

**O-0051-24**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF TRADE MARK APPLICATION NOS. 3770090, 3750361,  
3750384, 3726492 AND 3726488**

**BY WINDRUSH FOUNDATION IN RESPECT OF THE TRADE MARKS**

**WINDRUSH MONUMENT**

**WINDRUSH MEMORIAL**

**WINDRUSH75**

**WINDRUSH**

**WINDRUSH DAY**

**IN CLASS 41**

**AND IN THE MATTER OF OPPOSITIONS THERETO UNDER NOS. 434877,  
434878, 434879, 438155 AND 438156 BY THE DEPARTMENT FOR LEVELLING  
UP, HOUSING AND COMMUNITIES**

## Background and pleadings

1. Windrush Foundation (“the applicant”) applied to register the trade marks 3770090 WINDRUSH MONUMENT in the UK on 25 March 2022, 3750361 WINDRUSH MEMORIAL, 3750384 WINDRUSH75 on 2 February 2022 and 3726492 WINDRUSH and 3726488 WINDRUSH DAY on 28 November 2021. 3726492 WINDRUSH and 3726488 WINDRUSH DAY were accepted and published on 30 September 2022 in the Trade Marks Journal in respect of lists of services all included in Class 41 and reproduced in full in an annex to this decision. The other three contested applications were accepted and published on 8 April 2022.

2. The Department for Levelling Up, Housing & Communities (“the opponent”) oppose all of these trade marks on the basis of section 3(1)(b) of the Trade Marks Act 1994 (the Act). It also opposes all, except 3750384 WINDRUSH75, on the basis of section 3(6) of the Act.

3. In respect of the section 3(1)(b) grounds, it argues that:

- The contested marks do not possess distinctive character;
- The word “WINDRUSH” pertains to the “HMT Empire Windrush”, the name of the ship that brought one of the first groups of post-war Caribbean immigrants to the UK in 1948 and is now in common usage as denoting a period of immigration from the Caribbean to the UK between the arrival of the HMT Empire Windrush on 22 June 1948 and the early 1970s. It claims that its extensions such as “Windrush generation” are widely understood;
- Many individuals and entities in the UK including museums, galleries, charities and public interest groups, provide educational services, materials and information about Windrush;
- The words MONUMENT, MEMORIAL and DAY have ordinary, natural meanings with the first two words indicating a structure or edifice intended to commemorate a notable person, action or event, an object, often large and made of stone, that has been built to honour a famous person or event and a period of 24 hours, respectively;

- The number “75” is used as it anticipates the 75<sup>th</sup> anniversary of Windrush which will fall in June 2023;
- When each mark is considered as a whole, four of them consist of the word WINDRUSH combined with one of the second elements to form a term that describes a monument or memorial commemorating Windrush, the 75<sup>th</sup> anniversary of Windrush or a day commemorating Windrush;
- Windrush Day was introduced in June 2018 on the 70<sup>th</sup> anniversary of the docking of the Empire Windrush;
- When these marks are used in respect of educational services, they will be viewed as indicating such services that commemorate, or are otherwise a reference to “Windrush”;
- In respect of the mark WINDRUSH MONUMENT it may also be seen as a reference to the Windrush monument itself that was unveiled at Waterloo Station on Windrush Day 2022;
- The marks have not acquired distinctive character through use.

4. In respect of the grounds based upon a claim of bad faith under section 3(6) of the Act, the opponent claims:

- The applicant was fully aware of the opponent’s activities when its applications were made and the applications will undermine the interests of the opponent and other third parties;
- The opponent funded and arranged the installation of the National Windrush Monument at London Waterloo Station and announced this in a press release on 15 October 2021. It was unveiled on “Windrush Day” on 22 June 2022. The siting of the monument was objected to by the applicant, considering it an insult to the Caribbean Community and it commissioned its own National Windrush Monument. As of the relevant dates the applicant knew of the opponent’s plans to install the monument and what it was to be called. The WINDRUSH MONUMENT application and the other contested marks are all part of a pattern of fling intended to disrupt the opponent’s ability to refer to the monument and to use WINDRUSH and terms incorporating the word WINDRUSH;

