

O/0033/26

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. 4010937

IN THE NAME OF BRUSSELS AIRPORT COMPANY, NAAMLOZE
VENNOOTSCHAP

TO REGISTER THE FOLLOWING TRADE MARK:

THE PULSE

IN CLASSES 16, 35, 36, 37, 39, 41, 43 AND 45

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 447377

BY

TEACHERCENTRIC LIMITED

Background and pleadings

1. BRUSSELS AIRPORT COMPANY, naamloze vennootschap (“the applicant”) applied to register the trade mark shown on the cover of this decision (UK trade mark number (“UKTM”) UK00004010937) in the UK on 5 February 2024. It was accepted and published in the Trade Marks Journal on 23 February 2024 in respect of the goods/services set out in Annex 1.

2. On 9 May 2024, Teachercentric Limited (“the opponent”) opposed the trade mark application on the basis of Section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). This is on the basis of its earlier UK trade marks:

UKTM: UK00003428332

Staff Pulse

Filing date: 12 September 2019

Registration date: 13 November 2020

(“the first earlier mark”)

In respect of the following goods/services:

Class 9 - Software and applications for mobile devices; Software applications; Software applications for mobile devices; Software applications for use with mobile devices; Software for computers; Software for smartphones; Software for tablet computers; Software; Computer programs; none relating to or connected with healthcare or social care.

Class 35 - Human resources consultancy; Human resources consultation; Human resources management; Data processing; none being services relating to or connected with healthcare or social care.

Class 42 - Software as a service; Software as a service [SAAS] services; Software as a service [SaaS]; Software as a service [SaaS] featuring computer software platforms for artificial intelligence; Software as a service [SaaS] featuring software for deep learning; Software as a service [SaaS] featuring

software for deep neural networks; Software as a service [SaaS] featuring software for machine learning; none being services relating to or connected with healthcare or social care.

UKTM: UK00003366121



Filing date: 10 January 2019

Registration date: 5 April 2019

(“the second earlier mark”)

In respect of the following goods/services:

Class 9 - Educational computer software; Software and applications for mobile devices; Software applications; Software applications for use with mobile devices; Software; Surveying software; Software for the analysis of business data.

Class 35 - Human resources consultancy; Human resources management; Data processing; Psychometric testing for the selection of personnel; Surveys (Business -); Surveys (Market -); Surveys for business purposes.

Class 41 - Educational advisory services; Educational and teaching services; Educational services; Educational services provided for teachers of children.

Class 42 - Software as a service; Software as a service [SAAS] services; Software as a service [SaaS].

3. The opponent argues that the respective goods/services are identical or similar and that the marks are similar, resulting in a likelihood of confusion.

4. The applicant filed a counterstatement stating as follows:

- “1. It is denied that the mark of the Applicant is visually, phonetically and conceptually similar to the marks of the Opponent.
2. It is denied that the goods and services of the Opponent are similar to the goods and services of the Applicant.
3. It is denied that there is a risk of confusion on the part of the relevant public.
4. The Applicant requests that the opposition be rejected in its entirety.
5. The Applicant requests an award of costs in these proceedings”.

Representation

5. The opponent is self-represented and the applicant is represented by Sonder & Clay. In this case, neither party filed evidence. The applicant filed submissions in lieu of a hearing dated 3 April 2025. Whilst I do not propose to summarise the submissions, I shall refer to them as and where appropriate during this decision. A hearing was not requested, nor was it considered necessary. This decision is taken following a careful consideration of all papers on file.

Relevance of EU LAW

6. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK’s withdrawal from the EU.

Decision

Section 5(2)(b)

7. Section 5(2)(b) of the Act is as follows:

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

(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”.

8. Section 5A of the Act states as follows:

“Where 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.”

Relevant law

9. The following principles are gleaned from the decisions of the Court of Justice of the European Union (“CJEU”) 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 C120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P.

The principles

- (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 great 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 the earlier mark to mind, 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 might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods

10. The competing goods/services are shown in Annex 1 and paragraph 2 of this decision and are compared below.

11. The opponent has made no submissions at all in respect of this matter aside from completing the standard parts of the TM7. Therefore, they have not identified any terms that are similar to the applicant's or made submissions as to what extent they believe their specification to be identical/similar.

12. The applicant submits as follows:

"19. In relation to the class 35 services of the Second Mark of the Opponent, it is accepted that the following services are similar:

Services of the Applicant	Services of the Opponent
Marketing research	Surveys (Market)
Services for the processing of data and of information by electronic computer, cable, teleprinter, teletype, electronic mail, television, microwave, laser beam and/or communications satellite means	Data processing

20. The class 35 services of the Opponent are not similar to any of the other goods and services of the Applicant. None of the goods and services applied for share the same uses or users. Nor are any of the goods and services similar in a physical nature or sold through the same trade channels. The goods and services are not in competition, nor are they complementary.

21. In relation to the class 41 services of the Second Mark of the Opponent, they can be summarised as education and teaching services. It is accepted that such services are identical and/or similar to 'Education; providing of training'.

22. In addition, the services of the Applicant, 'Organisation of events, exhibitions fairs and shows for teaching and educational purposes' bear some similarity to the class 41 services of the Second Mark of the Applicant [SIC], however, it should be noted that such services do have some significant differences.

23. The organisation of events, exhibitions, fairs and shows is relatively specialist in nature and is conducted by specialist event organisers and involves tasks such as securing a venue, hiring speakers and staff, advertising the event and managing the event, whereas education services are fundamentally different, involving the provisions of education and training to groups of people.

24. The use and users of the respective services are entirely different and are not in competition with one another. Consequently, such services have a very low level of similarity is [sic] any.

25. The class 41 services of the Second Mark of the Opponent are not similar to any of the other goods and services of the Applicant, none of the goods and services applied for share the same uses or users. Nor are any of the goods and services similar in a physical nature or sold through the same trade channels. The goods and services are not in competition, nor are they complimentary".¹

13. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account, as per *Canon*, where the CJEU stated at paragraph 23 of its judgement:

"In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended

¹ Whilst the applicant has conceded similarity, they have not indicated to what degree they think there is similarity, and so I will continue to undertake a comparison.

purpose and their method of use and whether they are in competition with each other or are complementary.”

14. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

(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.

15. 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.”

16. In *SkyKick UK Ltd & Anor v Sky Ltd & Ors (Rev1)* [2024] UKSC 36, Lord Kitchin set out the proper approach to considering terms in specifications:

“365. [...] The correct approach, as a matter of principle, in considering a specification of services which is defined by terms which are not clear or precise, is to confine the terms used to the substance or core of their possible meanings: see, for example, *Reed Executive plc v Reed Business Information Ltd* [2004] EWCA Civ 159; [2004] RPC 40, at para 43. So too, if a specification of goods is defined by terms which are ambiguous, then it should be confined to those goods which are clearly covered. These principles are consistent with first, the requirement that the specifications of goods and services must be clear and precise so that others know what they can and cannot do; and secondly, general fairness because any ambiguity is the responsibility of the owner of the mark. If despite this, the words used are still unclear so that they cannot be interpreted, then it is permissible to disregard them. But, in my opinion, that will rarely be the case.”

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

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

18. In *Sanco SA v OHIM*, Case T-249/11, the GC indicated that goods may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken* against *transport services for chickens*. The purpose of examining whether there is a complementary relationship between goods is to assess whether the relevant public are liable to believe that responsibility for the goods lies with the same

undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amalia Mary Elliot v LRC Holdings Limited* BL O/255/13:

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

Whilst on the other hand:

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

19. I bear in mind that it is permissible to group goods together for the purposes of the assessment².

Class 35

Market prospecting, Marketing studies and marketing research;

20. The opponent's second earlier mark includes the terms *Surveys (Market)* and *Surveys (Business)* as well as *Surveys for business purposes* in Class 35. The applicant's terms are wide and would encompass the opponent's terms. I therefore find them identical on the principles outlined in *Meric*.

Advertising and promotional services; Assistance and consultancy relating to publicity and promotion, marketing and communication in connection with the organisation of fairs and shows for commercial, promotional and advertising purposes; Services relating to public relations; Arranging of events, exhibitions and trade fairs for business, promotional and/or advertising purposes; advertising services relating to hotels; advertising in and on land vehicles; promotional services; providing space for the advertising/promotion of goods and services to others;

² *Separode Trade Mark* O/399/10

21. The applicant's above terms all relate to different types of marketing, which I would consider to be the process of promoting, selling, and distributing a product or service to meet the needs and wants of customers. The opponent's second earlier mark includes the terms *Surveys (Market)* and *Surveys (Business)* as well as *Surveys for business purposes* in Class 35. Marketing involves the acquiring and retaining customers and involves many different processes such as market research and advertising. I consider that both *surveys (market)* and *surveys for business purposes* would form part of a marketing strategy. Therefore, whilst uses may differ, users would overlap, as would the nature of the services. There may be an overlap in trade channels. I do not consider that there would be competition between the services but there may be complementarity as one would be important or indispensable to the other and the consumer would assume that the services were provided by the same undertaking³. I consider that these services are similar to a medium degree.

Organization, operation and supervision of sales incentive schemes, loyalty and/or promotional incentive schemes;

22. In the absence of submissions, I consider a loyalty/promotional incentive scheme to be a type of marketing, that rewards consumers for repeat purchase and engagement with a brand. Loyalty schemes are designed to encourage customers to return to the business by offering points, tiers and discounts. The opponent's second earlier mark includes the terms *Surveys (Market)* and *Surveys (Business)* as well as *Surveys for business purposes* in Class 35. I consider that both *surveys (market)* and *surveys for business purposes* would form part of a marketing strategy which a brand may use to target consumers through their loyalty scheme. I consider that uses may differ, as would the nature of the services. There may be an overlap in users. I do not consider that there would be an overlap in trade channels. I do not consider that there would be competition between the services but there may be complementarity as one may be important or indispensable to the other and the consumer would assume that the services were provided by the same undertaking. I consider that these services are similar to a low to medium degree.

³ *Everest Dairies Limited v Everest Food Products Private Limited* [23] O/0107/23

Business management; Business administration; business management for hotels; office functions; business advisory services; business and management consultancy services; business organisation and administration in connection with the use of vehicle rental services; business services in the field of the rental of vehicles;

23. The applicant's above terms all relate to business management and business services, in different forms. In the absence of specific submissions, I would consider this to include overseeing various activities within an organisation including operations, finance and human resources. The opponent's first earlier mark includes the terms *human resources consultancy* and *human resources management* in Class 35. The applicant's terms are wide, and I find that these would encompass the opponent's terms, and therefore these would be identical on the principles outlined in *Meric*. If I am wrong about that, I find that there will be an overlap in uses, as it is foreseeable that a consumer who is involved in business management would also provide human resources management. Therefore, users will overlap, as will the nature of the services. There may also be an overlap in trade channels. I do not find competition, or complementarity⁴. Overall, I find between a medium and high degree of similarity between the services.

Computerized file management;

24. In the absence of specific submissions, I consider the above terms to refer to the process of organising, storing and controlling digital files to ensure efficient access retrieval and maintenance. Both of the opponent's earlier marks contain the term *data processing* in Class 35 which is a service that similarly collates and manages data. The services share a similar nature and may coincide in trade channels, purpose and user as they both relate to data management. The services are not competitive, though they are complementary insofar as data processing is important in order to manage computer files and the data that they contain. I find these respective services to have a medium degree of similarity.

⁴ As per AP Ms Emma Himsworth's comments in *Everest Dairies Limited v Everest Food Products Private Limited* [23] O/0107/23 where she stated, "the question of whether goods are 'complementary' is to be distinguished from use in combination, where goods are merely used together, whether for choice or convenience"

Services for processing of data and of information by electronic computer, cable, teleprinter, teletype, electronic mail, television, microwave, laser beam and/or communications satellite means.

