph 2 above and the Annex to this decision.

16. When making the comparison, all relevant factors relating to the services in the specifications should be taken into account. In the judgment of the CJEU in *Canon*, Case C-39/97, the court stated at paragraph 23 that:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary.”

17. Guidance on this issue has also come from Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and, in particular, whether they are or are likely to be found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance,

whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

18. In *YouView TV Ltd v Total Ltd*, [2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

“... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of ‘dessert sauce’ did not include jam, or because the ordinary and natural description of jam was not ‘a dessert sauce’. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question.”

19. In *Beautimatic International Ltd v Mitchell International Pharmaceuticals Ltd and Another*, [2000] F.S.R. 267 (HC), Neuberger J. (as he then was) stated that:

“I should add that I see no reason to give the word “cosmetics” and “toilet preparations”... anything other than their natural meaning, subject, of course, to the normal and necessary principle that the words must be construed by reference to their context.”

20. In *Avnet Incorporated v Isoact Limited*, [1998] F.S.R. 16, Jacob J. (as the then was) stated that:

“In my view, specifications for services should be scrutinised carefully and they should not be given a wide construction covering a vast range of activities. They should be confined to the substance, as it were, the core of the possible meanings attributable to the rather general phrase.”

21. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the GC stated that:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut for Lernsysteme v OHIM – Educational Services* (ELS) [2002] ECR II-4301, paragraph 53) or where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.”

22. In *Kurt Hesse v OHIM*, Case C-50/15 P, the CJEU stated that complementarity is an autonomous criterion capable of being the sole basis for the existence of similarity between goods. In *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06, the GC stated that “complementary” means:

“... there is a close connection between them, in the sense that one is indispensable or important for the use of the other in such a way that customers may think the responsibility for those goods lies with the same undertaking.”

23. In *Sanco SA v OHIM*, Case T-249/11, the GC indicated that goods and services may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken* against *transport services for chickens*. The purpose of examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. sitting as the Appointed Person, noted in *Sandra Amelia Mary Elliot v LRC Holdings Limited*, BL-0-255-13:

“It may well be the case that wine glasses are almost always used with wine – and are, on any normal view, complementary in that sense – but it does not follow that wine and glassware are similar goods for trade mark purposes.”

Whilst on the other hand:

“... it is neither necessary nor sufficient for a finding of similarity that the goods in question must be used together or that they are sold together.”

24. For the purposes of considering the issue of similarity of goods and services, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Separode Trade Mark* BL O-399-10 and *BVBA Management, Training en Consultancy v Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs [30] to [38]).

25. I have no submissions from either party on the similarity of the services.

26. “Financial asset management”, “capital fund management”, “capital investment fund management” and “capital management” in the applicant’s specification all fall within the broader category of “asset and portfolio management” in the opponent’s specification.

27. “Asset and portfolio management” in the opponent’s specification will involve the coordination and overseeing of a client’s portfolio of investments. Part of this service will be an administrative role in relation to existing investments. Consequently, “administration of fund investment”, “administration of funds and investments”, “administration of investment funds”, “administrative services relating to investments”, “administration of capital investment services” and “administration of savings accounts” in the applicant’s specification will all fall within this broader category. I consider these services to be identical on the principle outlined in *Meric*.

28. Other types of asset that may be managed as part of an “asset and portfolio management” service, is the management of a client’s property and/or share portfolio. Administration of such a portfolio would, therefore, be part of the service provided. Consequently, I consider that “administration of property portfolios” and “administration of shares” in the applicant’s specification to fall within the broader

category of “asset and portfolio management” in the opponent’s specification. These services can, therefore, be considered identical on the principle outlined in *Meric*.

29. Another aspect of “asset and portfolio management” is the acquisition of new investments as part of the development of the portfolio. This might include the acquisition of land on behalf of the client. Consequently, I consider “acquisition of land to be let”, “land acquisition services” and “land acquisition services [on behalf of others]” in the applicant’s specification to all fall within the broader category of “asset and portfolio management” in the opponent’s specification. These services can, therefore, be considered identical on the principle outlined in *Meric*.

30. Trusts are not typically investments and are, therefore, unlikely to form part of a portfolio that requires asset management. Rather, “administration of trusts” in the applicant’s specification is more likely to be a specialist service provided by professional trustees. In the absence of any submissions to assist me, I see no overlap in trade channels, use, method of use or nature with the opponent’s services. There is no competition or complementarity. I consider the services to be dissimilar. I can see no further point of similarity that would put the opponent in a stronger position.

31. A broker is a person who buys and sells something on behalf of someone else or acts as an intermediary for two parties.¹ As part of asset and portfolio management is the buying and selling of investments, I consider the following services to fall within the category of “asset and portfolio management” in the opponent’s specification:

Financial brokerage; Financial brokerage services; Financial brokerage services for real estate; Bonds brokerage; Bonds brokerage services; Brokerage; Brokerage (Financial -); Brokerage house services; Brokerage in the field of stocks; Brokerage services in financial markets; Brokerage of bonds; Brokerage of building society savings agreements; Brokerage of financial derivatives; Brokerage of financial investments in energy companies; Brokerage of real estate; Brokerage of securities; Brokerage of share subscriptions; Brokerage of shares and other securities; Brokerage of shares

¹ <https://dictionary.cambridge.org/dictionary/english/broker>

or stocks and other securities; Brokerage services; Brokerage services for arranging financing by other financial institutions; Brokerage services for bonds; Brokerage services for capital investments; Brokerage services for stocks and bonds; Brokerage services in the field of financial instruments; Brokerage services on the financial markets; Brokerage services relating to corporate bonds; Brokerage services relating to financial instruments; Brokerage services relating to municipal bonds; Brokerage services relating to mutual funds; Brokerage services relating to securities offering; Brokerage services relating to the securities markets; Brokering of financial services; Brokering services; Capital investment brokerage.

32. Brokerage services that do not specifically relate to investments will not be identical to “asset and portfolio management” in the opponent’s specification. However, there will be overlap in nature, user and method of use. The services will differ in terms of purpose and trade channels. Consequently, I consider the following services to be similar to “asset and portfolio management” to a low degree:

Brokerage for hire-purchase; Brokerage for securities liquidation; Brokerage of commodities; Brokerage of credit agreements; Brokerage of currency; Brokerage of futures; Brokerage of futures contracts; Brokerage services for the purchase and sale of obligations; Brokerage services relating to debt instruments; Bullion brokerage services.

33. I consider that the following services in the applicant’s specification fall within the broader category of “investment analysis services” in the opponent’s specification, or vice versa:

Financial analyses; Financial analyses (Preparation of -); Financial analysis; Financial analysis and consultancy; Financial analysis and consultation; Financial analysis and research services; Financial analysis services; Financial analysis services relating to investments.

These services can, therefore, be considered identical on the principle outlined in *Meric*.