- In correspondence between the parties the applicant referred to exclusive rights obtained from the IPO to use of its marks and accordingly no other organisation was allowed to use the marks;
- There is no reasonable commercial rationale for the extremely broad list of services applied for, and the opponent claims it has no intention to use the marks in connection with the services for which the applicant has applied;
- The opponent claims that the contested applications are blocking mechanisms with the intention of preventing the opponent using the terms or obtaining its own protection;
- The WINDRUSH MONUMENT application falls short of the standards of acceptable commercial behaviour as it is a deliberate attempt to register a mark that is identical to one used by the opponent;
- The Windrush Monument is known, interchangeably, as the Windrush Memorial
- All the applications have been filed without an intention to use the marks in respect of the services claimed and are filed as a mechanism to prevent use of the term by third parties;

5. The applicant filed counterstatements denying the claims made. These counterstatements are not identical, but taking the most relevant points from these, I note that the applicant states that:

- The distinctiveness of the marks lies in the fact that the arrival of West Indian passengers on the ship Empire Windrush in 1948 was a significant event in British and Commonwealth history. It claims that the marks are a badge of origin in that the event has been remembered by RAF serviceman Sam King and the applicant in the work that they have done;
- The applicant has held events since 1996 when Mr King and Arthur Torrington formed the applicant and created events and activities to mark the 1948 arrival. Mr King had the idea of establishing Windrush Day to commemorate the 1948 arrival annually;
- The opponent was introduced to the applicant's work in 2018 during the applicant's "Windrush70" work;

- The applicant considers itself to be the custodian, preserver and conservator of the word “Windrush” and it holds the Windrush archives. It also received lottery funding to manage Windrush75 activities in 2023;
- The main objective of the applicant has evolved over time and in 2021, it was “to preserve the legacy of and celebrate the Caribbean men and women ...[who arrived in 1948 on the Empire Windrush] by advancing the public’s education of African and Caribbean contributions [in British life], providing heritage and art-based community projects, programmes and initiatives [and] lectures, talks, multi-media presentations, group discussions, poetry, music and other performing arts events ...”;
- The word WINDRUSH provides distinctiveness to the contested marks WINDRUSH MONUMENT and WINDRUSH MEMORIAL;
- It already has trade mark registrations for WINDRUSH HERITAGE, WINDRUSH POINEERS and WINDRUSH FOUNDATION;
- It also refers to a 40<sup>th</sup> anniversary monument in Lambeth Town Hall and a poster inscribed with the word WINDRUSH being used at a reception organised with the Prince of Wales at the 50<sup>th</sup> anniversary, badges created for Windrush60 as all being “monuments” to the landing;
- It was in 2018 that dictionaries such as Oxford, Cambridge and Collins included definitions of “Windrush”;
- The applicant was the first organisation to have created Windrush projects and activities and deserves the right to determine what a WINDRUSH MONUMENT is.

6. Both sides filed evidence in these proceedings. This will be summarised to the extent that it is considered necessary.

7. A Hearing took place on 13 September 2023, with the opponent represented by Mark Wilden of counsel, instructed by DAC Beachcroft LLP and the applicant by its co-founder and director, Arthur Torrington. The opponent also filed written submissions on 9 January 2023 and 11 April 2023. I will keep these submissions in mind and refer to them to the extent that they assist me in reaching my decision.

8. 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.

## **Evidence**

9. The opponent's evidence takes the form of the witness statement of Robert Jon Cooper, Assistant Director in the Communities and Integration Directorate of the opponent with responsibility for certain projects connected to the commemoration of Windrush. Mr Cooper provides information about the opponent and its flagship policies relating to the Windrush generation. He also provides information about the disagreement between the parties and why, unusually, the opponent has taken action as what it perceives as use of the trade mark system by the applicant not being for legitimate purposes.

10. The applicant evidence consists of three witness statements of Mr Torrington. He details the factual background from the Empire Windrush arriving in the UK in 1948 and the efforts of Mr King to organise those who arrived on the ship into a community that marked its arrival with regular anniversary events. He describes how Mr King's efforts led to himself and Mr Torrington forming the applicant and how it became a charity in 1996 and how the two gentlemen went on to organise Windrush 50 in 1998. He provides evidence of future anniversary events and some of the memorabilia produced for some of these. He also details the dispute between the parties.