25. The opponent's earlier marks contain the term *data processing* in Class 35. I consider this to be a wider term than the applicant's and therefore find these terms to be identical on the principles outlined in *Meric*.

Class 41

Education;

26. The opponent's specification in its second earlier mark includes the term *educational services* in Class 41. I find this to be self-evidently identical to the applicant's term.

Organisation of events, exhibitions, fairs and shows for recreational, cultural, teaching and educational purposes; Arranging and conducting of colloquiums, conferences, congresses, seminars and symposiums;

27. The applicant's above terms both include the organising or arranging of events, exhibitions, seminars and conferences. I consider that these events would (or could) be educational in nature. The opponent's second earlier mark includes the term *educational services* in Class 41 which I understand to include a wide range of programmes and support designed to facilitate learning and development across all educational levels. As this is a wide term, it could include the arranging of educational events. I consider that the opponent's term is wider than the applicant's and would encompass the applicant's terms on the principles outlined in *Meric*.

Providing of training;

28. I consider that the applicant's term would involve providing structured training to people to enhance their skills or knowledge in a specific area. The opponent's second earlier mark includes the term *educational services* and *educational and teaching services* in Class 41. I consider that the opponent's terms are wide terms which would encompass the applicant's terms on the principles outlined in *Meric*. If I am wrong

about that, I consider that there will be an overlap in uses and users of the respective services. The nature of the services is similar, and the services would likely share trade channels. The services may be in competition, but I do not find them complimentary. Overall, I find them to be similar to a high degree.

29. In relation to the remaining terms, I can see no obvious point of overlap in terms of nature, method of use, purpose or trade channels. There is no competition or complementarity. Any overlap in user is superficial. I am reminded of the comments of Mr Iain Purvis KC acting as the Appointed Person in *SmartX*⁵, in which he stated:

“27. On behalf of the Opponent...he submitted that the TM7 pleading was wide enough to cover the point (since it relied on ‘all’ the goods of the earlier marks and alleged ‘similarity’ in respect of all of them). In the circumstances, he contended, the Hearing Officer was obliged to compare each category of goods in the earlier marks and each category of goods in the Application, and to consider any points of similarity which might exist between them whether or not those points had been actually identified or relied on by the Opponent.

28. I do not accept this. As I have said, it is for the Opponent to put forward the combinations of goods on which it relies for similarity (or identity). If it fails to identify a particular combination, it cannot expect the Hearing Officer to do the job for it. The approach ... would place an intolerable burden on Hearing Officers in cases of this nature in which there will be thousands of potential combinations of goods which could be relied on, and for each combination a slightly different argument for similarity could be made. Furthermore, such an approach would be unfair on the Applicant for the mark, since they will have had no opportunity to address points on similarity taken by the Hearing Officer if those points are not first raised by the Opponent.”

30. As some degree of similarity between goods and services is necessary to engage the test for likelihood of confusion, my findings above mean that the opposition aimed against those goods and services for which I can find no similarity will fail⁶. Therefore, the opposition under section 5(2)(b) fails for the following goods and services:

⁵ BL O/0911/24

⁶ *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

Class 16 - Printed matter, books, newspapers, pamphlets, magazines [periodicals], leaflets, publications and other printed matter of paper for publication and distribution in connection with the organisation of events, exhibitions, fairs and shows.

Class 35 - Airport administration services; arranging commercial transactions for vehicles; arranging of contracts for vehicle rental and leasing; airport administration services, provision of business assistance for airport facilities; *compilation of catalogues and directories, provision of corporate and business related information*; Duty free retail services and/or retail services provided in retail outlets at airport/travel terminals, all connected to fragrances, beauty products, cosmetics, pharmaceuticals, skincare products, alcoholic and non-alcoholic beverages, confectionery, biscuits and cakes, preserves, foodstuffs; duty free retail services and/or retail services provided in retail outlets at airport/travel terminals, all connected to, toys, games and playthings, household or kitchen utensils and containers, glassware, porcelain and earthenware, pillows, blankets; duty free retail services and/or retail services provided in retail outlets at airport/travel terminals, all connected to cameras, apparatus and instruments for recording, transmission or reproduction of sounds or images, magnetic data carriers, CD-Roms, electronic games, calculators, computers, computer software, plug adaptors, pharmaceutical products; the bringing together for the benefit of others of a variety of goods namely fragrances, beauty products, cosmetics, pharmaceuticals, skincare products, alcoholic and non-alcoholic beverages, confectionery, biscuits and cakes, preserves, foodstuffs; the bringing together for the benefit of others of a variety of goods namely, toys, games and playthings, household or kitchen utensils and containers, glassware, porcelain and earthenware, pillows, blankets; the bringing together for the benefit of others of a variety of goods namely cameras, apparatus and instruments for recording, transmission or reproduction of sounds or images, magnetic data carriers, CD-Roms, electronic games, calculators, computers, computer software, plug adaptors, pharmaceutical products; all the aforesaid enabling customers to conveniently view and purchase those goods in airport/travel terminals or airport/travel terminal retail outlets, tax or duty free outlets, a shopping mall, or from an

internet website specializing in the sale of duty or tax free goods or from a general merchandised Internet website, a general merchandise catalogue or by mail order or by telecommunications; the development and management of retail operations (including food/drink retail outlets), commercial undertakings and airports and advisory services relating thereto; consultancy services in the retail field; *introduction of business and trade contacts*; Hire, leasing or rental of office equipment; provision of office facilities;

Class 36 - Real estate affairs; rental, leasing and management of commercial premises, retail outlets, shops and offices; provision of discount services, issuance and redemption of points/tokens of value; Estate agency services; real estate activities; real estate consultancy; building management; financial services relating to airports.