34. An actuary is a person whose job it is to calculate risk for insurance companies and pension funds.² Actuarial services are, therefore, services that would be provided to fund managers or insurance companies. They will differ in user with opponent's investment services which are aimed at those seeking to invest. There will be no overlap in trade channels. The services differ in nature and method of use. I, therefore, consider "actuarial consulting and advisory services", "actuarial services" and "actuarial services relating to financial transactions" in the applicant's specification to be dissimilar to the opponent's services. I can see no further point of similarity which would put the opponent in a stronger position.

35. "Capital fund investment", "capital investment", "capital investment services" "capital investment in real estate", "capital investments", "capital investment consultation", "capital investment consulting" and "capital investment advisory services" in the applicant's specification are, when applying the *Meric* principle, identical to "services provided by consultants relating to capital investments" in the opponent's specification.

36. Insurance brokerage and underwriting is a service often provided by businesses that offer banking and financing services. Consequently, I consider that the following services in the applicant's specification will overlap in trade channels with "banking and financing services" in the opponent's specification:

Accident insurance; Accident insurance underwriting; Accident insurance underwriting services; Acquisition and transfer of monetary claims; Administration of group insurance; Administration of group insurance plans; Administration of insurance business; Administration of insurance claims; Administration of insurance claims adjustment; Administration of insurance plans; Administration of insurance portfolios; Advice relating to insurance; Advisory services relating to insurance claims; Advisory services relating to insurance contracts; Advisory services relating to life insurance; Agency services for arranging travel insurance; Claim adjustment for non-life insurance;

² <https://dictionary.cambridge.org/dictionary/english/actuary>

Claims adjustment for non-life insurance; Claims adjustment in the field of insurance; Claims adjustment (Insurance -); Claims settlement agency services; Legal expenses insurance; Life assurance; Life assurance brokerage; Life assurance consultancy; Life assurance services; Life insurance; Life insurance agencies; Life insurance brokerage; Life insurance underwriting; Loss adjusting services in the field of insurance; Loss adjustment; Loss adjustment in the field of insurance; Loss assessments; Financial advisory services relating to life assurance; Banking insurance; Brokerage advisory services relating to insurance; Brokerage (Insurance -); Brokerage of casualty insurance; Brokerage of insurance; Brokerage of non-life insurance; Caravan insurance services; Casualty insurance underwriting; Claim assessments (Insurance -).

There will also be a degree of overlap in user with all of the above services in the applicant's specification. I consider these services to be similar to a medium degree.

37. "Brokerage agency relating to ship insurance" is a very specialist insurance service. Ship insurance is unlikely to be a service provided by the same businesses as "banking and financing services" in the opponent's specification; rather, it is likely to be provided by specialist insurance companies. There will, therefore, be no overlap in trade channels. I do not consider that an overlap in user alone is sufficient for a finding of similarity. Consequently, I consider these services to be dissimilar. I can see no further point of similarity that puts the opponent in a stronger position.

38. The following services in the applicant's specification all fall within the broader category of "advisory services relating to financial investment management" in the opponent's specification:

Advice on finance during retirement; Advice on finance for retirement; Advice on fiscal assessments; Advice on fiscal valuations; Advice regarding lending services; Advice relating to investment during retirement; Advice relating to investment for retirement; Advice relating to investments; Advice relating to pensions; Advisory services relating to finance; Advisory services relating to financial asset management; Advisory services relating to financial investment;

Advisory services relating to financial investments; Advisory services relating to financial matters; Advisory services relating to financial planning; Advisory services relating to [financial] risk management; Advisory services relating to financing; Advisory services relating to futures; Advisory services relating to international securities; Advisory services relating to investment finance; Advisory services relating to investments; Advisory services relating to investments and finance; Advisory services relating to money management; Advisory services relating to mutual funds; Advisory services relating to unit trusts.

These services can, therefore, be considered identical on the principle outlined in *Meric*.

39. Applying my knowledge of as an average consumer and not a specialist in financial services, the terms “advice relating to mortgages for residential properties”, “advisory services relating to real estate ownership”, “advisory services relating to real estate valuations”, “advice services relating to enhancement of mortgages” and “advisory services relating to mortgages” in the applicant’s specification do not appear to relate to financial investment management. Financial investment management relates to expenditure on financial securities. Mortgage and property matters do not, therefore, fall within the meaning of financial investment management. I recognise that there may be overlap in nature and method of use with the opponent’s advisory services (such as “services relating to financial investment management”). I consider the services to be similar to a low degree.

40. “Collection of financial information” in the applicant’s specification is a service likely to be provided by specialist information businesses to enable other businesses to collate information about customers and financial trends. I do not consider there to be overlap in trade channels with the opponent’s services. Clearly, the services differ in nature, method of use and purpose. I do not consider them to be competitive or complementary. Consequently, I consider the services to be dissimilar.

41. The following services in the applicant’s specification are all likely to be provided by letting or estate agents:

Accommodation bureau services [apartments]; Accommodation bureaux [apartments]; Accommodation bureaux (real estate property); Accommodation (leasing of -) [apartments]; Accommodation letting agency [apartments]; Accommodation (rental of -) [apartments]; Agencies or brokerage for leasing or renting of land; Agencies or brokerage for renting land; Agencies or brokerage for renting of buildings; Agency (Estate -); Land leasing; Land leasing services; Lease of real estate; Leases (arranging of -) [real estate property only]; Leasing and rental of commercial premises; Leasing of accommodation in a retail outlet; Leasing of apartments; Leasing of buildings; Leasing of farms; Leasing of flats; Leasing of freehold property; Leasing of houses; Leasing of land; Leasing of office space; Leasing of offices; Leasing of property; Leasing of real estate; Leasing of real estate property; Leasing of shopping mall space; Leasing of shopping premises; Leasing or rental of buildings; Leasing or renting of buildings; Letting agency for sheltered accommodation; Letting and rental of permanent accommodation; Letting of apartments; Letting of flats; Letting of houses for hire; Letting of office accommodation; Letting of office space; Letting of showrooms; Letting of trade centres; Building leasing; Building management; Collection of rent; Collection of rents; Collection (Rent -); Collection of debt on real estate rental.

They do not, therefore, overlap in trade channels with the opponent's services. They are different in nature, method of use and purpose. I do not consider them to be complementary or competitive. I recognise that there may be overlap in user, but this is not sufficient on its own for a finding of similarity. I consider the services to be dissimilar.

42. "Agencies for collecting electric power utility payments", "agencies for collecting gas or electric power utility payments", "agencies for collecting gas utility payments", "collection of community charge monies", "collection of non-domestic rates", "bailiff services (debt collection)", "collection agencies", "collection of credit sales", "collection of debts", "collection of payments" and "collection of payments for goods and services" in the applicant's specification are all services that are likely to be provided by specialist debt collection agencies. They are unlikely, therefore, to overlap in trade

channels with the opponent's services. The services differ in use, method of use and nature and are neither competitive or complementary. I recognise that there may be overlap in user, but this is not sufficient on its own for a finding of similarity. I consider them to be dissimilar.

