

O/075/21

TRADE MARKS ACT 1994

IN THE MATTER OF INTERNATIONAL REGISTRATION NO. WO0000001491273

DESIGNATING THE UK

BY SHIKUMI DESIGN, INC.:

S p r i n g i n '

IN CLASSES 9, 41 AND 42

AND IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 419186

BY SPRINGER-VERLAG GMBH

## **BACKGROUND AND PLEADINGS**

1. International trade mark 1491273 (“the IR”) consists of the sign shown on the cover page of this decision. The holder is SHIKUMI DESIGN, Inc. The IR is registered with effect from 25 April 2019. With effect from the same date, the holder designated the UK as a territory in which it seeks to protect the IR under the terms of the Protocol to the Madrid Agreement. The holder seeks protection for the IR in relation to the following goods and services:

Class 9        Game programs for arcade video game machines; electronic machines, apparatus and their parts; game programs for home video game machines; electronic publications; electronic circuits and CD-ROMs recorded with automatic performance programs for electronic musical instruments; downloadable music files; downloadable image files.

Class 41       Educational and instruction services relating to arts, crafts, sports or general knowledge; arranging, conducting and organization of seminars; providing electronic publications; publication of books; presentation of still images, moving images, audio-added still images, audio added moving images and videos through communication lines; production of videotape film in the field of education, culture, entertainment or sports [not for movies or television programs and not for advertising or publicity]; organization of entertainment events excluding movies, shows, plays, musical performances, sports, horse races, bicycle races, boat races and auto races.

Class 42       Architectural design; designing, other than for advertising purposes; computer software design, computer programming, or maintenance of computer software; technological advice relating to computers, automobiles and industrial machines; research on building construction or city planning; testing or research on machines, apparatus and instruments; rental of computers; providing temporary use of online non-downloadable software.

2. The request to protect the IR was published on 18 October 2019. On 20 January 2020, Springer-Verlag GmbH (“the opponent”) opposed the protection of the IR in the UK based upon sections 5(2)(b) and 5(3) of the Trade Marks Act 1994 (“the Act”). However, on 6 August 2020, the opponent withdrew its section 5(3) ground of opposition. The case, therefore, proceeds on the basis of section 5(2)(b) only.

3. The opponent relies upon the following trade marks:

SPRINGER

International trade mark no. 1472118

International registration date 5 March 2019

Date of designation 5 March 2019

Date protection granted in EU 11 December 2019

Priority date claimed 4 March 2019

(“the First Earlier Mark”)

SPRINGER

UK trade mark no. 3380215

Filing date 4 March 2019

Registration date 24 May 2019

(“the Second Earlier Mark”)

Springer

European Union trade mark no. 15552482

Filing date 17 June 2016

Registration date 1 December 2016

(“the Third Earlier Mark”)

4. The opponent relies upon all goods and services for which the earlier marks are registered, as set out in the Annex to this decision.

5. The opponent claims that there is a likelihood of confusion because the marks are similar, and the goods and services are identical or similar.

6. The holder filed a counterstatement denying the claims made.

7. Neither party filed evidence. A hearing took place before me, by video conference, on 9 December 2020. The opponent was represented by Mr Jan-Caspar Rebling of Stobbs. The holder has been represented throughout these proceedings by Kilburn & Strode LLP, however, it elected not to attend the hearing. The holder filed written submissions in lieu of attendance dated 7 December 2020.

## **PRELIMINARY ISSUES**

8. In its Counterstatement, the holder states: “we note that the parties’ respective marks are co-existing on the US and Japanese Trade Mark Registers”. In its written submissions in lieu, the holder states:

“14. The Opponent is a German publisher that produces scientific, technical and medical academic publications, in specialist disciplines such as astronomy, biomedical sciences, chemistry, earth sciences, law, medicine and physics [...]. We note that the specifications of the Opponent’s registrations are considerably in excess of their actual business interests, and there is significant doubt as to whether the Opponent has genuine intention to use the marks in relation to such goods.

15. The Applicant is a design company that produce interactive content, including the visual programming platform, SPRINGIN’, that enables its users to create their own games and applications. The SPRINGIN’ application is available on e.g. the Apple App Store [...]

[...]

34. In the event the Office considers there to be any degree of similarity between the respective signs, we note the coexistence of the Opponent’s earlier marks on the UK and EU registers with EUTM No. 017968161 SPRINGWISE, EUTM No. 018063196 SPRINGBME and EUTM No. 17938643

SPRINGTER. Clearly, the “Spring” formative marks are distinguishable by virtue of their differing suffixes.”

9. Further, in its submissions regarding the comparison of goods and services, the holder focuses upon the parties’ actual goods and services, rather than the goods and services covered by the parties’ respective specifications.

10. In relation to the holder’s submissions, I note as follows:

- a. I have no evidence before me to support the holder’s assertion that the marks co-exist on trade mark Registers in the US and Japan. In any event, even if that is the case, it has no bearing on the matters before me.
- b. The fact that there may be other marks on the EU and UK Registers which contain the word “Spring” is also not of assistance to the holder. The fact that they exist on the Register does not automatically mean that there would be no likelihood of confusion; a comparison with those marks is not relevant to my assessment. Further, there may be any number of reasons why those marks have not been objected to by the opponent, for example, the opponent may consider the different respective endings to be far enough removed from its own marks or may have reached commercial agreements with the parties concerned.
- c. The question of “intention to use” is only relevant in the context of a section 3(6) opposition/invalidation. The holder has not sought to challenge the validity of the opponent’s trade marks. Consequently, the question of whether the opponent has a genuine intention to use its trade marks across the full breadth of its specification is irrelevant to my assessment.
- d. The assessment I must undertake is based upon the parties’ respective trade marks and their specifications. I must consider notional use of the marks across the full breadth of those specifications. My comparison of the goods and services cannot be limited to the parties’ actual activities.

## DECISION

11. Section 5(2)(b) of the Act reads 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.”

12. Section 5A of the Act reads as follows:

“5A Where the grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

13. The trade marks upon which the opponent relies qualify as earlier trade marks because they were applied for at an earlier date than the IR pursuant to section 6 of the Act. The earlier marks had not completed their registration process more than 5 years before the filing date of the designation in issue and are not subject to proof of use pursuant to section 6A of the Act. The opponent can, therefore, rely upon all of the goods and services it has identified.

14. Although the UK has left the EU, section 6(3)(a) of the European (Withdrawal) Act 2018 requires tribunals to apply EU-derived national law in accordance with EU law as it stood at the end of the transition period. The provisions of the Act relied on in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case-law of EU courts.

15. 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 goods and services**

16. In the *Treat* case, [1996] R.P.C. 281, Jacob J. (as he then was) identified the following factors for assessing similarity:

(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.

17. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T-133/05, the General Court (“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 für 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.”

### Class 9

*Game programs for arcade video game machines; game programs for home video game machines;*

18. All three earlier marks have the term “computer game software” in their specifications. These terms are identical on the principle outlined in *Meric*.

*Electronic machines, apparatus and their parts*

19. “Cash registers, calculating machines”, “computer apparatus” and “parts and fittings for all the aforesaid goods” in the specifications of the earlier marks would all fall within this broader category. I consider these terms to be identical on the principle outlined in *Meric*.

*Electronic publications*

20. The term “electronic publications, downloadable” in the specifications of the earlier marks falls within this broader category. These goods are identical on the principle outlined in *Meric*.

*Electronic circuits and CD-ROMs recorded with automatic performance programs for electronic musical instruments*

21. This term is either self-evidently identical or identical on the principle outlined in *Meric* to “CD-ROMs” and “apparatus for recording, transmission or reproduction of sound or images” in the earlier marks’ specifications.

*Downloadable music files; Downloadable image files*

22. These terms appear identically in the specifications of the earlier marks.

Class 41

*Educational and instruction services relating to arts, crafts, sports or general knowledge*

23. This term is identical on the principle outlined in *Meric* to “Education” in the earlier marks’ specifications.

*Arranging, conducting and organization of seminars*

24. This term is identical on the principle outlined in *Meric* to “arranging and conducting of seminars” in the earlier marks’ specifications.

*Providing electronic publications; publication of books;*

25. These terms appear identically in the specifications of the earlier marks.

*Presentation of still images, moving images, audio-added still images, audio added moving images and videos through communication lines*

26. At the hearing, Mr Rebling submitted that this term could be considered identical on the principle outlined in *Meric* to “entertainment” in the earlier marks’ specifications. I agree.

*Production of videotape film in the field of education, culture, entertainment or sports [not for movies or television programs and not for advertising or publicity]*

27. I consider this term to be identical on the principle outlined in *Meric* to “entertainment”, “education” and “sporting and cultural activities” in the earlier marks’ specifications. At the hearing, Mr Rebling also drew a comparison with the term “production of radio and television programmes” in the earlier marks’ specifications. Mr Rebling noted the exclusion in the holder’s specification that this term should not apply to either movies or television, but Mr Rebling submitted that these terms should still be considered identical because to take account of the limitation would render the term non-sensical. I am not convinced by that line of argument. However, I consider it likely that these terms will overlap in method of use, user, nature and trade channels. Undertakings that produce videotape film for one purpose are also likely to produce other types of film. Taking all of this into account, I consider the services to be highly similar.