11. I will refer to the parties' evidence in more detail insofar as it is relevant to my considerations.

## DECISION

### Section 3(6)

12. I find it convenient to firstly consider the grounds based upon Section 3(6). The ground is common to all of the oppositions except opposition 434879 against the WINDRUSH75 mark. This part of the Act reads:

“(6) A trademark shall not be registered if or to the extent that the application is made in bad faith.”

13. In *Sky Limited & Ors v Skykick, UK Ltd & Ors*, [2021] EWCA Civ 1121 the Court of Appeal considered the case law from *Chocoladefabriken Lindt & Sprüngli AG v Franz Hauswirth GmbH*, Case C-529/07 EU:C:2009:361, *Malaysia Dairy Industries Pte. Ltd v Ankenævnetfor Patenter Varemærker* Case C-320/12, EU:C:2013:435, *Koton Mağazacılık Tekstil Sanayi ve Ticaret AŞ*, Case C-104/18 P, EU:C:2019:724, *Hasbro, Inc. v EUIPO, Kreativni Dogaaji d.o.o. intervening*, Case T-663/19, EU:2021:211, *pelicantravel.com s.r.o. v OHIM, Pelikan Vertriebsgesellschaft mbH & Co KG (intervening)*, Case T-136/11, EU:T:2012:689, and *Psytech International Ltd v OHIM, Institute for Personality & Ability Testing, Inc (intervening)*, Case T-507/08, EU:T:2011:46. It summarised the law as follows:

“68. The following points of relevance to this case can be gleaned from these CJEU authorities:

1. The allegation that a trade mark has been applied for in bad faith is one of the absolute grounds for invalidity of an EU trade mark which can be relied on before the EUIPO or by means of a counterclaim in infringement proceedings: *Lindt* at [34].
2. Bad faith is an autonomous concept of EU trade mark law which must be given a uniform interpretation in the EU: *Malaysia Dairy Industries* at [29].

3. The concept of bad faith presupposes the existence of a dishonest state of mind or intention, but dishonesty is to be understood in the context of trade mark law, i.e. the course of trade and having regard to the objectives of the law namely the establishment and functioning of the internal market, contributing to the system of undistorted competition in the Union, in which each undertaking must, in order to attract and retain customers by the quality of its goods or services, be able to have registered as trade marks signs which enable the consumer, without any possibility of confusion, to distinguish those goods or services from others which have a different origin: *Lindt* at [45]; *Koton Mağazacılık* at [45].

4. The concept of bad faith, so understood, relates to a subjective motivation on the part of the trade mark applicant, namely a dishonest intention or other sinister motive. It involves conduct which departs from accepted standards of ethical behaviour or honest commercial and business practices: *Hasbro* at [41].

5. The date for assessment of bad faith is the time of filing the application: *Lindt* at [35].

6. It is for the party alleging bad faith to prove it: good faith is presumed until the contrary is proved: *Pelikan* at [21] and [40].

7. Where the court or tribunal finds that the objective circumstances of a particular case raise a rebuttable presumption of lack of good faith, it is for the applicant to provide a plausible explanation of the objectives and commercial logic pursued by the application: *Hasbro* at [42].

8. Whether the applicant was acting in bad faith must be the subject of an overall assessment, taking into account all the factors relevant to the particular case: *Lindt* at [37].

9. For that purpose it is necessary to examine the applicant's intention at the time the mark was filed, which is a subjective factor which must

be determined by reference to the objective circumstances of the particular case: *Lindt* at [41] – [42].

10. Even where there exist objective indicia pointing towards bad faith, however, it cannot be excluded that the applicant's objective was in pursuit of a legitimate objective, such as excluding copyists: *Lindt* at [49].

11. Bad faith can be established even in cases where no third party is specifically targeted, if the applicant's intention was to obtain the mark for purposes other than those falling within the functions of a trade mark: *Koton Mağazacılık* at [46].

12. It is relevant to consider the extent of the reputation enjoyed by the sign at the time when the application was filed: the extent of that reputation may justify the applicant's interest in seeking wider legal protection for its sign: *Lindt* at [51] to [52].

13. Bad faith cannot be established solely on the basis of the size of the list of goods and services in the application for registration: *Psytech* at [88], *Pelikan* at [54].”