43. Similarly, "advice relating to loan recovery services" in the applicant's specification are services likely to be provided by specialist businesses specialising in loan recovery services. I recognise that there may be overlap in user with the opponent's services, but I do not consider this to be sufficient for a finding of similarity. I see no overlap in trade channels or purpose. I recognise that there may be overlap in nature and method of use with the opponent's advisory services (such as "advisory services relating to financial investment management"). I consider there to be a low degree of similarity with the opponent's services.

44. "Lease securitization" in the applicant's specification is likely to be a service provided by specialist businesses. I do not, therefore, consider this to overlap in trade channels with the opponent's services. In the absence of any submissions to assist me, I do not consider there to be overlap in use, method of use or nature. I do not consider the services to be competitive or complementary. I consider the services to be dissimilar.

45. In the absence of any submissions to assist me, I can see no reason why "Luncheon vouchers (Issuing of -)" in the applicant's specification would overlap in trade channels, use, method of use or nature with the opponent's services. They are neither competitive nor complementary. I consider the services to be dissimilar.

46. The following services in the applicant's specification are all charitable services:

Benevolent fund services; Charitable collections; Charitable fund raising; Charitable fund raising in view of disaster precautions and prevention; Charitable fund raising services; Charitable fundraising; Charitable fundraising by means of entertainment events; Charitable fundraising services; Charitable fundraising services for underprivileged children; Charitable fundraising through the sale of charity stamps; Charitable services, namely financial

services; Collections (Charitable -); Collections (Organisation of -); Collections (Organising financial -); Collections (Organization of -).

These services will not, therefore, overlap in trade channels, method of use, nature of purpose with the opponent's services. They are neither competitive nor complementary. I consider the services to be dissimilar.

47. "Brokerage of carbon credits", "brokerage of carbon offsets" and "brokerage of emission rights" in the applicant's specification relate to a niche market and cannot be said to be investments or financial services. Consequently, I consider that these differ in trade channels, method of use, nature and purpose to the opponent's services. They are neither complementary nor competitive. I consider them to be dissimilar.

48. The following remaining services in the applicant's specification fall within the broader category of "banking and financing services" in the opponent's specification. These services can, therefore, be considered identical on the principle outlined in *Meric*. If I am wrong in this finding, then they will overlap in trade channels, user, use and nature and will be highly similar:

Acceptance of bill payments; Acceptance of bills of exchange; Account debiting services; Accounts payable debiting services; Accounts receivables financing; Acquisition for financial investment; Administration of deposit taking; Administration of financial affairs; Administration of financial affairs relating to real estate; Administration of financial covenants; Administration of mortgage business; Administration of mutual funds; Administration of pension funds; Administration of pension schemes; Administration of pre-paid health care plans; Advancement of funds; Advice regarding credit; Advisory services relating to banking; Advisory services relating to corporate finance; Advisory services relating to credit; Advisory services relating to financial investment; Advisory services relating to financial investments; Advisory services relating to financial matters; Advisory services relating to loan services; Agencies for commodity futures trading; Agencies in the field of bonds and other securities; Agencies in the field of credit for farming; Agency services for bonds; Agency services for lending on mortgage; Agency services for securities; Lease

financing of telecommunication equipment; Lease purchase finance; Lease purchase financing of vehicles; Lease-purchase financing; Lease-purchase financing services; Lease-purchase loans; Lending against securities; Lending against security; Lending and loans services; Lending on mortgage; Lending on mortgages; Lending services to merchants for the purpose of financing store inventories of vehicles; Lending services to merchants secured by accounts receivable; Letters of credit (Issuing -); Liability guarantee; Liability guarantee services; Loan advice; Loan advice and loan procurement services; Loan and credit, and lease-finance services; Loan and credit services; Loan financing; Loan guarantees; Loan services; Loan services for property investment; Loans against securities; Loans against security (Arranging -); Loans against security (Provision of -); Loans [financing]; Loans [financing] and discount of bills; Loans (Financing of -); Facilitating and arranging financing; Factoring; Factoring agencies; Factoring agency services; Factoring of debts; Factoring of financial undertakings; Factoring services; Factoring services for invoices; Farm credit financing agencies; Fiduciary; Fiduciary representatives; Fiduciary services; Finance leasing; Finance (Provision of -); Finance (Raising of -); Finance services; Financial administration of a private dental plan; Financial administration of employee pension plans; Financial advice; Financial advice and consultancy services; Financial advice in the field of franchising; Financial advice relating to employee share schemes; Financial advice relating to income tax; Financial advice relating to inheritance; Financial advice relating to investment; Financial advice relating to pensions; Financial advice relating to settlements; Financial advice relating to share option schemes; Financial advice relating to tax planning; Financial advice relating to taxation; Financial advice relating to trusts; Financial advice relating to wills; Financial advisory and consultancy services; Financial advisory and management services; Financial advisory services; Financial advisory services for companies; Financial advisory services for individuals; Financial advisory services provided for bankers; Financial advisory services provided for controllers; Financial advisory services relating to assets management; Financial advisory services relating to insolvency; Financial advisory services relating to retirement plans; Financial advisory services relating to securities; Financial advisory services relating to tax; Financial affairs; Financial affairs services; Financial and

investment consultancy services; Financial and monetary services; Financial and monetary services, and banking; Financial and monetary transaction services; Financial appraisal; Financial appraisal services; Financial appraisals; Financial appraisals and valuations; Financial appraisals in responding to calls for tenders; Financial appraisals in responding to requests for proposals [RFPs]; Financial assessment of company credit; Financial assessments; Financial assistance; Financial banking; Financial banking services for the deposit of money; Financial banking services for the withdrawal of money; Financial clearing; Financial clearing and settlement services; Financial clearing house service; Financial clearing house services; Financial clearing houses; Financial clearing services; Financial consultancy; Financial consultancy and advisory services; Financial consultancy and information services; Financial consultancy and insurance consultancy; Financial consultancy for lottery winners; Financial consultancy in relation to the buying and selling of businesses; Financial consultancy in the energy sector; Financial consultancy in the field of risk management; Financial consultancy relating to credit services; Financial consultancy relating to loans; Financial consultancy relating to real estate investment; Financial consultancy relating to student loan services; Financial consultancy relating to the execution of cashless payment transactions; Financial consultancy services; Financial consultancy services relating to infrastructure investment; Financial consultancy services relating to investments; Financial consultation; Financial consultation services; Financial consulting; Bail bond services; Bail bonding; Bail bonding services; Bail-bonding; Bank account and savings account services; Bank account information services; Bank account services; Bank card, credit card, debit card and electronic payment card services; Bank card services; Bank cheque card services; Bank note checking; Bankers clearing house services; Bankers' clearing services; Banking; Banking and financial services; Banking and financing services; Banking (Home -); Banking services; Banking services for deposit-taking; Banking services in relation to the electronic transfer of funds; Banking services provided for paying bills by telephone; Banking services provided for schools; Banking services relating to the acceptance of fixed interval installment payments; Banking services relating to the deposit of money; Banking services relating to the transfer of funds from accounts;