*Organization of entertainment events excluding movies, shows, plays, musical performances, sports, horse races, bicycle races, boat races and auto races*

28. I consider this term to be identical on the principle outlined in *Meric* to “entertainment” and “organisation of competitions [education or entertainment]” in the earlier marks’ specifications.

Class 42

*Architectural design*

29. At the hearing, Mr Rebling submitted that this term is identical on the principle outlined in *Meric* to “scientific and technological services and research and design relating thereto” in the specifications of the earlier marks. Mr Rebling noted that architecture does not just involve design questions, but also technical questions in terms of meeting functional and safety criteria. I agree. I consider these terms to be identical.

*Computer software design, computer programming, or maintenance of computer software*

30. This term is identical on the principle outlined in *Meric* to “design and development of computer hardware and software” and “computer programming in the fields of multi-media and electronic publishing” in the earlier marks’ specifications. It is also identical on the principle outlined in *Meric* to “development and maintenance of computer database software” in the specifications of the First and Second Earlier Marks.

*Designing, other than for advertising purposes*

31. This term could include computer software design. For the same reason outlined above, I consider this to be identical on the principle outlined in *Meric* to “design and development of computer hardware and software” in the earlier marks’ specifications.

*Technological advice relating to computers, automobiles and industrial machines;*

32. This term is identical on the principle outlined in *Meric* to “scientific and technological services and research and design relating thereto [...] information, advisory and consultancy services relating to the aforesaid services” in the earlier marks’ specifications.

*Research on building construction or city planning*

33. I consider this term to be identical on the principle outlined in *Meric* to “scientific and technological services and research and design relating thereto” in the specifications of the earlier marks.

### *Testing or research on machines, apparatus and instruments*

34. I consider this term to be identical on the principle outlined in *Meric* to “scientific and technological services and research and design relating thereto” in the specifications of the earlier marks.

### *Rental of computers*

35. There is likely to be an overlap between this term and the terms: “retail and online retail services connected with the sale of [...] computers” and “computers” in the earlier marks’ specifications. I consider there to be overlap in user, trade channels and purpose. I recognise that the method of use and nature of the goods and services will differ. However, they are likely to be in competition with each other. I consider these goods and services to be similar to between a medium and high degree.

### *Providing temporary use of online non-downloadable software*

36. I consider this term to be identical on the principle outlined in *Meric* to “rental of access time to a computer database” in the specifications of the earlier marks.

## **The average consumer and the nature of the purchasing act**

37. As the case law above indicates, it is necessary for me to determine who the average consumer is for the respective parties’ goods and services. I must then determine the manner in which the goods and 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.”

38. The average consumer for the goods and services could be either a member of the general public or a business/professional user. The cost of the purchase is likely to vary significantly from downloadable music files which are likely to be relatively low in price to architectural services which are likely to be significantly higher. Even for those goods and services that are likely to be relatively low in cost (such as downloadable image files or some entertainment services) I consider that various factors will be taken into account by the average consumer. For example, the type of service offered, the convenience of the facilities, the compatibility with the user’s device and/or the selection provided by the seller might be taken into consideration. I consider that this will result in a medium degree of attention being paid. I recognise that some of the goods and services concerned may involve a higher degree of attention, specifically:

- a. “Electronic machines, apparatus and their parts” – as Mr Rebling noted in his skeleton argument, this could cover a broad range of goods from products that are extremely expensive to low cost goods. I recognise that where a higher cost is involved, this may result in a higher level of attention being paid. However, for many of the goods covered by this term, a medium degree of attention will be paid during the purchasing process.
- b. “Educational and instructional services relating to arts, crafts, sports or general knowledge” – the opponent submits that this would refer predominantly to educational services provided in a recreational setting such as craft clubs, sports clubs for children etc. At the hearing, Mr Rebling did accept that this could also include vocational courses relating to, for example, arts. For the former, I consider a medium degree of attention will be paid. However, I recognise that for the latter services, a higher degree of attention will be paid during the purchasing process.
- c. “Architectural design” and “research on building construction or city planning” – in his skeleton argument, Mr Rebling acknowledged that these services would

attract between an “average and high” degree of attention. Mr Rebling distinguished between such services purchased by individuals looking to carry out developments to their own properties and services purchased by businesses such as developers carrying out large-scale projects. There may be such a distinction to be made. However, even in relation to building construction projects on individual houses where lower costs may be involved, consumers are likely to undertake extensive research given the potential safety implications and the impact it may have on their homes. Consequently, I consider a high degree of attention will be paid during the purchasing process for all of these services.

39. The goods are likely to be selected from the shelves of a retail outlet or from an electronic or catalogue equivalent. The services are also likely to be selected following perusal of signage on physical retail premises, from websites or following perusal of advertisements. Consequently, visual considerations are likely to dominate the selection process. However, I also recognise that word-of-mouth recommendations may play a role, advice may be sought from sales assistants or purchases made by telephone. Consequently, I do not discount an aural component to the selection of the goods and services.

### **Comparison of trade marks**

40. 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 Court of Justice of the European Union (“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.”

41. 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.

42. The respective trade marks are as follows:

Opponent's trade marks	Holder's trade mark
SPRINGER (the First Earlier Mark)	S p r i n g i n '
SPRINGER (the Second Earlier Mark)	
Springer (the Third Earlier Mark)	

43. The earlier marks all consist of the word SPRINGER. The First and Second Earlier Mark are presented in upper case and the Third Earlier Mark is presented in title case. As notional and fair use of a word only mark covers use in any standard typeface, the difference in case is not relevant to my decision. The same comparison will, therefore, apply to all of the earlier marks. There are no other elements to contribute to the overall impression of the earlier marks, which lies in the word itself. The IR consists of the word Springin' in title case, presented in a slightly stylised font. It is the word itself which plays the greater role in the overall impression, with the stylisation playing a lesser role.



44. Visually, the holder submits that the marks are both short word marks and, therefore, the differences between them are more apparent. In that regard, the holder refers to *Phillips-Van Heusen Corp. v Office for Harmonisation in the Internal Markets (OHIM)*, Case T-292/01, in which the marks BASS and PASH were found to be dissimilar. However, that case dealt with four-letter marks. The present case is concerned with two 8-letter marks. The marks coincide in the first six letters – SPRING. They differ in their endings i.e. -ER in the earlier marks and -in' in the IR. As a general rule, the beginnings of marks tend to make more of an impact than the ends. Taking all of this into consideration, I consider there to be between a medium and high degree of visual similarity between the marks.

45. Aurally, the earlier marks will be pronounced SPRING-ERR. The IR will be pronounced SPRING-INN. The difference lies in the pronunciation of the last syllable. The holder refers to *Laboratorios RTB S.L. v European Union Intellectual Property Office*, Case T-156/01, in which GIORGI LINE v GIORGIO AIRE were found to have minimal aural similarities. However, in that case, each mark consisted of four syllables, only one of which was found to be similar. In this case, the marks consist of only two syllables, one of which is identical. Taking all of this into consideration, I consider there to be between a medium and high degree of aural similarity between the marks.

46. Conceptually, the opponent submits that “neither mark has an obvious meaning and would likely be understood by the average consumer as invented terms”. The holder submits that the earlier marks are a common surname and will be viewed as a reference to the business founder, whereas the IR will be seen as deriving from the word “springing”. With regard to the opponent’s mark, I do not consider that it will be perceived as an invented word. At the hearing, Mr Rebling noted that although “Springer” is a common name in other countries (such as Germany) it is unlikely to be perceived as such by the average UK consumer. I agree. Whilst some consumers may recognise it as a name, I consider it unlikely that this will be a significant proportion of average consumers. Collins English Dictionary provides a number of definitions for “Springer” including “short for Springer spaniel” and “a person or thing that Springs”. I consider that it is these meanings that are likely to be understood by the average consumer. With regard to the IR, it is not uncommon for a “G” to be dropped and replaced with an apostrophe in this way to indicate slang or informal language.

Whether or not the apostrophe is noticed by the average consumer, I consider that the IR will be seen as a misspelling of the ordinary dictionary word “springing” and will be attributed its ordinary English meaning. Although the marks differ in their individual meanings, at least for a significant proportion of average consumers they overlap to the extent that both have connotations of something jumping or moving quickly. Taking all of this into consideration, I consider the marks to be conceptually similar to a medium degree.

### **Distinctive character of the earlier trade marks**

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

“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).”

48. 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 and services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use that has been made of it.

49. The opponent has not pleaded that its marks have acquired enhanced distinctive character through use, nor has it filed any evidence. Consequently, I have only the inherent position to consider. As noted above, the earlier marks all consist of the word "Springer" in either upper or title case. At the hearing, Mr Rebling submitted that the marks have a high degree of inherent distinctive character because they will be perceived as invented words. I disagree for the reasons set out above. I consider the earlier marks will be viewed as either a reference to a breed of dog or a person or thing that jumps or moves quickly. In either case, there is no connection with the goods/services for which the marks are registered. I consider the earlier marks to be inherently distinctive to a medium degree.