Class 37 - Building, construction, maintenance and repair of airplanes and providing information relating thereto; maintenance and repair of airports and airport facilities; advisory services relating to the construction and repair of airports and airport facilities; providing of information relating to installation services at airports; construction services including such services relating to construction of airports, airfields, runways, terminals, piers, jetties, stands, taxiways, surface and/or subterranean rail access, roads; site clearance services; construction and installation of infrastructure, communications and/or data networks; cleaning services; construction management services; onsite project management services; onsite project management relating to the construction of major infrastructure projects; onsite project management relating to the construction of airport facilities; consultancy services relating to the construction of airports and airport facilities; refurbishment services; property development services and advisory services relating thereto; Property development services; on-site project management services relating to construction, building, refurbishment and development; project management services relating to construction, building, refurbishment and/or development; Off-site project management services relating to construction, building, refurbishment and development; aircraft fuelling services.

Class 39 - Transport; packaging and storage of goods; travel arrangements; airport services, airport ground support services; ground and air traffic control services; aircraft runway services; airfield management services; management of airfield operations; aircraft parking; aircraft stand allocation; aircraft apron services; ground support services provided to aircraft at aircraft aprons (parking areas) as well as provision of airside passenger reception, check-in and transport services and passenger boarding and disembarking services; aircraft stand allocation, namely allocation of parking places for aircraft when they land or are preparing to load or board passengers; aircraft trucking; inspection of aircraft; aircraft handling; provision of reception and waiting areas for passenger departure and arrival; provision of flight information; cargo/freight handling; electricity, gas and water supply; storage, loading and handling of luggage; check-in services; passenger and/or freight transport by air, road or rail; taxi services, taxi booking and information services, car parking, car parking booking and information services, car/vehicle rental services and car/vehicle rental booking and information services, bonded warehousing; tour operating, tourist office/tourist agency services; advisory and information services relating to travel, airport information services and flight information services; booking or reservation of seats/tickets for travel; hire of land vehicles, and of drivers therefor; car parking; bonded warehousing; airport baggage handling; airport check-in services; airport parking services; airport passenger shuttle services between the airport parking facilities and the airport; airport transfer services; booking and arranging of access to airport lounges; ground support freight handling services provided at airports; provision of airport facilities for aviation; rental of cars; car sharing; car pooling; chauffeur services; rental of chauffeur driven vehicles; taxi services; vehicle and transport reservation services.

Class 41 - Entertainment; entertainment services provided by hotels; Publication and distribution of books, newspapers and magazines [periodicals] for events, exhibitions, fairs and shows for professional and industrial purposes;

Class 43 - Services for providing food and drink; Temporary accommodation; Rental of accommodation and temporary accommodation for meetings, conferences, exhibitions and seminars; Rental of meeting rooms; Providing and

rental of halls, fields and premises for the arranging of events for advertising, promotional and/or commercial purposes; Providing and rental of halls, fields and premises for the organisation of events for educational, recreational and/or cultural purposes; hotels, motels, boarding houses; catering and restaurant services for hotels; booking services for hotels; providing accommodation in hotels.

Class 45 - Legal services; security services for the protection of property and individuals; chaperoning services; personal shopper services; baby-sitting services; concierge services, namely the provision of assistance to, from and around airports; escorting, chaperoning or baby-sitting services for special needs passengers, namely wheelchair and buggy assistance, assisting special needs customers and the less mobile around airports; surveillance services, airport fire services, airport security services; safety services; baggage screening services; screening of individuals; information and advisory services in the field of security and/or safety; security control services; border and immigration control services, namely passenger and staff security services, checking of immigration papers and identity validation of passengers and staff; airport security services; airport baggage security screening and inspection services; security control of persons and luggage in airports; Monitoring of parking areas, in particular of multi-storey car parks, parking spaces and other parking facilities (security services); Monitoring of compliance with parking and usage rules and imposing penalties (legal services and security services); Security services for buildings; Licensing of computer software [legal services], for use in the following fields: Provision, search, reservation, use and payment of car parking facilities, providing of electrical energy, charging of electric vehicles, rental of means of transport and transport equipment, storage of goods, Courier services, Logistics, Navigation, Transportation, Passenger transport, local public transport, entertaining and Personal mobility; Monitoring of facilities for transport, charging of electric vehicles and for the transportation of persons (security services); Rental and leasing of objects in connection with the providing of the aforesaid services, included in this class; Consultancy and information in relation to the aforesaid services, included in this class.

Average consumer and the purchasing act

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

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

32. I have no submissions from either party in regards to the average consumer and I will therefore draw my own conclusions.

33. The average consumer of the services is likely to be either a member of the general public or a professional. I would expect the consumer to come into contact with the marks alongside services selected online, from printed material and various forms of advertising, for example. The mark's visual impression is likely to play a greater part in the selection process, though I do not discount the relevance of the mark's aural impression; as orders / bookings may be made over the telephone, for example. The services will be selected with varying degrees of frequency and the associated costs are likely to range from low for regular services to high for those services which are purchased infrequently. In approaching the selection, the average consumer will likely consider factors such as compatibility, quality and the reputational standing of the provider. Weighing all factors, I find the average consumer will likely apply an average (medium) degree of attention to the purchase and this is likely to be above average for business-related services (although not high).


Comparison of marks

34. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a 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 marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The Court of Justice of the European Union 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.”

35. It would be wrong, therefore, to dissect the trade marks artificially, 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.

36. The respective trade marks are shown below:

Earlier trade marks	Contested trade mark
<p data-bbox="389 1507 596 1547">Staff Pulse</p> <p data-bbox="339 1615 646 1655">(the first earlier mark)</p>  <p data-bbox="312 1910 671 1951">(the second earlier mark)</p>	<p data-bbox="1002 1731 1193 1771">The Pulse</p>

37. I have no submissions from the opponent regarding the similarity of the marks.

38. The applicant submits as follows:

“6. The first mark of the Opponent is visually, phonetically and conceptually dissimilar to the mark of the applicant.

7. The first mark of the opponent begins with the word ‘Staff’ which bears no visual similarity to the mark of the Applicant. It is accepted that both marks incorporate the term ‘Pulse’, however, the term ‘Staff’ being the prefix is immediately focussed upon by the relevant consumer and is the primary element creating a visual impression.