Banking services relating to travellers' cheques; Bill consolidation services; Bill payment services; Bill payment services provided through a website; Bonding [provision of financial guarantees]; Bonding services; Building society services; Building society services relating to finance; Bureau de change services; Business appraisals for financial valuation; Business credit verification services; Business liquidation services, financial; Buying and issuing of travellers' cheques; Buying and selling currency; Capital (Raising of -); Capitalization services; Card accessed banking services; Card operated financial services; Card services; Cash and foreign exchange transactions; Cash card services; Cash, check (cheque) and money order services; Cash disbursement services; Cash dispenser services; Cash dispensing being customer-operated; Cash dispensing (Card-actuated -) services; Cash dispensing services; Cash management; Cash management services; Cash processing; Cash replacement rendered by credit card; Cashing of cheques; Cashing of personal cheques; Charge card and credit card services; Charge card services; Charge-card services; Check [cheque] verification; Check payment guarantee services; Check verification; Checking account services; Cheque account services; Cheque account services for the cashing of cheques; Cheque account services for the receiving of cheques; Cheque authorization services; Cheque cashing services; Cheque clearing; Cheque clearing services; Cheque encashment services; Cheque evaluation services; Cheque guarantee card services; Cheque guarantee services; Cheque verification; Cheque verification services; Cheques (Issuing of travellers' -); Cheques (Redemption of travellers' -); Cheques (Verification of -); Clearing, financial; Clearing house financial services; Clearing of cheques; Clearing services; Clearing services (Bankers' -); Clearing services for payment transactions; Clearing-house services; Clearing-house services (Bankers' -); Clearing-houses, financial; Coin appraisal; Collateral agency services; Commercial lending.

49. As some degree of similarity between the services is required for there to be a likelihood of confusion³, the opposition must fail in respect of the following services that I have found to be dissimilar:

Accommodation bureau services [apartments]; Accommodation bureaux [apartments]; Accommodation bureaux (real estate property); Accommodation (leasing of -) [apartments]; Accommodation letting agency [apartments]; Accommodation (rental of -) [apartments]; Actuarial consulting and advisory services; Actuarial services; Actuarial services relating to financial transactions; Administration of trusts; Agencies for collecting electric power utility payments; Agencies for collecting gas or electric power utility payments; Agencies for collecting gas utility payments; Agencies or brokerage for leasing or renting of land; Agencies or brokerage for renting land; Agencies or brokerage for renting of buildings; Agency (Estate -); Land leasing; Land leasing services; Lease of real estate; Lease securitization; Leases (arranging of -) [real estate property only]; Leasing and rental of commercial premises; Leasing of accommodation in a retail outlet; Leasing of apartments; Leasing of buildings; Leasing of farms; Leasing of flats; Leasing of freehold property; Leasing of houses; Leasing of land; Leasing of office space; Leasing of offices; Leasing of property; Leasing of real estate; Leasing of real estate property; Leasing of shopping mall space; Leasing of shopping premises; Leasing or rental of buildings; Leasing or renting of buildings; Letting agency for sheltered accommodation; Letting and rental of permanent accommodation; Letting of apartments; Letting of flats; Letting of houses for hire; Letting of office accommodation; Letting of office space; Letting of showrooms; Letting of trade centres; Luncheon vouchers (Issuing of -); Bailiff services (debt collection); Benevolent fund services; Brokerage agency relating to ship insurance; Brokerage of carbon credits; Brokerage of carbon offsets; Brokerage of emission rights; Building leasing; Building management; Charitable collections; Charitable fund raising; Charitable fund raising in view of disaster precautions and prevention; Charitable fund raising services; Charitable fundraising; Charitable fundraising by means of entertainment events; Charitable fundraising services; Charitable fundraising services for

³ *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

underprivileged children; Charitable fundraising through the sale of charity stamps; Charitable services, namely financial services; Claims settlement agency services; Collection agencies; Collection of community charge monies; Collection of credit sales; Collection of debt on real estate rental; Collection of debts; Collection of financial information; Collection of non-domestic rates; Collection of payments; Collection of payments for goods and services; Collection of rent; Collection of rents; Collection (Rent -); Collections (Charitable -); Collections (Organisation of -); Collections (Organising financial -); Collections (Organization of -).

The average consumer and the nature of the purchasing act

50. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties' services. I must then determine the manner in which the services are likely to be selected by the average consumer. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

51. I consider the average consumer for the services to be a member of the general public or a business user. The cost of the services will vary. For example, cash dispensing services may be of very low cost, whereas portfolio and asset management services may be of much greater cost, depending on the size of the portfolio. Generally, even for some lower cost items (such as travel insurance), a number of factors will still be taken into account. Overall, I consider that the level of attention paid

will vary significantly from low (such as for cash dispensing services), to medium (such as for some insurance services), to high (such as for financial investment services).

52. The services are likely to be purchased from the businesses' physical premises or their online equivalent. Consequently, visual considerations may dominate the selection process. However, for some of the services (such as brokerage services) aural considerations may play a greater role. Further word-of-mouth recommendations will also play a part for many of the services. Consequently, I do not discount an aural component to the purchase of the services.

Comparison of trade marks

53. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a trade mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the trade marks must be assessed by reference to the overall impressions created by the trade marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

“... it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

54. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account the distinctive and dominant components of the marks and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the marks.

55. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
HCP	Charter HCP

56. The opponent's mark consists of the letters HCP. There are no other elements to contribute to the overall impression of the mark. The applicant's mark consists of the word CHARTER in title case, followed by the letters in HCP in uppercase. The overall impression of the mark lies in the combination of these elements, with neither dominating.

57. Visually, the marks coincide in the presence of the letters HCP. They differ in the presence of the word CHARTER in the applicant's mark which has no counterpart in the opponent's mark. I consider the marks to be visually similar to a medium degree.

58. Aurally, the letters HCP will be pronounced individually in both marks i.e. H-C-P. The word CHARTER in the applicant's mark will be given its ordinary English pronunciation, but has no counterpart in the opponent's mark. I consider the marks to be aurally similar to a medium degree.

59. Conceptually, the letters HCP are likely to be viewed as an acronym by the average consumer. However, I do not consider that any meaning will be attributed to it. The word CHARTER in the applicant's mark is likely to be viewed as a reference to either a formal statement of rights or to the rental of vehicles⁴. In either case, it has no counterpart in the opponent's mark. Part of the applicant's mark does, therefore, have a meaning and the opponent's mark has no meaning. The marks are, therefore, conceptually dissimilar.

Distinctive character of the earlier trade mark

60. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

⁴ <https://dictionary.cambridge.org/dictionary/english/charter>

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-2779, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

61. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the goods or services, to those with high inherent distinctive character, such as invented words which have no allusive qualities.

62. The opponent has not pleaded enhanced distinctive character and has filed no evidence to support such a claim. Consequently, I have only the inherent position to consider. The opponent's mark consists of the letters HCP. They will be viewed as an acronym with no particular meaning. Consequently, I consider the mark to be inherently distinctive to a reasonably high degree.

Likelihood of confusion

63. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the opponent's trade marks, the average consumer for the services and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

64. In *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10 direct and indirect confusion were described in the following terms by Iain Purvis Q.C., sitting as the Appointed Person:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.”