### **Likelihood of confusion**

50. 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 or vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier marks, the average consumer for the goods and 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.

51. I have found the marks to be visually and aurally similar to between a medium and high degree and conceptually similar to a medium degree. I have found the earlier marks to be inherently distinctive to a medium degree. I have identified the average consumer to be either a member of the general public or a business/professional user who will pay at least a medium degree of attention when selecting the goods and services. I recognise that for some of the goods and services, a higher degree of attention will be paid. I have found the purchasing process to be predominantly visual, although I do not discount an aural component. I have found the goods and services to be identical, highly similar or similar to between a medium and high degree.

52. Given that the marks all begin with the same six letters – SPRING/Spring – I consider it likely that the average consumer will recall that and misremember the different endings of the words. The medium degree of conceptual similarity arising from the common root shared by both of these words will mean that a significant proportion of average consumer will not have a strong differing conceptual message to assist them in differentiating between the marks. I recognise that for the majority of the goods and services, a medium degree of attention would be paid in the purchasing process. However, I consider that this will be offset by the similarities between the marks and the goods and services for which they are registered/applied-for. Taking all of this into account, as well as the principle of imperfect recollection, I consider there to be a likelihood of direct confusion in relation to all of those goods and services where a medium degree of attention (or less) would be paid during the purchasing process.

53. I recognise that there are some terms in the holder's specification that I have identified as attracting a higher degree of attention during the purchasing process. For educational services and electronic machines, as discussed above, the level of attention will vary significantly. I have no evidence before me as to what the holder does. In its written submissions, the holder describes itself as a "software design company that produces interactive content". This does not appear to me to shed any light upon what electronic machines or educational services the holder intends to provide. Given the variation in terms of attention level and the fact that no limitation to the specification has been proposed by the holder (nor can I myself identify an appropriate limitation) I consider that there will also be direct confusion in relation to

these goods and services. Whilst there is potential for the high degree of attention paid to offset the effect of imperfect recollection, that will not be the case for all of the goods and services covered by these terms.

54. For “Architectural design” and “research on building construction or city planning” in the holder’s specification, I have found a high degree of attention will be paid during the purchasing process across the full breadth of those terms. A high degree of attention being paid is not always enough to offset the effect of imperfect recollection. However, in this case, I consider that it will be. The differences between the endings of the marks and the high degree of attention being paid will, in my view, offset the impact of imperfect recollection in this case and will prevent the marks from being mistakenly recalled or misremembered. Consequently, I find that there will be no likelihood of direct confusion in respect of those services. I have considered whether there is potential for there to be indirect confusion. However, having recognised the differences between the marks, I can see no reason why the average consumer would conclude that they originate from the same or economically linked undertakings. They are not natural brand extensions or variants of each other. Consequently, I do not consider there to be a likelihood of indirect confusion.

### **Final Remarks**

55. For the avoidance of doubt, even if I am wrong in my finding that the word SPRINGER is unlikely to be recognised as a name by a significant proportion of UK average consumers, that would not change my findings regarding likelihood of confusion. There would still, in my view, also be a significant proportion of average consumers who would view the word SPRINGER as a reference to a person or thing that jumps or moves quickly. For that significant proportion of average consumers, there would still be a likelihood of confusion for the reasons set out above.

### **CONCLUSION**

56. The opposition based upon section 5(2)(b) is successful in relation to the following goods and services for which the designation is refused:

- Class 9 Game programs for arcade video game machines; electronic machines, apparatus and their parts; game programs for home video game machines; electronic publications; electronic circuits and CD-ROMs recorded with automatic performance programs for electronic musical instruments; downloadable music files; downloadable image files.
- Class 41 Educational and instruction services relating to arts, crafts, sports or general knowledge; arranging, conducting and organization of seminars; providing electronic publications; publication of books; presentation of still images, moving images, audio-added still images, audio added moving images and videos through communication lines; production of videotape film in the field of education, culture, entertainment or sports [not for movies or television programs and not for advertising or publicity]; organization of entertainment events excluding movies, shows, plays, musical performances, sports, horse races, bicycle races, boat races and auto races.
- Class 42 Designing, other than for advertising purposes; computer software design, computer programming, or maintenance of computer software; technological advice relating to computers, automobiles and industrial machines; testing or research on machines, apparatus and instruments; rental of computers; providing temporary use of online non-downloadable software.

57. The opposition is unsuccessful in relation to the following services for which the designation may proceed to registration:

- Class 42 Architectural design; research on building construction or city planning.

## **COSTS**

58. The opponent has enjoyed the greater degree of success and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice

Notice 2/2016. In the circumstances, I award the opponent the sum of **£1,300** as a contribution towards its costs, calculated as follows:

Preparing a Notice of opposition and considering the holder's counterstatement	£250
Preparing for and attending the hearing	£950
Official fee	£100 <sup>1</sup>
<b>Total</b>	<b>£1,300</b>

59. I therefore order SHIKUMI DESIGN, Inc to pay Springer-Verlag GmbH the sum of £1,300. 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 3<sup>rd</sup> day of February 2021**

**S WILSON**  
**For the Registrar**

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<sup>1</sup> Although the official fee paid by the opponent was £200, the section 5(3) ground was subsequently withdrawn. It is, therefore, only appropriate to award the opponent the sum of £100 in respect of the official fee.

## ANNEX

### The First Earlier Mark

#### Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking [supervision], life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; fire-extinguishing apparatus; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media, data processing equipment, computers; multimedia content; audiovisual teaching apparatus; bags adapted for laptops; CDs; CD-ROMs; compact disc players; computer game software; software for playing games on mobile phones, tablets or portable computers; software for mobile phones, tablets and portable computers; computer keyboards; computer peripheral devices; computer memory devices; computers; data processing apparatus; disk drives for computers; disks, magnetic; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; interfaces for computers; laptop computers; magnetic data media; magnetic tapes; magnetic disks; monitors [computer hardware]; mouse pads; notebook computers; tablet computers; portable computers; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching; portable electronic devices for teaching; handheld electronic devices for reading; portable electronic devices for reading; portable media players; printers for use with computers; central processing units; projection screens; projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable



computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; testing apparatus not for medical purposes; USB flash drives; video cassettes; videotapes; non-printed (electronic) publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; application software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; digital tablets; computer apparatus; graphics tablets; handheld computers; mobile computers; on-board computers; pocket computers for note-taking; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; reading glasses; digital recordings; downloadable digital photos; digital dashboard software; digital storage media; downloadable digital music; digital recording media; digital book readers; digital data recording media; digital solutions provider [DSP] software; software for processing digital images; digital books downloadable from the internet; computer software for processing digital images; computer programmes stored in digital form; digital music downloadable from the internet; software related to handheld digital electronic devices; computer software for processing digital music files; computer software for the display of digital media; computer software for organizing and viewing digital images and photographs; computer software for use on handheld mobile digital electronic devices and other consumer electronics; computer game software, downloadable; computer game software, recorded; computer memory devices; computer operating programs, recorded; computer programs, downloadable;

computer programs, recorded; computer screen saver software, recorded or downloadable; computer software applications, downloadable; computer software platforms, recorded or downloadable; computer software, recorded; downloadable image files; downloadable music files; electronic book readers; electronic notice boards; electronic publications, downloadable; computer software for organizing and viewing digital images and photographs; software for searching and retrieving information across a computer network; computer software to enable the provision of information via communications networks; computer application software for streaming audio-visual media content via the internet; computer software to enable the provision of electronic media via the internet; platform software; operating software; science software; media software; teacher software; student software; entertainment software; multimedia software; training software; editing software; blog software; business software; publishing software; computer software [programmes]; downloadable application software; business application software; data management software; content management software; media streaming software; media development software; document management software; computer software packages; educational computer software; desktop publishing software; computer software for entertainment; smartphone software applications, downloadable; media and publishing software; communication and networking software; children's educational software; computer software applications, downloadable; computer software for accessing databases; computer software platforms, recorded or downloadable; computer software to enable retrieval of data; application software for social networking services via internet; downloadable computer software for the transmission of information; parts and fittings for all the aforesaid goods.