8. The inclusion of the term ‘Staff’ at the beginning of the first mark of the Opponent serves to create a very significant phonetic difference. The prefix bears no similarity to the mark of the Applicant and again, as it is a prefix it is the first element pronounced by the consumer and will leave the greatest phonetic impression. Consequently, the respective marks are phonetically dissimilar.

9. The first mark of the Opponent is conceptually dissimilar to the mark of the Applicant. Whilst both marks contain the term ‘Pulse’, the term is qualified by the word ‘Staff’ in the first mark of the Opponent, creating a different concept. The term ‘Staff Pulse’ is commonly used in relation to a type of employee survey and has a specific meaning, whereas the mark of the Applicant has no such meaning.

10. Consequently, the First Mark of the Opponent and the mark of the Applicant are visually, phonetically and conceptually dissimilar.

11. It is accepted that there is a degree of similarity between the Second Mark of the Opponent and the mark of the Applicant, however, the differences between the marks are not insignificant.

12. Visually, the Second Mark of the Opponent contains a figurative element, which is a colourful depiction of mountains. The figurative element is visually

striking and will not unnoticed [sic] by the relevant consumer, In addition, the inclusion of the prefix 'The' in the mark of the Applicant also creates another significant visual difference.

13. It is accepted that the marks are phonetically and conceptually similar”.

My Approach

39. I will proceed with my assessment of this matter in respect of the second earlier mark, as I consider this to be the mark that is closer in terms of similarity to the applicant's. If the opponent succeeds by reliance on this mark, the opposition will succeed in its entirety in relation to terms that I have found to be similar. I will return to consider the first earlier mark later, should it become necessary to do so. For the purposes of this comparison, I will refer to the second earlier mark as “the opponent's mark”.

Overall impression

40. The opponent's mark is a figurative mark which consists of the word PULSE in an unremarkable dark blue font together with a device which is presented to the left of the word, which consists of three overlapping triangles in pink, green and yellow. Since the eye is naturally drawn to the element of a mark that can be read, the word PULSE is the dominant element and plays the greater role in the overall impression of the mark. The device contributes to the mark overall, but to a lesser extent as it will be seen as a decorative element.

41. The applicant's mark is a word only mark, comprising of two words, THE PULSE. There are no additional elements to the contested mark and therefore the overall impression lies in the words themselves. A word only mark protects the word itself, irrespective of font, capitalisation or otherwise. As the word, THE, will simply be seen as an identifier of that which succeeds it, the overall impression will be dominated by the word PULSE.

Visual similarity

42. The respective marks overlap to the extent that they both share the word, PULSE. The visual differences arise from the device in the opponent's mark and the use of the

word, THE, in the contested mark. However, for the reasons set out above, I have found the dominant element of both marks to be the word, PULSE. Weighing up the similarities against the differences, I consider that the marks are visually similar to between a medium and high degree.

Aural similarity

43. The applicant accepts that the marks are phonetically similar. Since no articulation will be given to the pictorial element of the earlier mark, I consider that each mark will be referred to by reference to the words only, and both marks consist of ordinary English dictionary words which will be given their normal pronunciation. Both marks share the word PULSE, which will be pronounced the same way and is aurally identical. The contested mark consists of two words, THE PULSE, with the aural difference arising from the word, THE. Overall, I find the marks to be aurally similar to a high degree.

Conceptual similarity

44. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer⁷. The assessment must, therefore, be made from the point of view of the average consumer. The applicant accepts that the marks are conceptually similar.

45. Conceptually, I consider that in both marks the ordinary definition of the word PULSE will be applied, meaning the regular beating of the heart or a repeated burst of energy⁸. The pictorial element of the earlier mark will be seen as a decorative element conveying no conceptual message, and as stated above, the word, THE, in the contested mark will be regarded as an identifier of that which succeeds it. These elements, however, will make little impact as a point of conceptual difference overall, and as a result, I find the marks to be conceptually highly similar.

⁷ *Ruiz Picasso v OHIM* [2006] e.c.r.-I-643; [2006] E.T.M.R 29

⁸ PULSE | English meaning - Cambridge Dictionary

Distinctive character of the earlier trade mark

46. 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-0000, 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).”

47. 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, to those with high inherent distinctive character, such as invented words which have no allusive qualities. As no evidence has been filed, I only have the inherent position to consider.

48. I consider that the majority of average consumers would understand PULSE to have a meaning as per the dictionary definition which has been set out above, and the pictorial element of the mark will be seen as decorative. The mark is neither descriptive

nor allusive of the opponent's goods/services. Consequently, I find that the earlier mark has a medium degree of inherent distinctive character.

Conclusions on Likelihood of Confusion

49. 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 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 services and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the opponent's trade mark, the average consumer for the services and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

I remind myself that I made the following findings:

- The services at issue range from being identical upon the principles outlined in *Meric* to similar to a low to medium degree. I have also found some goods and services to be dissimilar, however, as I set out above, these will not factor into the following assessment;
- I have identified that the average consumer will be members of the general public and professionals. Both will select the services by primarily visual means, although I do not discount an aural component;
- I have concluded that an average (medium) degree of attention will be paid, and this is likely to be above average for business-related services (although not high).

- The contested mark is visually similar to the earlier mark to between a medium and high degree;
- The contested mark is aurally similar to the earlier mark to a high degree;
- I have found the contested mark and the earlier mark to be conceptually similar to a high degree;
- I have found the earlier mark to be inherently distinctive to a medium degree;

50. I begin by considering a likelihood of direct confusion. The competing marks share the word PULSE, which is the dominant element within both marks. Although the earlier mark includes a device and the contested mark includes the additional word, THE, which is a point of difference between the marks, I have found that whilst these contribute to the overall impression, it is to a lesser extent. The average consumer is likely to attach most weight to the dominant element of the mark, PULSE, which is identical to the opponent's mark and therefore, given that the marks are unlikely to be compared side by side, and also noting the principles of imperfect recollection and interdependency, I consider that this is a case in which the marks are likely to be misremembered one for the other. As such, I find that there will be a likelihood of direct confusion, for the services that I have found to be similar. If the device element of the second earlier mark is recalled, this will be viewed as consistent with a brand variant, and the marks will be viewed as different marks used by the same undertaking and there will be a likelihood of indirect confusion.