65. I have found the marks to be visually and aurally similar to a medium degree and conceptually dissimilar. I have found the earlier mark to have a high degree of inherent distinctive character. I have found the average consumer for the services to be a member of the general public or a business user who will purchase services primarily by visual means (although I do not discount an aural component). I consider that the level of attention paid by the average consumer will vary from a low to high degree, depending on the particular services. I have found the parties' services to range from similar to a low degree to identical (except where I have found them to be dissimilar).

66. Taking all of these factors into account, I do not consider that the presence of the word CHARTER in the applicant's mark will be overlooked by the average consumer. Consequently, I do not consider that the marks will be misremembered or mistakenly recalled as each other. I do not consider there to be a likelihood of direct confusion.

67. I consider that the presence of the acronym HCP in both marks is likely to be viewed by the average consumer as indicating marks that originate from the same or economically linked undertakings. This is particularly the case given that the opponent's mark distinctive to a reasonably high degree. Bearing in mind the interdependency principle, I consider there to be a likelihood of indirect confusion in respect of those services that I have found to be similar to at least a medium degree. Where I have found the level of similarity to be lower, or absent, there is no likelihood of confusion.

CONCLUSION

68. The opposition is partially successful, and the application is refused for the following services:

Acceptance of bill payments; Acceptance of bills of exchange; Accident insurance; Accident insurance underwriting; Accident insurance underwriting services; Account debiting services; Accounts payable debiting services; Accounts receivables financing; Acquisition and transfer of monetary claims; Acquisition for financial investment; Acquisition of land to be let; Administration

of capital investment services; Administration of deposit taking; Administration of financial affairs; Administration of financial affairs relating to real estate; Administration of financial covenants; Administration of fund investment; Administration of funds and investments; Administration of group insurance; Administration of group insurance plans; Administration of insurance business; Administration of insurance claims; Administration of insurance claims adjustment; Administration of insurance plans; Administration of insurance portfolios; Administration of investment funds; Administration of mortgage business; Administration of mutual funds; Administration of pension funds; Administration of pension schemes; Administration of pre-paid health care plans; Administration of property portfolios; Administration of savings accounts; Administration of shares; Administrative services relating to investments; Advancement of funds; Advice on finance during retirement; Advice on finance for retirement; Advice on fiscal assessments; Advice on fiscal valuations; Advice regarding lending services; Advice relating to insurance; Advice relating to investment during retirement; Advice relating to investment for retirement; Advice relating to investments; Advice relating to pensions; Advisory services relating to banking; Advice regarding credit; Advisory services relating to corporate finance; Advisory services relating to credit; Advisory services relating to finance; Advisory services relating to financial asset management; Advisory services relating to financial investment; Advisory services relating to financial investments; Advisory services relating to financial matters; Advisory services relating to financial planning; Advisory services relating to [financial] risk management; Advisory services relating to financing; Advisory services relating to futures; Advisory services relating to insurance claims; Advisory services relating to insurance contracts; Advisory services relating to international securities; Advisory services relating to investment finance; Advisory services relating to investments; Advisory services relating to investments and finance; Advisory services relating to life insurance; Advice relating to loan recovery services; Advisory services relating to money management; Advisory services relating to mutual funds; Advisory services relating to unit trusts; Agencies for commodity futures trading; Agencies in the field of bonds and other securities; Agencies in the field of credit for farming; Agency services for arranging travel insurance; Agency services for bonds;

Agency services for lending on mortgage; Agency services for securities; Claim adjustment for non-life insurance; Claims adjustment for non-life insurance; Claims adjustment in the field of insurance; Claims adjustment (Insurance -); Land acquisition services; Land acquisition services [on behalf of others]; Lease financing of telecommunication equipment; Lease purchase finance; Lease purchase financing of vehicles; Lease-purchase financing; Lease-purchase financing services; Lease-purchase loans; Legal expenses insurance; Lending against securities; Lending against security; Lending and loans services; Lending on mortgage; Lending on mortgages; Lending services to merchants for the purpose of financing store inventories of vehicles; Lending services to merchants secured by accounts receivable; Letters of credit (Issuing -); Liability guarantee; Liability guarantee services; Life assurance; Life assurance brokerage; Life assurance consultancy; Life assurance services; Life insurance; Life insurance agencies; Life insurance brokerage; Life insurance underwriting; Loan advice; Loan advice and loan procurement services; Loan and credit, and lease-finance services; Loan and credit services; Loan financing; Loan guarantees; Loan services; Loan services for property investment; Loans against securities; Loans against security (Arranging -); Loans against security (Provision of -); Loans [financing]; Loans [financing] and discount of bills; Loans (Financing of -); Loss adjusting services in the field of insurance; Loss adjustment; Loss adjustment in the field of insurance; Loss assessments; Facilitating and arranging financing; Factoring; Factoring agencies; Factoring agency services; Factoring of debts; Factoring of financial undertakings; Factoring services; Factoring services for invoices; Farm credit financing agencies; Fiduciary; Fiduciary representatives; Fiduciary services; Finance leasing; Finance (Provision of -); Finance (Raising of -); Finance services; Financial administration of a private dental plan; Financial administration of employee pension plans; Financial advice; Financial advice and consultancy services; Financial advice in the field of franchising; Financial advice relating to employee share schemes; Financial advice relating to income tax; Financial advice relating to inheritance; Financial advice relating to investment; Financial advice relating to pensions; Financial advice relating to settlements; Financial advice relating to share option schemes; Financial advice relating to tax planning; Financial advice relating to taxation; Financial

advice relating to trusts; Financial advice relating to wills; Financial advisory and consultancy services; Financial advisory and management services; Financial advisory services; Financial advisory services for companies; Financial advisory services for individuals; Financial advisory services provided for bankers; Financial advisory services provided for controllers; Financial advisory services relating to assets management; Financial advisory services relating to insolvency; Financial advisory services relating to life assurance; Financial advisory services relating to retirement plans; Financial advisory services relating to securities; Financial advisory services relating to tax; Financial affairs; Financial affairs services; Financial analyses; Financial analyses (Preparation of -); Financial analysis; Financial analysis and consultancy; Financial analysis and consultation; Financial analysis and research services; Financial analysis services; Financial analysis services relating to investments; Financial and investment consultancy services; Financial and monetary services; Financial and monetary services, and banking; Financial and monetary transaction services; Financial appraisal; Financial appraisal services; Financial appraisals; Financial appraisals and valuations; Financial appraisals in responding to calls for tenders; Financial appraisals in responding to requests for proposals [RFPs]; Financial assessment of company credit; Financial assessments; Financial asset management; Financial assistance; Financial banking; Financial banking services for the deposit of money; Financial banking services for the withdrawal of money; Financial brokerage; Financial brokerage services; Financial brokerage services for real estate; Financial clearing; Financial clearing and settlement services; Financial clearing house service; Financial clearing house services; Financial clearing houses; Financial clearing services; Financial consultancy; Financial consultancy and advisory services; Financial consultancy and information services; Financial consultancy and insurance consultancy; Financial consultancy for lottery winners; Financial consultancy in relation to the buying and selling of businesses; Financial consultancy in the energy sector; Financial consultancy in the field of risk management; Financial consultancy relating to credit services; Financial consultancy relating to loans; Financial consultancy relating to real estate investment; Financial consultancy relating to student loan services; Financial consultancy relating to the execution