#### Class 16

Paper and cardboard; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paintbrushes; typewriters and office requisites [except furniture]; instructional and teaching material [except apparatus]; plastic materials for packaging; printers' type; printing blocks; adhesive tape dispensers [office requisites]; adhesive tapes for stationery or household purposes; adhesives [glues] for stationery or household purposes; albums/scrapbooks; almanacs; announcement cards [stationery]; arithmetical tables; atlases; binding strips [bookbinding]; biological samples for use in microscopy

[teaching materials]; blackboards; blotters; bookbindings; bookends; booklets; bookmarkers; books; calendars; cards; charts; catalogues; charcoal pencils; clipboards; clips for offices; staples for offices; bookbinding cloth; comic books; compasses for drawing; composing frames [printing]; copying paper [stationery]; cords for bookbinding; correcting fluids [office requisites]; correcting tapes [office requisites]; diagrams; document laminators for office use; document files [stationery]; document holders [stationery]; drawing materials; drawing pads; drawing pens; drawing sets; drawing pins; elastic bands for offices; envelopes [stationery]; files [office requisites]; flyers; folders for papers; folders [stationery]; printed forms; fountain pens; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; index cards [stationery]; indexes; ledgers [books]; magazines [periodicals]; manuals; handbooks; marking pens; newsletters; newspapers; note books; numbers [type]; pads [stationery]; pamphlets; paper; paper sheets [stationery]; paper-clips; paperweights; pencil leads; pencil sharpeners, electric or non-electric; pencils; pens [office requisites]; periodicals; pictures; postcards; posters; printed publications; printing type; prospectuses; rubber erasers; school supplies [stationery]; song books; stickers; teaching materials [except apparatus]; terrestrial globes; writing instruments; writing pads; writing cases [sets]; writing materials; writing cases [stationery]; writing or drawing books; writing paper; exercise books; bibles; printed awards; printed certificates; reference books; dictionaries; directories; reports; magazines; journals; periodicals; exam papers; lecture notes; worksheets; quizzes; printed puzzles; flashcards; vocabulary lists; paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials in this class all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes.

### Class 35

Advertising; business management; business administration; office function; advertising services provided via the Internet; advertising, marketing and promotional services; arranging of subscriptions for the on-line publications of others; business information; business assistance; business consultancy; business data analysis; analysis of market research data and statistics; business merchandising display

services; business research services; business information services provided online from a global computer network or the Internet; market research; market research services for publishers; retail and online retail services connected with the sale of scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images, magnetic data carriers, recording discs, compact discs, DVDs and other digital recording media, mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment, computers, computer software, fire-extinguishing apparatus, media content, audiovisual teaching apparatus, bags adapted for laptops, calculating machines, CDs, CD-ROMs, compact disc players, computer game software, software for playing games on mobile phones, tablets or portable computers, computer software, recorded, computer programs, recorded, computer programs [downloadable software], software for mobile phones, tablets and portable computers, downloadable software for mobile devices, computer keyboards, computer peripheral devices, computer memory devices, computers, data processing apparatus, disk drives for computers, disks, magnetic, downloadable music files, downloadable image files, downloadable text files, downloadable video files, downloadable exam papers, downloadable quizzes, downloadable assessment criteria, downloadable educational materials, downloadable periodical publications, downloadable journals, downloadable dictionaries, downloadable reference books, downloadable lecture notes, downloadable educational worksheets, downloadable slide presentations, downloadable flashcards, downloadable vocabulary lists, DVDs, electronic publications, downloadable, electronic pocket translators, floppy disks, interfaces for computers, laptop computers, magnetic data media, magnetic tapes, magnetic disks, monitors [computer hardware], mouse pads, notebook computers, tablet computers, portable computers, optical discs, optical data media, pocket calculators, portable telephones, mobile telephones, smartphones, handheld electronic devices for teaching and learning, portable electronic devices for teaching and learning, handheld electronic devices for examination and assessment, portable electronic devices for examination and assessment, handheld electronic devices for entertainment and reading, portable electronic devices for entertainment and reading, portable media

players, printers for use with computers, central processing units, projection screens, projection apparatus, sleeves for laptops, sleeves for tablet computers, sleeves for portable computers, cases for mobile phones, tablets or portable computers, sound transmitting apparatus, sound recording apparatus, sound reproduction apparatus, teaching apparatus, testing apparatus not for medical purposes, USB flash drives, video cassettes, videotapes, non-printed (electronic) publications, printed publications in electronically readable form, printed publications in optically recorded form, databases, podcasts, talking books, training manuals in the form of a computer program, educational software, application software, computer programmes for interactive games or quizzes, computer software for communicating with users of hand-held computers, computer software in the field of electronic publishing, electronic whiteboards, satellite telephones, solar powered telephones, video communications apparatus, wireless telephony apparatus, digital tablets, computer apparatus, graphics tablets, handheld computers, mobile computers, on-board computers, pocket computers for note-taking, stands for computer equipment, wearable computers, computer software for the provision of training, education, examination and assessment, computer software for the provision of training, education, examination and assessment for operation over computer networks, computer software for the provision of training, education, examination and assessment for operation by remote computer access, magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment, downloadable publications, downloadable educational materials including exam papers, course materials and lecture notes, downloadable computer software, reading glasses, paper, cardboard, printed matter, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging, printers' type, printing blocks, adhesive tape dispensers [office requisites], adhesive tapes for stationery or household purposes, adhesives [glues] for stationery or household purposes, albums/scrapbooks, almanacs, announcement cards [stationery], arithmetical tables, atlases, binding strips [bookbinding], biological samples for use in microscopy [teaching materials], blackboards, blotters, bookbindings, bookends, booklets, bookmarkers, books, calendars, cards, charts, catalogues, charcoal pencils,

clipboards, clips for offices, staples for offices, bookbinding cloth, comic books, compasses for drawing, composing frames [printing], copying paper [stationery], cords for bookbinding, correcting fluids [office requisites], correcting tapes [office requisites], diagrams, document laminators for office use, document files [stationery], document holders [stationery], drawing materials, drawing pads, drawing pens, drawing sets, drawing pins, elastic bands for offices, envelopes [stationery], files [office requisites], flyers, folders for papers, folders [stationery], printed forms, fountain pens, geographical maps, handwriting specimens for copying, histological sections for teaching purposes, index cards [stationery], indexes, ledgers [books], magazines [periodicals], manuals, handbooks, marking pens, newsletters, newspapers, note books, numbers [type], pads [stationery], pamphlets, paper, paper sheets [stationery], paper-clips, paperweights, pencil leads, pencil sharpeners, electric or non-electric, pencils, pens [office requisites], periodicals, pictures, postcards, posters, printed matter, printed publications, printing type, printing blocks, prospectuses, rubber erasers, school supplies [stationery], song books, stationery, stickers, teaching materials [except apparatus], terrestrial globes, writing instruments, writing pads, writing cases [sets], writing materials, writing cases [stationery], writing or drawing books, writing paper, exercise books, Bibles, printed awards, printed certificates, reference books, dictionaries, directories, manuals, reports, magazines, journals, periodicals, newspapers, newsletters, exam papers, lecture notes, worksheets, quizzes, printed puzzles, educational assessment criteria, flashcards, vocabulary lists, paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; compilation of information into computer database; computerised data verification; on-line data processing services; licensing of the goods and services of others (commercial administration of the -); recruitment; employment recruitment; recruitment services; recruitment and placement services; advertising services relating recruitment of personnel; dissemination of information relating to the recruitment of graduates; providing electronic verification of online orders of digital content and generating electronic permission codes which then allow users to access

said digital content; information, advisory and consultancy services relating to the aforesaid services.

### Class 38

Telecommunications; telecommunications services; mobile telecommunications services; telecommunications portal services; providing access to internet portals; mobile telecommunications network services; fixed line telecommunication services; provision of broadband telecommunications access; broadband services; broadcasting services; television broadcasting services; broadcasting services relating to internet protocol tv; provision of access to internet protocol tv; internet access services; email and text messaging services; services of a network provider, namely rental and handling of access time to data networks and databases, in particular the internet; communications services for accessing a database, leasing of access time to a computer database, providing access to computer databases, rental of access time to a computer database; operation of a network, being telecommunication services; communication of information by computer; computer aided transmission of messages and images; electronic bulletin board services [telecommunication services]; message sending; providing access to databases; providing internet chatrooms; communication by online blogs; providing online forums; providing user access to global computer networks; streaming of data; transmission of digital files; access to content, websites and portals; electronic communication by means of chatrooms, chat lines and Internet forums; peer-to-peer information sharing services; providing access to computer databases in the field of publishing; providing online forums and chatrooms for the electronic transmission of information; peer-to-peer information sharing services in the field of publishing; peer-to-peer information sharing services for academics; providing access to computer, electronic and online databases relating to books, magazines, newspapers, periodicals, pamphlets and journals; information, advisory and consultancy services relating to the aforesaid.

### Class 41

Education; providing of training; entertainment; sporting and cultural activities; online electronic publishing of books and periodicals; computer based educational services; academies [education]; arranging and conducting of colloquiums; arranging and conducting of workshops [training]; arranging and conducting of congresses;

arranging and conducting of conferences; arranging and conducting of seminars; arranging and conducting of symposiums; boarding schools; educational services provided by schools; club services [entertainment or education]; coaching [training]; correspondence courses; distance learning courses; education information; educational examination; electronic desktop publishing; game services provided on-line from a computer network; holiday camp services [entertainment]; holiday camp services [education]; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; language interpreter services; lending libraries; mobile library services; providing museum facilities; nursery schools; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; physical education; practical training; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books; publication of reference books; publication of directories; publication of manuals; publication of reports; publication of magazines; publication of journals; publication of periodicals; publication of dictionaries; publication of exam papers; publication of lecture notes; publication of worksheets; publication of quizzes; publication of puzzles; publication of examination marking criteria; publication of pamphlets; publication of booklets; publication of flashcards; publication of vocabulary lists; publication of educational material; publication of electronic books online; publication of electronic journals online; publication of electronic reference books online; publication of directories online; publication of manuals online; publication of reports online; publication of magazines online; publication of periodicals online; publication of dictionaries online; publication of exam papers online; publication of lecture notes online; publication of educational worksheets online; publication of quizzes online; publication of puzzles online; publication of examination marking criteria online; publication of pamphlets online; publication of booklets online; publication of flashcards online; publication of vocabulary lists online; publication of educational material online; publishing; school services (education); sport camp services; teaching services; educational services; instruction services; tuition; translation; vocational guidance [education or training advice]; vocational retraining; writing of texts, other than publicity texts; academic examination services; adult education services; analysing educational test scores and data for others;



arrangement of training courses; arranging of festivals for educational purposes; provision of bibliographic information for educational purposes; business educational services; business training; computer assisted education services; computer assisted examination services; design of educational courses, examinations and qualifications; development of educational material; educational assessment services; educational examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of training, teaching, examination and assessment services including such services being provided via computer assisted and computer mediated means and via on-line means; provision of distance learning programmes; information, advisory and consultancy services relating to the aforesaid services.

#### Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; hosting of websites; hosting of digital content on the Internet; hosting of digital content, namely on-line journals and blogs; design, creation, hosting and maintenance of Internet sites for third parties; application service provider [ASP], namely, hosting computer software applications of others; hosting the web sites of others on a computer server for a global computer network; creation and maintenance of web sites for others and hosting the web sites of others; design and development of software for processing and distribution of multimedia contents; design and development of software for compression and decompression of multimedia contents; design and development of software for processing and distribution of multimedia contents; development of software and hardware for data and multimedia content conversion from and to different protocols; design of software and hardware for data and multimedia content conversion from and to different protocols; computerised analysis of data; technical data analysis services; design services relating to books and periodicals; computer programming in the fields of multi-media and electronic publishing; hosting platforms on the Internet for educational purposes; hosting web portals for educational purposes; medical research services; agrochemical research services; pharmaceutical research services; biomedical research services; agricultural research services; chemical research services; biological research services; technical research services; scientific research relating to genetics; scientific research relating

to chemistry; medical and pharmacological research services; pharmaceutical research and development services; research in the field of physics; research in the field of chemistry; scientific research in the field of pharmacy; provision of information relating to technological research; preparation of reports relating to scientific research; providing information about industrial analysis and research services; research and development in the pharmaceutical and biotechnology fields; providing online information about industrial analysis and research services; providing scientific research information and results from an online searchable database; providing on-line information in the field of technological research from a computer database or the Internet; scientific investigations for medical purposes; database design; maintaining databases; database development services; hosting of databases; design of computer database; installation of database software; updating of software databases; electronic storage services for archiving databases; development and maintenance of computer database software; installation, maintenance and updating of database software; providing on-line non-downloadable software for database management; information, advisory and consultancy services relating to the aforesaid services.

## **The Second Earlier Mark**

### Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking [supervision], life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Mechanisms for coin-operated apparatus; Cash registers, calculating machines, data processing equipment, computers; Fire-extinguishing apparatus; apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media, data processing equipment, computers; media content; audiovisual teaching apparatus; bags adapted for laptops; CDs; CD-ROMs; compact disc players; computer game software; software for playing games on mobile phones, tablets or portable computers; software for mobile phones, tablets and portable computers; computer keyboards; computer peripheral devices; computer memory devices; computers; data processing

apparatus; disk drives for computers; disks, magnetic; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; interfaces for computers; laptop computers; magnetic data media; magnetic tapes; magnetic disks; monitors [computer hardware]; mouse pads; notebook computers; tablet computers; portable computers; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching; portable electronic devices for teaching; handheld electronic devices for reading; portable electronic devices for reading; portable media players; printers for use with computers; central processing units; projection screens; projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; testing apparatus not for medical purposes; USB flash drives; video cassettes; videotapes; non-printed (electronic) publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; application software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; digital tablets; computer apparatus; graphics tablets; handheld computers; mobile computers; on-board computers; pocket computers for note-taking; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media

for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; reading glasses; Digital recordings; Downloadable digital photos; Digital dashboard software; Digital storage media; Downloadable digital music; Digital recording media; Digital book readers; Digital data recording media; Digital solutions provider [DSP] software; Software for processing digital images; Digital books downloadable from the Internet; Computer software for processing digital images; Computer programmes stored in digital form; Digital music downloadable from the Internet; Software related to handheld digital electronic devices; Computer software for processing digital music files; Computer software for the display of digital media; Computer software for organizing and viewing digital images and photographs; Computer software for use on handheld mobile digital electronic devices and other consumer electronics; Computer game software, downloadable; computer game software, recorded; computer memory devices; computer operating programs, recorded; computer programs, downloadable; computer programs, recorded; computer screen saver software, recorded or downloadable; computer software applications, downloadable; computer software platforms, recorded or downloadable; computer software, recorded; downloadable image files; downloadable music files; electronic book readers; electronic notice boards; electronic publications, downloadable; Computer software for organizing and viewing digital images and photographs; Software for searching and retrieving information across a computer network; Computer software to enable the provision of information via communications networks; Computer application software for streaming audio-visual media content via the internet; Computer software to enable the provision of electronic media via the Internet; Platform software; Operating software; Science software; Media software; Teacher software; Student software; Entertainment software; Multimedia software; Training software; Editing software; Blog software; Business software; Publishing software; Computer software [programmes]; Downloadable application software; Business application software; Data management software; Content management software; Media streaming software; Media development software; Document management software; Computer software packages; Educational computer software; Desktop publishing software; Computer software for entertainment; Smartphone software applications,

downloadable; Media and publishing software; Communication and networking software; Children's educational software; Computer software applications, downloadable; Computer software for accessing databases; Computer software platforms, recorded or downloadable; Computer software to enable retrieval of data; Application software for social networking services via internet; Downloadable computer software for the transmission of information; parts and fittings for all the aforesaid goods.

### Class 16

Paper and cardboard; Printed matter; Bookbinding material; Photographs; Stationery; Adhesives for stationery or household purposes; Artists' materials; Paintbrushes; Typewriters and office requisites [except furniture]; Instructional and teaching material [except apparatus]; Plastic materials for packaging; Printers' type; Printing blocks; adhesive tape dispensers [office requisites]; adhesive tapes for stationery or household purposes; adhesives [glues] for stationery or household purposes; albums/scrapbooks; almanacs; announcement cards [stationery]; arithmetical tables; atlases; binding strips [bookbinding]; biological samples for use in microscopy [teaching materials]; blackboards; blotters; bookbindings; bookends; booklets; bookmarkers; books; calendars; cards; charts; catalogues; charcoal pencils; clipboards; clips for offices; staples for offices; bookbinding cloth; comic books; compasses for drawing; composing frames [printing]; copying paper [stationery]; cords for bookbinding; correcting fluids [office requisites]; correcting tapes [office requisites]; diagrams; document laminators for office use; document files [stationery]; document holders [stationery]; drawing materials; drawing pads; drawing pens; drawing sets; drawing pins; elastic bands for offices; envelopes [stationery]; files [office requisites]; flyers; folders for papers; folders [stationery]; printed forms; fountain pens; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; index cards [stationery]; indexes; ledgers [books]; magazines [periodicals]; manuals; handbooks; marking pens; newsletters; newspapers; note books; numbers [type]; pads [stationery]; pamphlets; paper; paper sheets [stationery]; paper-clips; paperweights; pencil leads; pencil sharpeners, electric or non-electric; pencils; pens [office requisites]; periodicals; pictures; postcards; posters; printed publications; printing type; prospectuses; rubber erasers; school supplies [stationery]; song books; stickers; teaching materials [except apparatus]; terrestrial globes; writing

instruments; writing pads; writing cases [sets]; writing materials; writing cases [stationery]; writing or drawing books; writing paper; exercise books; Bibles; printed awards; printed certificates; reference books; dictionaries; directories; reports; magazines; journals; periodicals; exam papers; lecture notes; worksheets; quizzes; printed puzzles; flashcards; vocabulary lists; paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials in Class 16 all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; parts and fittings for all the aforesaid goods.