Final Remarks

51. As the second earlier trade mark leads to the opposition being successful for the services which I have found to be similar, there is no need to consider the remaining earlier trade mark upon which the opposition is based. The first earlier mark could not put the opponent in any stronger position, because the opposition cannot succeed for the remaining goods/services which I have found to be dissimilar.

Conclusion

52. The opposition is partially successful. Therefore, subject to appeal, the application will be refused in relation to the following services:

Class 35 - Advertising and promotional services; Business management; Business administration; Business organisation and administration in connection with the use of vehicle rental services; business services in the field of the rental of vehicles; Services relating to public relations; Assistance and consultancy relating to publicity and promotion, marketing and communication in connection with the organisation of fairs and shows for commercial, promotional and advertising purposes; Arranging of events, exhibitions and trade fairs for business, promotional and/or advertising purposes; Computerized file management; Market prospecting, Marketing studies and marketing research; advertising services relating to hotels; business management for hotels; advertising in and on land vehicles; office functions; promotional services; providing space for the advertising/promotion of goods and services to others; business advisory services; business and management consultancy services; services for processing of data and of information by electronic computer, cable, teleprinter, teletype, electronic mail, television, microwave, laser beam and/or communications satellite means; organization, operation and supervision of sales incentive schemes, loyalty and/or promotional incentive schemes;

Class 41 - Education; Providing of training; Organisation of events, exhibitions, fairs and shows for recreational, cultural, teaching and educational purposes; Arranging and conducting of colloquiums, conferences, congresses, seminars and symposiums; Publication and distribution of books, newspapers and magazines [periodicals] for events, exhibitions, fairs and shows for professional and industrial purposes;

53. In light of my earlier findings, the opposition will fail in respect of the following goods and services for which the application will proceed to registration:

Class 16 - Printed matter, books, newspapers, pamphlets, magazines [periodicals], leaflets, publications and other printed matter of paper for publication and distribution in connection with the organisation of events, exhibitions, fairs and shows.

Class 35 - Airport administration services; arranging commercial transactions for vehicles; arranging of contracts for vehicle rental and leasing; *compilation of catalogues and directories, provision of corporate and business related information*; Duty free retail services and/or retail services provided in retail outlets at airport/travel terminals, all connected to fragrances, beauty products, cosmetics, pharmaceuticals, skincare products, alcoholic and non-alcoholic beverages, confectionery, biscuits and cakes, preserves, foodstuffs; duty free retail services and/or retail services provided in retail outlets at airport/travel terminals, all connected to, toys, games and playthings, household or kitchen utensils and containers, glassware, porcelain and earthenware, pillows, blankets; duty free retail services and/or retail services provided in retail outlets at airport/travel terminals, all connected to cameras, apparatus and instruments for recording, transmission or reproduction of sounds or images, magnetic data carriers, CD-Roms, electronic games, calculators, computers, computer software, plug adaptors, pharmaceutical products; the bringing together for the benefit of others of a variety of goods namely fragrances, beauty products, cosmetics, pharmaceuticals, skincare products, alcoholic and non-alcoholic beverages, confectionery, biscuits and cakes, preserves, foodstuffs; the bringing together for the benefit of others of a variety of goods namely, toys, games and playthings, household or kitchen utensils and containers, glassware, porcelain and earthenware, pillows, blankets; the bringing together for the benefit of others of a variety of goods namely cameras, apparatus and instruments for recording, transmission or reproduction of sounds or images, magnetic data carriers, CD-Roms, electronic games, calculators, computers, computer software, plug adaptors, pharmaceutical products; all the aforesaid enabling customers to conveniently view and purchase those goods in airport/travel terminals or airport/travel terminal retail outlets, tax or duty free outlets, a shopping mall, or from an internet website specializing in the sale of duty or tax free goods or from a general merchandised Internet website, a

general merchandise catalogue or by mail order or by telecommunications; the development and management of retail operations (including food/drink retail outlets), commercial undertakings and airports and advisory services relating thereto; consultancy services in the retail field; *introduction of business and trade contacts*; Hire, leasing or rental of office equipment; provision of office facilities; airport administration services, provision of business assistance for airport facilities;

Class 36 - Real estate affairs; rental, leasing and management of commercial premises, retail outlets, shops and offices; provision of discount services, issuance and redemption of points/tokens of value; Estate agency services; real estate activities; real estate consultancy; building management; financial services relating to airports.

Class 37 - Building, construction, maintenance and repair of airplanes and providing information relating thereto; maintenance and repair of airports and airport facilities; advisory services relating to the construction and repair of airports and airport facilities; providing of information relating to installation services at airports; construction services including such services relating to construction of airports, airfields, runways, terminals, piers, jetties, stands, taxiways, surface and/or subterranean rail access, roads; site clearance services; construction and installation of infrastructure, communications and/or data networks; cleaning services; construction management services; onsite project management services; onsite project management relating to the construction of major infrastructure projects; onsite project management relating to the construction of airport facilities; consultancy services relating to the construction of airports and airport facilities; refurbishment services; property development services and advisory services relating thereto; Property development services; on-site project management services relating to construction, building, refurbishment and development; project management services relating to construction, building, refurbishment and/or development; Off-site project management services relating to construction, building, refurbishment and development; aircraft fuelling services.