of cashless payment transactions; Financial consultancy services; Financial consultancy services relating to infrastructure investment; Financial consultancy services relating to investments; Financial consultation; Financial consultation services; Financial consulting; Bail bond services; Bail bonding; Bail bonding services; Bail-bonding; Bank account and savings account services; Bank account information services; Bank account services; Bank card, credit card, debit card and electronic payment card services; Bank card services; Bank cheque card services; Bank note checking; Bankers clearing house services; Bankers' clearing services; Banking; Banking and financial services; Banking and financing services; Banking (Home -); Banking insurance; Banking services; Banking services for deposit-taking; Banking services in relation to the electronic transfer of funds; Banking services provided for paying bills by telephone; Banking services provided for schools; Banking services relating to the acceptance of fixed interval installment payments; Banking services relating to the deposit of money; Banking services relating to the transfer of funds from accounts; Banking services relating to travellers' cheques; Bill consolidation services; Bill payment services; Bill payment services provided through a website; Bonding [provision of financial guarantees]; Bonding services; Bonds brokerage; Bonds brokerage services; Brokerage; Brokerage advisory services relating to insurance; Brokerage (Financial -); Brokerage house services; Brokerage in the field of stocks; Brokerage (Insurance -); Brokerage of bonds; Brokerage of building society savings agreements; Brokerage of casualty insurance; Brokerage of financial derivatives; Brokerage of financial investments in energy companies; Brokerage of insurance; Brokerage of non-life insurance; Brokerage of real estate; Brokerage of securities; Brokerage of share subscriptions; Brokerage of shares and other securities; Brokerage of shares or stocks and other securities; Brokerage services; Brokerage services for arranging financing by other financial institutions; Brokerage services for bonds; Brokerage services for capital investments; Brokerage services for stocks and bonds; Brokerage services in financial markets; Brokerage services in the field of financial instruments; Brokerage services on the financial markets; Brokerage services relating to corporate bonds; Brokerage services relating to financial instruments; Brokerage services relating to municipal bonds; Brokerage

services relating to mutual funds; Brokerage services relating to securities offering; Brokerage services relating to the securities markets; Brokering of financial services; Brokering services; Building society services; Building society services relating to finance; Bureau de change services; Business appraisals for financial valuation; Business credit verification services; Business liquidation services, financial; Buying and issuing of travellers' cheques; Buying and selling currency; Capital fund investment; Capital fund management; Capital investment; Capital investment advisory services; Capital investment brokerage; Capital investment consultation; Capital investment consulting; Capital investment fund management; Capital investment in real estate; Capital investment services; Capital investments; Capital management; Capital (Raising of -); Capitalization services; Caravan insurance services; Card accessed banking services; Card operated financial services; Card services; Cash and foreign exchange transactions; Cash card services; Cash, check (cheque) and money order services; Cash disbursement services; Cash dispenser services; Cash dispensing being customer-operated; Cash dispensing (Card-actuated -) services; Cash dispensing services; Cash management; Cash management services; Cash processing; Cash replacement rendered by credit card; Cashing of cheques; Cashing of personal cheques; Casualty insurance underwriting; Charge card and credit card services; Charge card services; Charge-card services; Check [cheque] verification; Check payment guarantee services; Check verification; Checking account services; Cheque account services; Cheque account services for the cashing of cheques; Cheque account services for the receiving of cheques; Cheque authorization services; Cheque cashing services; Cheque clearing; Cheque clearing services; Cheque encashment services; Cheque evaluation services; Cheque guarantee card services; Cheque guarantee services; Cheque verification; Cheque verification services; Cheques (Issuing of travellers' -); Cheques (Redemption of travellers' -); Cheques (Verification of -); Claim assessments (Insurance -); Claims settlement agency services; Clearing, financial; Clearing house financial services; Clearing of cheques; Clearing services; Clearing services (Bankers' -); Clearing services for payment transactions; Clearing-house services; Clearing-house services (Bankers' -);

Clearing-houses, financial; Coin appraisal; Collateral agency services; Commercial lending.

69. The application will proceed to registration in respect of the following services only:

Accommodation bureau services [apartments]; Accommodation bureaux [apartments]; Accommodation bureaux (real estate property); Accommodation (leasing of -) [apartments]; Accommodation letting agency [apartments]; Accommodation (rental of -) [apartments]; Actuarial consulting and advisory services; Actuarial services; Actuarial services relating to financial transactions; Administration of trusts; Advice relating to mortgages for residential properties; Advice services relating to enhancement of mortgages; Advisory services relating to mortgages; Advisory services relating to real estate ownership; Advisory services relating to real estate valuations; Agencies for collecting electric power utility payments; Agencies for collecting gas or electric power utility payments; Agencies for collecting gas utility payments; Agencies or brokerage for leasing or renting of land; Agencies or brokerage for renting land; Agencies or brokerage for renting of buildings; Agency (Estate -); Land leasing; Land leasing services; Lease of real estate; Lease securitization; Leases (arranging of -) [real estate property only]; Leasing and rental of commercial premises; Leasing of accommodation in a retail outlet; Leasing of apartments; Leasing of buildings; Leasing of farms; Leasing of flats; Leasing of freehold property; Leasing of houses; Leasing of land; Leasing of office space; Leasing of offices; Leasing of property; Leasing of real estate; Leasing of real estate property; Leasing of shopping mall space; Leasing of shopping premises; Leasing or rental of buildings; Leasing or renting of buildings; Letting agency for sheltered accommodation; Letting and rental of permanent accommodation; Letting of apartments; Letting of flats; Letting of houses for hire; Letting of office accommodation; Letting of office space; Letting of showrooms; Letting of trade centres; Luncheon vouchers (Issuing of -); Bailiff services (debt collection); Benevolent fund services; Brokerage agency relating to ship insurance; Brokerage for hire-purchase; Brokerage for securities liquidation; Brokerage of carbon credits; Brokerage of carbon offsets; Brokerage of commodities; Brokerage of credit agreements; Brokerage of currency; Brokerage of emission

rights; Brokerage of futures; Brokerage of futures contracts; Brokerage services for the purchase and sale of obligations; Brokerage services relating to debt instruments; Building leasing; Building management; Bullion brokerage services; Charitable collections; Charitable fund raising; Charitable fund raising in view of disaster precautions and prevention; Charitable fund raising services; Charitable fundraising; Charitable fundraising by means of entertainment events; Charitable fundraising services; Charitable fundraising services for underprivileged children; Charitable fundraising through the sale of charity stamps; Charitable services, namely financial services; Collection agencies; Collection of community charge monies; Collection of credit sales; Collection of debt on real estate rental; Collection of debts; Collection of financial information; Collection of non-domestic rates; Collection of payments; Collection of payments for goods and services; Collection of rent; Collection of rents; Collection (Rent -); Collections (Charitable -); Collections (Organisation of -); Collections (Organising financial -); Collections (Organization of -);

COSTS

70. Awards of costs in fast track proceedings are governed by Tribunal Practice Notice 2/2015. The opponent has enjoyed the greater degree of success and would normally be entitled to a contribution towards its costs. However, as the opponent is unrepresented, at the conclusion of the evidence rounds the Tribunal wrote to the opponent and invited it to indicate whether it intended to make a request for an award of costs. The opponent was informed that, if so, it should complete a pro-forma, providing details of its actual costs and accurate estimates of the amount of time spent on various activities in the prosecution of the opposition. The opponent was informed that “if the pro-forma is not completed and returned, costs, other than official fees arising from the action (excluding extensions of time), may not be awarded”. No pro-forma was filed by the opponent. That being the case, I award the opponent the sum of £100 only in respect of the opposition fee.