### Class 35

Advertising; Business management; Business administration; Office function; advertising services provided via the internet; advertising, marketing and promotional services; arranging of subscriptions for the on-line publications of others; business information; business assistance; business consultancy; business data analysis; analysis of market research data and statistics; business merchandising display services; business research services; business information services provided online from a global computer network or the internet; market research; market research services for publishers; retail and online retail services connected with the sale of scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, Apparatus for recording, transmission or reproduction of sound or images, Magnetic data carriers, recording discs, Compact discs, DVDs and other digital recording media, Mechanisms for coin-operated apparatus, Cash registers, calculating machines, data processing equipment, computers, Computer software, Fire-extinguishing apparatus, media content, audiovisual teaching apparatus, bags adapted for laptops, calculating machines, CDs, CD-ROMs, compact disc players, computer game software, software for playing games on mobile phones, tablets or portable computers, computer software, recorded, computer programs, recorded, computer programs [downloadable software], software for mobile phones, tablets and portable computers, downloadable

software for mobile devices, computer keyboards, computer peripheral devices, computer memory devices, computers, data processing apparatus, disk drives for computers, disks, magnetic, downloadable music files, downloadable image files, downloadable text files, downloadable video files, downloadable exam papers, downloadable quizzes, downloadable assessment criteria, downloadable educational materials, downloadable periodical publications, downloadable journals, downloadable dictionaries, downloadable reference books, downloadable lecture notes, downloadable educational worksheets, downloadable slide presentations, downloadable flashcards, downloadable vocabulary lists, DVDs, electronic publications, downloadable, electronic pocket translators, floppy disks, interfaces for computers, laptop computers, magnetic data media, magnetic tapes, magnetic disks, monitors [computer hardware], mouse pads, notebook computers, tablet computers, portable computers, optical discs, optical data media, pocket calculators, portable telephones, mobile telephones, smartphones, handheld electronic devices for teaching and learning, portable electronic devices for teaching and learning, handheld electronic devices for examination and assessment, portable electronic devices for examination and assessment, handheld electronic devices for entertainment and reading, portable electronic devices for entertainment and reading, portable media players, printers for use with computers, central processing units, projection screens, projection apparatus, sleeves for laptops, sleeves for tablet computers, sleeves for portable computers, cases for mobile phones, tablets or portable computers, sound transmitting apparatus, sound recording apparatus, sound reproduction apparatus, teaching apparatus, testing apparatus not for medical purposes, USB flash drives, video cassettes, videotapes, non-printed (electronic) publications, printed publications in electronically readable form, printed publications in optically recorded form, databases, podcasts, talking books, training manuals in the form of a computer program, educational software, application software, computer programmes for interactive games or quizzes, computer software for communicating with users of hand-held computers, computer software in the field of electronic publishing, electronic whiteboards, satellite telephones, solar powered telephones, video communications apparatus, wireless telephony apparatus, digital tablets, computer apparatus, graphics tablets, handheld computers, mobile computers, on-board computers, pocket computers for note-taking, stands for computer equipment, wearable computers, computer software for the provision of training, education, examination and

assessment, computer software for the provision of training, education, examination and assessment for operation over computer networks, computer software for the provision of training, education, examination and assessment for operation by remote computer access, magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment, downloadable publications, downloadable educational materials including exam papers, course materials and lecture notes, downloadable computer software, reading glasses, paper, cardboard, printed matter, bookbinding material, photographs, stationery, adhesives for stationery or household purposes, artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging, printers' type, printing blocks, adhesive tape dispensers [office requisites], adhesive tapes for stationery or household purposes, adhesives [glues] for stationery or household purposes, albums/scrapbooks, almanacs, announcement cards [stationery], arithmetical tables, atlases, binding strips [bookbinding], biological samples for use in microscopy [teaching materials], blackboards, blotters, bookbindings, bookends, booklets, bookmarkers, books, calendars, cards, charts, catalogues, charcoal pencils, clipboards, clips for offices, staples for offices, bookbinding cloth, comic books, compasses for drawing, composing frames [printing], copying paper [stationery], cords for bookbinding, correcting fluids [office requisites], correcting tapes [office requisites], diagrams, document laminators for office use, document files [stationery], document holders [stationery], drawing materials, drawing pads, drawing pens, drawing sets, drawing pins, elastic bands for offices, envelopes [stationery], files [office requisites], flyers, folders for papers, folders [stationery], printed forms, fountain pens, geographical maps, handwriting specimens for copying, histological sections for teaching purposes, index cards [stationery], indexes, ledgers [books], magazines [periodicals], manuals, handbooks, marking pens, newsletters, newspapers, note books, numbers [type], pads [stationery], pamphlets, paper, paper sheets [stationery], paper-clips, paperweights, pencil leads, pencil sharpeners, electric or non-electric, pencils, pens [office requisites], periodicals, pictures, postcards, posters, printed matter, printed publications, printing type, printing blocks, prospectuses, rubber erasers, school supplies [stationery], song books, stationery, stickers, teaching materials [except apparatus], terrestrial globes, writing instruments, writing pads,



writing cases [sets], writing materials, writing cases [stationery], writing or drawing books, writing paper, exercise books, Bibles, printed awards, printed certificates, reference books, dictionaries, directories, manuals, reports, magazines, journals. Periodicals, newspapers, newsletters, exam papers, lecture notes, worksheets, quizzes, printed puzzles, educational assessment criteria, flashcards, vocabulary lists, paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; compilation of information into computer database; computerised data verification; on-line data processing services; licensing of the goods and services of others (Commercial administration of the -); recruitment; employment recruitment; recruitment services; recruitment and placement services; advertising services relating recruitment of personnel; dissemination of information relating to the recruitment of graduates; providing electronic verification of online orders of digital content and generating electronic permission codes which then allow users to access said digital content; information, advisory and consultancy services relating to the aforesaid services.

### Class 38

Telecommunications; telecommunications services; mobile telecommunications services; telecommunications portal services; internet portal services; mobile telecommunications network services; fixed line telecommunication services; provision of broadband telecommunications access; broadband services; broadcasting services; television broadcasting services; broadcasting services relating to internet protocol tv; provision of access to internet protocol tv; internet access services; email and text messaging services; services of a network provider, namely rental and handling of access time to data networks and databases, in particular the internet; communications services for accessing a database, leasing of access time to a computer database, providing access to computer databases, rental of access time to a computer database; operation of a network, being telecommunication services; communication of information by computer; computer aided transmission of messages and images; electronic bulletin board services

[telecommunication services]; message sending; providing access to databases; providing internet chatrooms; communication by online blogs; providing online forums; providing user access to global computer networks; streaming of data; transmission of digital files; access to content, websites and portals; electronic communication by means of chatrooms, chat lines and Internet forums; peer-to-peer information sharing services; providing access to computer databases in the field of publishing; providing online forums and chatrooms for the electronic transmission of information; peer-to-peer information sharing services in the field of publishing; peer-to-peer information sharing services for academics; providing access to computer, electronic and online databases relating to books, magazines, newspapers, periodicals, pamphlets and journals; information, advisory and consultancy services relating to the aforesaid.

#### Class 41

Education; providing of training; entertainment; sporting and cultural activities; online electronic publishing of books and periodicals; computer based educational services; academies [education]; arranging and conducting of colloquiums; arranging and conducting of workshops [training]; arranging and conducting of congresses; arranging and conducting of conferences; arranging and conducting of seminars; arranging and conducting of symposiums; boarding schools; schools; club services [entertainment or education]; coaching [training]; correspondence courses; distance learning courses; education information; educational examination; electronic desktop publishing; game services provided on-line from a computer network; holiday camp services [entertainment]; holiday camp services [education]; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; language interpreter services; lending libraries; mobile library services; providing museum facilities; nursery schools; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; physical education; practical training; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books; publication of reference books; publication of directories; publication of manuals; publication of reports; publication of magazines; publication of journals; publication of periodicals; publication of dictionaries; publication of exam papers; publication of lecture notes; publication of

worksheets; publication of quizzes; publication of puzzles; publication of examination marking criteria; publication of pamphlets; publication of booklets; publication of flashcards; publication of vocabulary lists; publication of educational material; publication of electronic books online; publication of electronic journals online; publication of electronic reference books online; publication of directories online; publication of manuals online; publication of reports online; publication of magazines online; publication of periodicals online; publication of dictionaries online; publication of exam papers online; publication of lecture notes online; publication of educational worksheets online; publication of quizzes online; publication of puzzles online; publication of examination marking criteria online; publication of pamphlets online; publication of booklets online; publication of flashcards online; publication of vocabulary lists online; publication of educational material online; publishing; school services (education); sport camp services; teaching services; educational services; instruction services; tuition; translation; vocational guidance [education or training advice]; vocational retraining; writing of texts, other than publicity texts; academic examination services; adult education services; analysing educational test scores and data for others; arrangement of training courses; arranging of festivals for educational purposes; bibliographic information; business educational services; business training; computer assisted education services; computer assisted examination services; design of educational courses, examinations and qualifications; development of educational material; educational assessment services; educational examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of training, teaching, examination and assessment services including such services being provided via computer assisted and computer mediated means and via on-line means; provision of distance learning programmes; information, advisory and consultancy services relating to the aforesaid services.