Class 39 - Transport; packaging and storage of goods; travel arrangements; airport services, airport ground support services; ground and air traffic control services; aircraft runway services; airfield management services; management of airfield operations; aircraft parking; aircraft stand allocation; aircraft apron services; ground support services provided to aircraft at aircraft aprons (parking areas) as well as provision of airside passenger reception, check-in and transport services and passenger boarding and disembarking services; aircraft stand allocation, namely allocation of parking places for aircraft when they land or are preparing to load or board passengers; aircraft trucking; inspection of aircraft; aircraft handling; provision of reception and waiting areas for passenger departure and arrival; provision of flight information; cargo/freight handling; electricity, gas and water supply; storage, loading and handling of luggage; check-in services; passenger and/or freight transport by air, road or rail; taxi services, taxi booking and information services, car parking, car parking booking and information services, car/vehicle rental services and car/vehicle rental booking and information services, bonded warehousing; tour operating, tourist office/tourist agency services; advisory and information services relating to travel, airport information services and flight information services; booking or reservation of seats/tickets for travel; hire of land vehicles, and of drivers therefor; car parking; bonded warehousing; airport baggage handling; airport check-in services; airport parking services; airport passenger shuttle services between the airport parking facilities and the airport; airport transfer services; booking and arranging of access to airport lounges; ground support freight handling services provided at airports; provision of airport facilities for aviation; rental of cars; car sharing; car pooling; chauffeur services; rental of chauffeur driven vehicles; taxi services; vehicle and transport reservation services.

Class 41 - Entertainment; entertainment services provided by hotels; Publication and distribution of books, newspapers and magazines [periodicals] for events, exhibitions, fairs and shows for professional and industrial purposes;

Class 43 - Services for providing food and drink; Temporary accommodation; Rental of accommodation and temporary accommodation for meetings, conferences, exhibitions and seminars; Rental of meeting rooms; Providing and

rental of halls, fields and premises for the arranging of events for advertising, promotional and/or commercial purposes; Providing and rental of halls, fields and premises for the organisation of events for educational, recreational and/or cultural purposes; hotels, motels, boarding houses; catering and restaurant services for hotels; booking services for hotels; providing accommodation in hotels.

Class 45 - Legal services; security services for the protection of property and individuals; chaperoning services; personal shopper services; baby-sitting services; concierge services, namely the provision of assistance to, from and around airports; escorting, chaperoning or baby-sitting services for special needs passengers, namely wheelchair and buggy assistance, assisting special needs customers and the less mobile around airports; surveillance services, airport fire services, airport security services; safety services; baggage screening services; screening of individuals; information and advisory services in the field of security and/or safety; security control services; border and immigration control services, namely passenger and staff security services, checking of immigration papers and identity validation of passengers and staff; airport security services; airport baggage security screening and inspection services; security control of persons and luggage in airports; Monitoring of parking areas, in particular of multi-storey car parks, parking spaces and other parking facilities (security services); Monitoring of compliance with parking and usage rules and imposing penalties (legal services and security services); Security services for buildings; Licensing of computer software [legal services], for use in the following fields: Provision, search, reservation, use and payment of car parking facilities, providing of electrical energy, charging of electric vehicles, rental of means of transport and transport equipment, storage of goods, Courier services, Logistics, Navigation, Transportation, Passenger transport, local public transport, entertaining and Personal mobility; Monitoring of facilities for transport, charging of electric vehicles and for the transportation of persons (security services); Rental and leasing of objects in connection with the providing of the aforesaid services, included in this class; Consultancy and information in relation to the aforesaid services, included in this class.

COSTS

54. The applicant has enjoyed the greater measure of success and therefore, is entitled to a contribution towards their costs based upon the scale published in Tribunal Practice Notice 1/2023 which governs costs in proceedings issued after 1 February 2023. In the circumstances, I award the applicant the sum of £600.00 as a contribution towards the costs of proceedings. The sum is calculated as follows:

Considering notice of opposition and preparing a counterstatement:	£250.00
Preparing written submissions	£350.00
Total:	£600.00

55. I therefore order Teachercentric Limited to pay BRUSSELS AIRPORT COMPANY, naamloze vennootschap the sum of £600.00. The above 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 21st day of January 2026

LA Bailey

For the Registrar

Annex 1

Class 16 Printed matter, books, newspapers, pamphlets, magazines [periodicals], leaflets, publications and other printed matter of paper for publication and distribution in connection with the organisation of events, exhibitions, fairs and shows.

Class 35 Advertising and promotional services; Business management; Business administration; Services relating to public relations; Assistance and consultancy relating to publicity and promotion, marketing and communication in connection with the organisation of fairs and shows for commercial, promotional and advertising purposes; Arranging of events, exhibitions and trade fairs for business, promotional and/or advertising purposes; Computerized file management; Market prospecting, Marketing studies and marketing research; advertising services relating to hotels; business management for hotels; airport administration services; advertising in and on land vehicles; arranging commercial transactions for vehicles; arranging of contracts for vehicle rental and leasing; business organisation and administration in connection with the use of vehicle rental services; business services in the field of the rental of vehicles; office functions; promotional services; providing space for the advertising/promotion of goods and services to others; business advisory services; compilation of catalogues and directories, provision of corporate and business related information; duty free retail services and/or retail services provided in retail outlets at airport/travel terminals, all connected to fragrances, beauty products, cosmetics, pharmaceuticals, skincare products, alcoholic and non-alcoholic beverages, confectionery, biscuits and cakes, preserves, foodstuffs,; duty free retail services and/or retail services provided in retail outlets at airport/travel terminals, all connected to, toys, games and playthings, household or kitchen utensils and containers, glassware, porcelain and earthenware, pillows, blankets; duty free retail services and/or retail services provided in retail outlets at airport/travel terminals, all connected to cameras, apparatus and instruments for recording, transmission or reproduction of sounds or images, magnetic data carriers, CD-Roms, electronic games, calculators, computers, computer software, plug adaptors, pharmaceutical products; the bringing together for the benefit of others of a variety of goods namely fragrances, beauty products, cosmetics, pharmaceuticals, skincare products, alcoholic and non-alcoholic beverages, confectionery, biscuits and cakes, preserves, foodstuffs; the bringing