71. I therefore order Charter House Corporate Partners Limited to pay HCP Hohaus Advisory the sum of £100. This sum should be paid within 21 days of the expiry of the

appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 25th day of November 2019

S WILSON

For the Registrar

ANNEX

The applicant seeks registration for the following services:

Class 36

Acceptance of bill payments; Acceptance of bills of exchange; Accident insurance; Accident insurance underwriting; Accident insurance underwriting services; Accommodation bureau services [apartments]; Accommodation bureaux [apartments]; Accommodation bureaux (real estate property); Accommodation (leasing of -) [apartments]; Accommodation letting agency [apartments]; Accommodation (rental of -) [apartments]; Account debiting services; Accounts payable debiting services; Accounts receivables financing; Acquisition and transfer of monetary claims; Acquisition for financial investment; Acquisition of land to be let; Actuarial consulting and advisory services; Actuarial services; Actuarial services relating to financial transactions; Administration of capital investment services; Administration of deposit taking; Administration of financial affairs; Administration of financial affairs relating to real estate; Administration of financial covenants; Administration of fund investment; Administration of funds and investments; Administration of group insurance; Administration of group insurance plans; Administration of insurance business; Administration of insurance claims; Administration of insurance claims adjustment; Administration of insurance plans; Administration of insurance portfolios; Administration of investment funds; Administration of mortgage business; Administration of mutual funds; Administration of pension funds; Administration of pension schemes; Administration of pre-paid health care plans; Administration of property portfolios; Administration of savings accounts; Administration of shares; Administration of trusts; Administrative services relating to investments; Advancement of funds; Advice on finance during retirement; Advice on finance for retirement; Advice on fiscal assessments; Advice on fiscal valuations; Advice regarding credit; Advice regarding lending services; Advice relating to insurance; Advice relating to investment during retirement; Advice relating to investment for retirement; Advice relating to investments; Advice relating to loan recovery services; Advice relating to mortgages for residential properties; Advice relating to pensions; Advice services relating to enhancement of mortgages; Advisory services relating to banking; Advisory services relating to corporate finance; Advisory

services relating to credit; Advisory services relating to finance; Advisory services relating to financial asset management; Advisory services relating to financial investment; Advisory services relating to financial investments; Advisory services relating to financial matters; Advisory services relating to financial planning; Advisory services relating to [financial] risk management; Advisory services relating to financing; Advisory services relating to futures; Advisory services relating to insurance claims; Advisory services relating to insurance contracts; Advisory services relating to international securities; Advisory services relating to investment finance; Advisory services relating to investments; Advisory services relating to investments and finance; Advisory services relating to life insurance; Advisory services relating to loan services; Advisory services relating to money management; Advisory services relating to mortgages; Advisory services relating to mutual funds; Advisory services relating to real estate ownership; Advisory services relating to real estate valuations; Advisory services relating to unit trusts; Agencies for collecting electric power utility payments; Agencies for collecting gas or electric power utility payments; Agencies for collecting gas utility payments; Agencies for commodity futures trading; Agencies in the field of bonds and other securities; Agencies in the field of credit for farming; Agencies or brokerage for leasing or renting of land; Agencies or brokerage for renting land; Agencies or brokerage for renting of buildings; Agency (Estate -); Agency services for arranging travel insurance; Agency services for bonds; Agency services for lending on mortgage; Agency services for securities; Land acquisition services; Land acquisition services [on behalf of others]; Land leasing; Land leasing services; Lease financing of telecommunication equipment; Lease of real estate; Lease purchase finance; Lease purchase financing of vehicles; Lease securitization; Lease-purchase financing; Lease-purchase financing services; Lease-purchase loans; Leases (arranging of -) [real estate property only]; Leasing and rental of commercial premises; Leasing of accommodation in a retail outlet; Leasing of apartments; Leasing of buildings; Leasing of farms; Leasing of flats; Leasing of freehold property; Leasing of houses; Leasing of land; Leasing of office space; Leasing of offices; Leasing of property; Leasing of real estate; Leasing of real estate property; Leasing of shopping mall space; Leasing of shopping premises; Leasing or rental of buildings; Leasing or renting of buildings; Legal expenses insurance; Lending against securities; Lending against security; Lending and loans services; Lending on mortgage; Lending on mortgages; Lending services to merchants for the purpose of financing store inventories of vehicles;

Lending services to merchants secured by accounts receivable; Letters of credit (Issuing -); Letting agency for sheltered accommodation; Letting and rental of permanent accommodation; Letting of apartments; Letting of flats; Letting of houses for hire; Letting of office accommodation; Letting of office space; Letting of showrooms; Letting of trade centres; Liability guarantee; Liability guarantee services; Life assurance; Life assurance brokerage; Life assurance consultancy; Life assurance services; Life insurance; Life insurance agencies; Life insurance brokerage; Life insurance underwriting; Loan advice; Loan advice and loan procurement services; Loan and credit, and lease-finance services; Loan and credit services; Loan financing; Loan guarantees; Loan services; Loan services for property investment; Loans against securities; Loans against security (Arranging -); Loans against security (Provision of -); Loans [financing]; Loans [financing] and discount of bills; Loans (Financing of -); Loss adjusting services in the field of insurance; Loss adjustment; Loss adjustment in the field of insurance; Loss assessments; Luncheon vouchers (Issuing of -); Facilitating and arranging financing; Factoring; Factoring agencies; Factoring agency services; Factoring of debts; Factoring of financial undertakings; Factoring services; Factoring services for invoices; Farm credit financing agencies; Fiduciary; Fiduciary representatives; Fiduciary services; Finance leasing; Finance (Provision of -); Finance (Raising of -); Finance services; Financial administration of a private dental plan; Financial administration of employee pension plans; Financial advice; Financial advice and consultancy services; Financial advice in the field of franchising; Financial advice relating to employee share schemes; Financial advice relating to income tax; Financial advice relating to inheritance; Financial advice relating to investment; Financial advice relating to pensions; Financial advice relating to settlements; Financial advice relating to share option schemes; Financial advice relating to tax planning; Financial advice relating to taxation; Financial advice relating to trusts; Financial advice relating to wills; Financial advisory and consultancy services; Financial advisory and management services; Financial advisory services; Financial advisory services for companies; Financial advisory services for individuals; Financial advisory services provided for bankers; Financial advisory services provided for controllers; Financial advisory services relating to assets management; Financial advisory services relating to insolvency; Financial advisory services relating to life assurance; Financial advisory services relating to retirement plans; Financial advisory services relating to securities; Financial advisory services relating to tax; Financial affairs; Financial affairs services;