#### Class 42

Scientific and technological services and research and design relating thereto; Industrial analysis and research services; Design and development of computer hardware and software; hosting of websites; hosting of digital content on the internet; hosting of digital content, namely on-line journals and blogs; design, creation, hosting and maintenance of internet sites for third parties; application service provider [ASP],

namely, hosting computer software applications of others; hosting the web sites of others on a computer server for a global computer network; creation and maintenance of web sites for others and hosting the web sites of others; design and development of software for processing and distribution of multimedia contents; design and development of software for compression and decompression of multimedia contents; design and development of software for processing and distribution of multimedia contents; development of software and hardware for data and multimedia content conversion from and to different protocols; design of software and hardware for data and multimedia content conversion from and to different protocols; computerised analysis of data; technical data analysis services; Design services relating to books and periodicals; computer programming in the fields of multi-media and electronic publishing; hosting platforms on the Internet for educational purposes; hosting web portals for educational purposes; Medical research services; Agrochemical research services; Pharmaceutical research services; Biomedical research services; Agricultural research services; Chemical research services; Biological research services; Technical research services; Scientific research relating to genetics; Scientific research relating to chemistry; Medical and pharmacological research services; Pharmaceutical research and development services; Research in the field of physics; Research in the field of chemistry; Scientific research in the field of pharmacy; Provision of information relating to technological research; Preparation of reports relating to scientific research; Providing information about industrial analysis and research services; Research and development in the pharmaceutical and biotechnology fields; Providing online information about industrial analysis and research services; Providing scientific research information and results from an online searchable database; Providing on-line information in the field of technological research from a computer database or the Internet; Scientific investigations for medical purposes; Database design; Maintaining databases; Database development services; Hosting of databases; Design of computer database; Installation of database software; Updating of software databases; Electronic storage services for archiving databases; Development and maintenance of computer database software; Installation, maintenance and updating of database software; Providing on-line non-downloadable software for database management; information, advisory and consultancy services relating to the aforesaid services.

## **The Third Earlier Mark**

### Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking [supervision], life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Mechanisms for coin-operated apparatus; Cash registers, calculating machines, data processing equipment, computers; Computer software; Fire-extinguishing apparatus; apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media, data processing equipment, computers; Computer software; media content; audiovisual teaching apparatus; bags adapted for laptops; CDs; CD-ROMs; compact disc players; computer game software; software for playing games on mobile phones, tablets or portable computers; computer software, recorded; computer programs, recorded; computer programs [downloadable software]; software for mobile phones, tablets and portable computers; downloadable software for mobile devices; computer keyboards; computer peripheral devices; computer memory devices; computers; data processing apparatus; disk drives for computers; disks, magnetic; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; interfaces for computers; laptop computers; magnetic data media; magnetic tapes; magnetic disks; monitors [computer hardware]; mouse pads; notebook computers; tablet computers; portable computers; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching; portable electronic devices for teaching; handheld electronic devices for reading; portable electronic devices for reading; portable media players; printers for use with computers; central processing units; projection screens;

projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; testing apparatus not for medical purposes; USB flash drives; video cassettes; videotapes; non-printed (electronic) publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; application software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; digital tablets; computer apparatus; graphics tablets; handheld computers; mobile computers; on-board computers; pocket computers for note-taking; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; reading glasses; parts and fittings for all the aforesaid goods.

#### Class 16

Paper and cardboard; Printed matter; Bookbinding material; Photographs; Stationery; Adhesives for stationery or household purposes; Artists' materials; Paintbrushes; Typewriters and office requisites [except furniture]; Instructional and teaching material [except apparatus]; Plastic materials for packaging; Printers' type; Printing blocks; adhesive tape dispensers [office requisites]; adhesive tapes for stationery or household purposes; adhesives [glues] for stationery or household purposes; albums/scrapbooks; almanacs; announcement cards [stationery]; arithmetical tables; atlases; binding strips [bookbinding]; biological samples for use in microscopy

[teaching materials]; blackboards; blotters; bookbindings; bookends; booklets; bookmarkers; books; calendars; cards; charts; catalogues; charcoal pencils; clipboards; clips for offices; staples for offices; bookbinding cloth; comic books; compasses for drawing; composing frames [printing]; copying paper [stationery]; cords for bookbinding; correcting fluids [office requisites]; correcting tapes [office requisites]; diagrams; document laminators for office use; document files [stationery]; document holders [stationery]; drawing materials; drawing pads; drawing pens; drawing sets; drawing pins; elastic bands for offices; envelopes [stationery]; files [office requisites]; flyers; folders for papers; folders [stationery]; printed forms; fountain pens; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; index cards [stationery]; indexes; ledgers [books]; magazines [periodicals]; manuals; handbooks; marking pens; newsletters; newspapers; note books; numbers [type]; pads [stationery]; pamphlets; paper; paper sheets [stationery]; paper-clips; paperweights; pencil leads; pencil sharpeners, electric or non-electric; pencils; pens [office requisites]; periodicals; pictures; postcards; posters; printed publications; printing type; prospectuses; rubber erasers; school supplies [stationery]; song books; stickers; teaching materials [except apparatus]; terrestrial globes; writing instruments; writing pads; writing cases [sets]; writing materials; writing cases [stationery]; writing or drawing books; writing paper; exercise books; Bibles; printed awards; printed certificates; reference books; dictionaries; directories; reports; magazines; journals periodicals; exam papers; lecture notes; worksheets; quizzes; printed puzzles; flashcards; vocabulary lists; paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials in Class 16 all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; parts and fittings for all the aforesaid goods.

### Class 35

Advertising; Business management; Business administration; Office function; advertising services provided via the internet; advertising, marketing and promotional services; arranging of subscriptions for the on-line publications of others; business information; business assistance; business consultancy; business data analysis;

analysis of market research data and statistics; business merchandising display services; business research services; business information services provided online from a global computer network or the internet; market research; market research services for publishers; retail and online retail services connected with the sale of scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments, Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, Apparatus for recording, transmission or reproduction of sound or images, Magnetic data carriers, recording discs; retail and online retail services connected with the sale of Compact discs, DVDs and other digital recording media, Mechanisms for coin-operated apparatus, Cash registers, calculating machines, data processing equipment, computers, Computer software, Fire-extinguishing apparatus, media content, audiovisual teaching apparatus, bags adapted for laptops, calculating machines, CDs, CD-ROMs, compact disc players, computer game software, software for playing games on mobile phones, tablets or portable computers; retail and online retail services connected with the sale of computer software, recorded, computer programs, recorded, computer programs [downloadable software], software for mobile phones, tablets and portable computers, downloadable software for mobile devices, computer keyboards, computer peripheral devices, computer memory devices, computers, data processing apparatus, disk drives for computers, disks, magnetic, downloadable music files, downloadable image files, downloadable text files; retail and online retail services connected with the sale of downloadable video files, downloadable exam papers, downloadable quizzes, downloadable assessment criteria, downloadable educational materials, downloadable periodical publications, downloadable journals, downloadable dictionaries, downloadable reference books, downloadable lecture notes, downloadable educational worksheets, downloadable slide presentations, downloadable flashcards, downloadable vocabulary lists, DVDs; retail and online retail services connected with the sale of electronic publications, downloadable, electronic pocket translators, floppy disks, interfaces for computers, laptop computers, magnetic data media, magnetic tapes, magnetic disks, monitors [computer hardware], mouse pads, notebook computers, tablet computers, portable computers, optical discs, optical data media, pocket calculators, portable telephones, mobile telephones, smartphones, handheld electronic devices for teaching and learning; retail and online



retail services connected with the sale of portable electronic devices for teaching and learning, handheld electronic devices for examination and assessment, portable electronic devices for examination and assessment, handheld electronic devices for entertainment and reading, portable electronic devices for entertainment and reading, portable media players, printers for use with computers, central processing units, projection screens, projection apparatus, sleeves for laptops; retail and online retail services connected with the sale of sleeves for tablet computers, sleeves for portable computers, cases for mobile phones, tablets or portable computers, sound transmitting apparatus, sound recording apparatus, sound reproduction apparatus, teaching apparatus, testing apparatus not for medical purposes, USB flash drives, video cassettes, videotapes, non-printed (electronic) publications, printed publications in electronically readable form; retail and online retail services connected with the sale of printed publications in optically recorded form, databases, podcasts, talking books, training manuals in the form of a computer program, educational software, application software, computer programmes for interactive games or quizzes, computer software for communicating with users of hand-held computers, computer software in the field of electronic publishing, electronic whiteboards, satellite telephones, solar powered telephones; retail and online retail services connected with the sale of video communications apparatus, wireless telephony apparatus, digital tablets, computer apparatus, graphics tablets, handheld computers, mobile computers, on-board computers, pocket computers for note-taking, stands for computer equipment, wearable computers, computer software for the provision of training, education, examination and assessment; retail and online retail services connected with the sale of computer software for the provision of training, education, examination and assessment for operation over computer networks, computer software for the provision of training, education, examination and assessment for operation by remote computer access, magnetic, optical and other disks; retail and online retail services connected with the sale of magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment, downloadable publications, downloadable educational materials including exam papers, course materials and lecture notes, downloadable computer software, reading glasses, paper, cardboard, printed matter, bookbinding material, photographs, stationery; retail and online retail services connected with the sale of adhesives for stationery or household purposes,