together for the benefit of others of a variety of goods namely, toys, games and playthings, household or kitchen utensils and containers, glassware, porcelain and earthenware, pillows, blankets; the bringing together for the benefit of others of a variety of goods namely cameras, apparatus and instruments for recording, transmission or reproduction of sounds or images, magnetic data carriers, CD-Roms, electronic games, calculators, computers, computer software, plug adaptors, pharmaceutical products; all the aforesaid enabling customers to conveniently view and purchase those goods in airport/travel terminals or airport/travel terminal retail outlets, tax or duty free outlets, a shopping mall, or from an internet website specializing in the sale of duty or tax free goods or from a general merchandised Internet website, a general merchandise catalogue or by mail order or by telecommunications; the development and management of retail operations (including food/drink retail outlets), commercial undertakings and airports and advisory services relating thereto; consultancy services in the retail field; introduction of business and trade contacts; organization, operation and supervision of sales incentive schemes, loyalty and/or promotional incentive schemes; hire, leasing or rental of office equipment; provision of office facilities; business and management consultancy services; airport administration services, provision of business assistance for airport facilities; services for processing of data and of information by electronic computer, cable, teleprinter, teletype, electronic mail, television, microwave, laser beam and/or communications satellite means.

Class 36 Real estate affairs; rental, leasing and management of commercial premises, retail outlets, shops and offices; provision of discount services, issuance and redemption of points/tokens of value; Estate agency services; real estate activities; real estate consultancy; building management; financial services relating to airports.

Class 37 Building, construction, maintenance and repair of airplanes and providing information relating thereto; maintenance and repair of airports and airport facilities; advisory services relating to the construction and repair of airports and airport facilities; providing of information relating to installation services at airports; construction services including such services relating to construction of airports, airfields, runways, terminals, piers, jetties, stands, taxiways, surface and/or

subterranean rail access, roads; site clearance services; construction and installation of infrastructure, communications and/or data networks; cleaning services; construction management services; onsite project management services; onsite project management relating to the construction of major infrastructure projects; onsite project management relating to the construction of airport facilities; consultancy services relating to the construction of airports and airport facilities; refurbishment services; property development services and advisory services relating thereto; Property development services; on-site project management services relating to construction, building, refurbishment and development; project management services relating to construction, building, refurbishment and/or development; Off-site project management services relating to construction, building, refurbishment and development; aircraft fuelling services.

Class 39 Transport; packaging and storage of goods; travel arrangements; airport services, airport ground support services; ground and air traffic control services; aircraft runway services; airfield management services; management of airfield operations; aircraft parking; aircraft stand allocation; aircraft apron services; ground support services provided to aircraft at aircraft aprons (parking areas) as well as provision of airside passenger reception, check-in and transport services and passenger boarding and disembarking services; aircraft stand allocation, namely allocation of parking places for aircraft when they land or are preparing to load or board passengers; aircraft trucking; inspection of aircraft; aircraft handling; provision of reception and waiting areas for passenger departure and arrival; provision of flight information; cargo/freight handling; electricity, gas and water supply; storage, loading and handling of luggage; check-in services; passenger and/or freight transport by air, road or rail; taxi services, taxi booking and information services, car parking, car parking booking and information services, car/vehicle rental services and car/vehicle rental booking and information services, bonded warehousing; tour operating, tourist office/tourist agency services; advisory and information services relating to travel, airport information services and flight information services; booking or reservation of seats/tickets for travel; hire of land vehicles, and of drivers therefor; car parking; bonded warehousing; airport baggage handling; airport check-in services; airport parking services; airport passenger shuttle services between the airport parking facilities and the airport; airport transfer services; booking and arranging of access to

airport lounges; ground support freight handling services provided at airports; provision of airport facilities for aviation; rental of cars; car sharing; car pooling; chauffeur services; rental of chauffeur driven vehicles; taxi services; vehicle and transport reservation services.

Class 41 Education; Providing of training; Entertainment; Organisation of events, exhibitions, fairs and shows for recreational, cultural, teaching and educational purposes; Arranging and conducting of colloquiums, conferences, congresses, seminars and symposiums; Publication and distribution of books, newspapers and magazines [periodicals] for events, exhibitions, fairs and shows for professional and industrial purposes; entertainment services provided by hotels.

Class 43 Services for providing food and drink; Temporary accommodation; Rental of accommodation and temporary accommodation for meetings, conferences, exhibitions and seminars; Rental of meeting rooms; Providing and rental of halls, fields and premises for the arranging of events for advertising, promotional and/or commercial purposes; Providing and rental of halls, fields and premises for the organisation of events for educational, recreational and/or cultural purposes; hotels, motels, boarding houses; catering and restaurant services for hotels; booking services for hotels; providing accommodation in hotels.

Class 45 Legal services; security services for the protection of property and individuals; chaperoning services; personal shopper services; baby-sitting services; concierge services, namely the provision of assistance to, from and around airports; escorting, chaperoning or baby-sitting services for special needs passengers, namely wheelchair and buggy assistance, assisting special needs customers and the less mobile around airports; surveillance services, airport fire services, airport security services; safety services; baggage screening services; screening of individuals; information and advisory services in the field of security and/or safety; security control services; border and immigration control services, namely passenger and staff security services, checking of immigration papers and identity validation of passengers and staff; airport security services; airport baggage security screening and inspection services; security control of persons and luggage in airports; Monitoring of parking areas, in particular of multi-storey car parks, parking spaces and other parking facilities (security services); Monitoring of compliance with parking and usage rules and

imposing penalties (legal services and security services); Security services for buildings; Licensing of computer software [legal services], for use in the following fields: Provision, search, reservation, use and payment of car parking facilities, providing of electrical energy, charging of electric vehicles, rental of means of transport and transport equipment, storage of goods, Courier services, Logistics, Navigation, Transportation, Passenger transport, local public transport, entertaining and Personal mobility; Monitoring of facilities for transport, charging of electric vehicles and for the transportation of persons (security services); Rental and leasing of objects in connection with the providing of the aforesaid services, included in this class; Consultancy and information in relation to the aforesaid services, included in this class.