Financial analyses; Financial analyses (Preparation of -); Financial analysis; Financial analysis and consultancy; Financial analysis and consultation; Financial analysis and research services; Financial analysis services; Financial analysis services relating to investments; Financial and investment consultancy services; Financial and monetary services; Financial and monetary services, and banking; Financial and monetary transaction services; Financial appraisal; Financial appraisal services; Financial appraisals; Financial appraisals and valuations; Financial appraisals in responding to calls for tenders; Financial appraisals in responding to requests for proposals [RFPs]; Financial assessment of company credit; Financial assessments; Financial asset management; Financial assistance; Financial banking; Financial banking services for the deposit of money; Financial banking services for the withdrawal of money; Financial brokerage; Financial brokerage services; Financial brokerage services for real estate; Financial clearing; Financial clearing and settlement services; Financial clearing house service; Financial clearing house services; Financial clearing houses; Financial clearing services; Financial consultancy; Financial consultancy and advisory services; Financial consultancy and information services; Financial consultancy and insurance consultancy; Financial consultancy for lottery winners; Financial consultancy in relation to the buying and selling of businesses; Financial consultancy in the energy sector; Financial consultancy in the field of risk management; Financial consultancy relating to credit services; Financial consultancy relating to loans; Financial consultancy relating to real estate investment; Financial consultancy relating to student loan services; Financial consultancy relating to the execution of cashless payment transactions; Financial consultancy services; Financial consultancy services relating to infrastructure investment; Financial consultancy services relating to investments; Financial consultation; Financial consultation services; Financial consulting; Bail bond services; Bail bonding; Bail bonding services; Bail-bonding; Bailiff services (debt collection); Bank account and savings account services; Bank account information services; Bank account services; Bank card, credit card, debit card and electronic payment card services; Bank card services; Bank cheque card services; Bank note checking; Bankers clearing house services; Bankers' clearing services; Banking; Banking and financial services; Banking and financing services; Banking (Home -); Banking insurance; Banking services; Banking services for deposit-taking; Banking services in relation to the electronic transfer of funds; Banking services provided for paying bills by telephone; Banking services provided for schools; Banking

services relating to the acceptance of fixed interval installment payments; Banking services relating to the deposit of money; Banking services relating to the transfer of funds from accounts; Banking services relating to travellers' cheques; Benevolent fund services; Bill consolidation services; Bill payment services; Bill payment services provided through a website; Bonding [provision of financial guarantees]; Bonding services; Bonds brokerage; Bonds brokerage services; Brokerage; Brokerage advisory services relating to insurance; Brokerage agency relating to ship insurance; Brokerage (Financial -); Brokerage for hire-purchase; Brokerage for securities liquidation; Brokerage house services; Brokerage in the field of stocks; Brokerage (Insurance -); Brokerage of bonds; Brokerage of building society savings agreements; Brokerage of carbon credits; Brokerage of carbon offsets; Brokerage of casualty insurance; Brokerage of commodities; Brokerage of credit agreements; Brokerage of currency; Brokerage of emission rights; Brokerage of financial derivatives; Brokerage of financial investments in energy companies; Brokerage of futures; Brokerage of futures contracts; Brokerage of insurance; Brokerage of non-life insurance; Brokerage of real estate; Brokerage of securities; Brokerage of share subscriptions; Brokerage of shares and other securities; Brokerage of shares or stocks and other securities; Brokerage services; Brokerage services for arranging financing by other financial institutions; Brokerage services for bonds; Brokerage services for capital investments; Brokerage services for stocks and bonds; Brokerage services for the purchase and sale of obligations; Brokerage services in financial markets; Brokerage services in the field of financial instruments; Brokerage services on the financial markets; Brokerage services relating to corporate bonds; Brokerage services relating to debt instruments; Brokerage services relating to financial instruments; Brokerage services relating to municipal bonds; Brokerage services relating to mutual funds; Brokerage services relating to securities offering; Brokerage services relating to the securities markets; Brokering of financial services; Brokering services; Building leasing; Building management; Building society services; Building society services relating to finance; Bullion brokerage services; Bureau de change services; Business appraisals for financial valuation; Business credit verification services; Business liquidation services, financial; Buying and issuing of travellers' cheques; Buying and selling currency; Capital fund investment; Capital fund management; Capital investment; Capital investment advisory services; Capital investment brokerage; Capital investment consultation; Capital investment consulting; Capital investment fund management;

Capital investment in real estate; Capital investment services; Capital investments; Capital management; Capital (Raising of -); Capitalization services; Caravan insurance services; Card accessed banking services; Card operated financial services; Card services; Cash and foreign exchange transactions; Cash card services; Cash, check (cheque) and money order services; Cash disbursement services; Cash dispenser services; Cash dispensing being customer-operated; Cash dispensing (Card-actuated -) services; Cash dispensing services; Cash management; Cash management services; Cash processing; Cash replacement rendered by credit card; Cashing of cheques; Cashing of personal cheques; Casualty insurance underwriting; Charge card and credit card services; Charge card services; Charge-card services; Charitable collections; Charitable fund raising; Charitable fund raising in view of disaster precautions and prevention; Charitable fund raising services; Charitable fundraising; Charitable fundraising by means of entertainment events; Charitable fundraising services; Charitable fundraising services for underprivileged children; Charitable fundraising through the sale of charity stamps; Charitable services, namely financial services; Check [cheque] verification; Check payment guarantee services; Check verification; Checking account services; Cheque account services; Cheque account services for the cashing of cheques; Cheque account services for the receiving of cheques; Cheque authorization services; Cheque cashing services; Cheque clearing; Cheque clearing services; Cheque encashment services; Cheque evaluation services; Cheque guarantee card services; Cheque guarantee services; Cheque verification; Cheque verification services; Cheques (Issuing of travellers' -); Cheques (Redemption of travellers' -); Cheques (Verification of -); Claim adjustment for non-life insurance; Claim assessments (Insurance -); Claims adjustment for non-life insurance; Claims adjustment in the field of insurance; Claims adjustment (Insurance -); Claims settlement agency services; Clearing, financial; Clearing house financial services; Clearing of cheques; Clearing services; Clearing services (Bankers' -); Clearing services for payment transactions; Clearing-house services; Clearing-house services (Bankers' -); Clearing-houses, financial; Coin appraisal; Collateral agency services; Collection agencies; Collection of community charge monies; Collection of credit sales; Collection of debt on real estate rental; Collection of debts; Collection of financial information; Collection of non-domestic rates; Collection of payments; Collection of payments for goods and services; Collection of rent; Collection of rents; Collection (Rent -); Collections (Charitable -); Collections (Organisation of -);

Collections (Organising financial -); Collections (Organization of -); Commercial lending.