artists' materials, paint brushes, typewriters and office requisites (except furniture), instructional and teaching material (except apparatus), plastic materials for packaging, printers' type, printing blocks, adhesive tape dispensers [office requisites], adhesive tapes for stationery or household purposes, adhesives [glues] for stationery or household purposes, albums/scrapbooks, almanacs; retail and online retail services connected with the sale of announcement cards [stationery], arithmetical tables, atlases, binding strips [bookbinding], biological samples for use in microscopy [teaching materials], blackboards, blotters, bookbindings, bookends, booklets, bookmarkers, books, calendars, cards, charts, catalogues, charcoal pencils, clipboards, clips for offices, staples for offices, bookbinding cloth, comic books, compasses for drawing, composing frames [printing]; retail and online retail services connected with the sale of copying paper [stationery], cords for bookbinding, correcting fluids [office requisites], correcting tapes [office requisites], diagrams, document laminators for office use, document files [stationery], document holders [stationery], drawing materials, drawing pads, drawing pens, drawing sets, drawing pins, elastic bands for offices, envelopes [stationery], files [office requisites], flyers, folders for papers, folders [stationery]; retail and online retail services connected with the sale of printed forms, fountain pens, geographical maps, handwriting specimens for copying, histological sections for teaching purposes, index cards [stationery], indexes, ledgers [books], magazines [periodicals], manuals, handbooks, marking pens, newsletters, newspapers, note books, numbers [type], pads [stationery], pamphlets, paper, paper sheets [stationery], paper-clips, paperweights, pencil leads, pencil sharpeners, electric or non-electric; retail and online retail services connected with the sale of pencils, pens [office requisites], periodicals, pictures, postcards, posters, printed matter, printed publications, printing type, printing blocks, prospectuses, rubber erasers, school supplies [stationery], song books, stationery, stickers, teaching materials [except apparatus], terrestrial globes, writing instruments, writing pads, writing cases [sets], writing materials, writing cases [stationery], writing or drawing books, writing paper; retail and online retail services connected with the sale of exercise books, Bibles, printed awards, printed certificates, reference books, dictionaries, directories, manuals, reports, magazines, journals Periodicals, newspapers, newsletters, exam papers, lecture notes, worksheets, quizzes, printed puzzles, educational assessment criteria, flashcards, vocabulary lists; retail and online retail services connected with the sale of paper, books, booklets, documents, forms, brochures, cards, instructional and

teaching materials all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; compilation of information into computer database; computerised data verification; on-line data processing services; licensing of the goods and services of others (Commercial administration of the -); recruitment; employment recruitment; recruitment services; recruitment and placement services; advertising services relating recruitment of personnel; dissemination of information relating to the recruitment of graduates; information, advisory and consultancy services relating to the aforesaid services.

### Class 38

Telecommunications; telecommunications services; mobile telecommunications services; telecommunications portal services; internet portal services; mobile telecommunications network services; fixed line telecommunication services; provision of broadband telecommunications access; broadband services; broadcasting services; television broadcasting services; broadcasting services relating to internet protocol tv; provision of access to internet protocol tv; internet access services; email and text messaging services; services of a network provider, namely rental and handling of access time to data networks and databases, in particular the internet; communications services for accessing a database, leasing of access time to a computer database, providing access to computer databases, rental of access time to a computer database; operation of a network, being telecommunication services; communication of information by computer; computer aided transmission of messages and images; electronic bulletin board services [telecommunication services]; message sending; providing access to databases; providing internet chatrooms; communication by online blogs; providing online forums; providing user access to global computer networks; streaming of data; transmission of digital files; access to content, websites and portals; electronic communication by means of chatrooms, chat lines and Internet forums; peer-to-peer information sharing services; providing access to computer databases in the field of publishing; providing online forums and chatrooms for the electronic transmission of information; peer-to-peer information sharing services in the field of publishing; peer-to-peer information

sharing services for academics; providing access to computer, electronic and online databases relating to books, magazines, newspapers, periodicals, pamphlets and journals; information, advisory and consultancy services relating to the aforesaid.

### Class 39

Transport; Packaging and storage of goods; Travel arrangement; Advisory services relating to the handling of goods; Advisory services relating to the packing of goods; Advisory services relating to the repacking of goods; Advisory services relating to the distribution of goods; Advisory services relating to the storage of goods; Advisory services relating to transport; Air cargo transport; Air courier services; Air freight shipping services; Air freight transportation; Air transport; Air ticket booking services; Air transport services; Arrangement for the delivery of parcels by sea and by air; Arrangement of transport; Arrangements for transportation by land, sea and air; Arranging the collection of goods; Arranging the collection of packets; Arranging the collection of packages; Arranging the collection of parcels; Arranging the delivery of goods; Arranging the delivery of goods by post; Arranging the storage of goods; Arranging the shipping of goods; Arranging the transportation of parcels by land; Arranging the transportation of parcels by sea; Arranging the transportation of parcels; Arranging the transportation of parcels by air; Collection of goods; Collection of packages; Collection of merchandise; Collection of packages by road; Collection of packages by sea; Collection of packages by air; Computerised distribution planning relating to transportation; Courier services for merchandise; Courier services; Correspondence delivery by post and/or messenger; Consultancy services relating to storage; Delivery of parcels; Delivery of goods; Delivery of parcels by courier; Delivery of parcels by land; Delivery of parcels by road; Delivery of parcels by air; Information services relating to the location of goods; Packaging and storage of goods; Packaging and storage services; Packaging of products; Packaging of goods; Parcel collection services; Parcel distribution; Parcel storage services; Transport and delivery of goods; Transport and storage; Transport by air; Transportation by courier; Transportation and delivery of goods; Transportation of books; information, advisory and consultancy services relating to the aforesaid services.

### Class 40

Treatment of materials, namely cardboard, paper and paper substitutes; treatment of materials, namely printing services; Printing; letterpress printing; printing services; printing of photos; printing of books; stationery printing services; printing of advertising matter; digital on-demand printing services of books and other documents; bookbinding; covering of books; rental of bookbinding equipment; rental of bookbinding machines; binding of books or documents; information, advisory and consultancy services relating to the aforesaid services.

#### Class 41

Education; providing of training; entertainment; sporting and cultural activities; online electronic publishing of books and periodicals; computer based educational services; academies [education]; arranging and conducting of colloquiums; arranging and conducting of workshops [training]; arranging and conducting of congresses; arranging and conducting of conferences; arranging and conducting of seminars; arranging and conducting of symposiums; boarding schools; schools; club services [entertainment or education]; coaching [training]; correspondence courses; distance learning courses; education information; educational examination; electronic desktop publishing; game services provided on-line from a computer network; holiday camp services [entertainment]; holiday camp services [education]; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; language interpreter services; lending libraries; mobile library services; providing museum facilities; nursery schools; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; physical education; practical training; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books; publication of reference books; publication of directories; publication of manuals; publication of reports; publication of magazines; publication of journals; publication of periodicals; publication of dictionaries; publication of exam papers; publication of lecture notes; publication of worksheets; publication of quizzes; publication of puzzles; publication of examination marking criteria; publication of pamphlets; publication of booklets; publication of flashcards; publication of vocabulary lists; publication of educational material; publication of electronic books online; publication of electronic journals online;

publication of electronic reference books online; publication of directories online; publication of manuals online; publication of reports online; publication of magazines online; publication of periodicals online; publication of dictionaries online; publication of exam papers online; publication of lecture notes online; publication of educational worksheets online; publication of quizzes online; publication of puzzles online; publication of examination marking criteria online; publication of pamphlets online; publication of booklets online; publication of flashcards online; publication of vocabulary lists online; publication of educational material online; publishing; school services (education); sport camp services; teaching services; educational services; instruction services; tuition; translation; vocational guidance [education or training advice]; vocational retraining; writing of texts, other than publicity texts; academic examination services; adult education services; analysing educational test scores and data for others; arrangement of training courses; arranging of festivals for educational purposes; bibliographic information; business educational services; business training; computer assisted education services; computer assisted examination services; design of educational courses, examinations and qualifications; development of educational material; educational assessment services; educational examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of training, teaching, examination and assessment services including such services being provided via computer assisted and computer mediated means and via on-line means; provision of distance learning programmes; information, advisory and consultancy services relating to the aforesaid services.

#### Class 42

Scientific and technological services and research and design relating thereto; Industrial analysis and research services; Design and development of computer hardware and software; hosting of websites; hosting of digital content on the internet; hosting of digital content, namely on-line journals and blogs; design, creation, hosting and maintenance of internet sites for third parties; application service provider [ASP], namely, hosting computer software applications of others; hosting the web sites of others on a computer server for a global computer network; creation and maintenance of web sites for others and hosting the web sites of others; design and development of software for processing and distribution of multimedia contents; design and

development of software for compression and decompression of multimedia contents; design and development of software for processing and distribution of multimedia contents; providing electronic verification of online orders of digital content and generating electronic permission codes which then allow users to access said digital content; development of software and hardware for data and multimedia content conversion from and to different protocols; design of software and hardware for data and multimedia content conversion from and to different protocols; computerised analysis of data; technical data analysis services; Design services relating to books and periodicals; computer programming in the fields of multi-media and electronic publishing; hosting platforms on the Internet for educational purposes; hosting web portals for educational purposes; information, advisory and consultancy services relating to the aforesaid services.

#### Class 45

Legal services; Security services for the protection of property and individuals; on-line social networking services; computer licensing; computer software licensing; consultancy services relating to the legal aspects of franchising; copyright management; copyright protection; intellectual property licensing services; legal research; Licensing of computer games; licensing of computer programs; licensing of computer software; licensing of software; licensing of patents; licensing of technology; licensing services; management of authors' copyright; registration of domain names for identification of users on a global computer network; registration of domain names; information, advisory and consultancy services relating to the aforesaid services.