14. According to *Alexander Trade Mark*, BL O/036/18, the key questions for determination in a claim of bad faith are:

(a) What, in concrete terms, was the objective that the applicant has been accused of pursuing?

(b) Was that an objective for the purposes of which the contested application could not be properly filed? and

(c) Was it established that the contested application was filed in pursuit of that objective?

15. It is necessary to ascertain what the applicant knew at the relevant date: *Red Bull GmbH v Sun Mark Limited and Sea Air & Land Forwarding Limited* [2012] EWHC 1929 (Ch). Evidence about subsequent events may be relevant, if it casts light backwards

on the position at the relevant date: *Hotel Cipriani SRL and others v Cipriani (Grosvenor Street) Limited and others*, [2009] RPC 9 (approved by the Court of Appeal in England and Wales: [2010] RPC 16).

16. The relevant dates for the purposes of these proceedings are as follows:

37770090 WINDRUSH MONUMENT: 25 March 2022

3750361 WINDRUSH MEMORIAL: 2 February 2022

3726492 WINDRUSH and 3726488 WINDRUSH DAY: 28 November 2021

***What, in concrete terms, was the objective that the applicant has been accused of pursuing?***

17. The opponent claims that the applicant was fully aware of the opponent's activities when its applications were made and were made after the applicant objected to the location of the monument organised by the opponent. It subsequently commissioned its own National Windrush Monument. The opponent asserts that, at the relevant dates, the applicant knew of the opponent's plans to install the monument and what it was to be called and that the WINDRUSH MONUMENT application and the other contested marks are all part of a pattern of filing intended to disrupt the opponent's ability to refer to the monument and to use WINDRUSH and terms incorporating the word WINDRUSH.

18. It is claimed that the applications were made to undermine the interests of the opponent and other third parties and are to be used as blocking mechanisms with the intention of preventing the opponent using the terms or obtaining its own protection. Mr Wilden described this as political reasons and drew my attention to an email from Mr Torrington to the opponent where he stated:

“[The applicant] sought Windrush trademarks because [the opponent’s] Windrush programmes promote entertainment and fun projects which are opposed to the ideals of our co-founder Samuel King”<sup>1</sup>

19. The applicant focuses its activities on the men and women who arrived on the single landing of the ship Empire Windrush<sup>2</sup> in 1948 but the opponent employs a wider focus for its “Windrush” activities because it talks in terms of the “Windrush generation” that it considers relates to West Indian immigrants to the UK who arrived over a 30-year period beginning with the arrival of the Empire Windrush in 1948.

20. The opponent also relies upon a claim that the applicant’s applications include overly broad specifications where there is no reasonable commercial rationale nor commercial logic to their breadth.

***Was that an objective for the purposes of which the contested application could not be properly filed?***

21. Applications made with the purpose of undermining the legitimate interests of third parties and to act as a blocking mechanism are both objectives, the purposes of which are not acceptable purposes<sup>3</sup>.

22. In respect of the “overly broad specification claim”, I keep in mind that whether it is bad faith to apply for a trade mark without any intention to use it in relation to the specified goods and services was considered in *Sky v Skykick*, CJEU, Case C-371/18, EU:C:2020:45 (“*Sky CJEU*”) and *Sky Limited & Ors v Skykick, UK Ltd & Ors*, [2021] EWCA Civ 1121 (“*Sky CA*”). The law appears to be as follows:

- a) Applying to register a trade mark without an intention to use it is not bad faith *per se*. Therefore, it is not necessary for the trade mark applicant to be using, or have plans to use, the mark in relation to all the goods/services covered by the specification: *Sky CJEU*.

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<sup>1</sup> Mr Torrington’s email of 12 April 2022 to the opponent provided at Exhibit RC1, page 12

<sup>2</sup> Ditto

<sup>3</sup> *Copernicus-Trademarks v EUIPO (LUCEO)* Case T-82/14

- b) The bad faith of the trade mark applicant cannot, therefore, be presumed on the basis of the mere finding that, at the time of filing his or her application, that applicant had no economic activity corresponding to the goods and services referred to in that application: *Sky CJEU*.
- c) However, where the trade mark application is filed without an intention to use it in relation to the specified goods and services, and there is no rationale for the application under trade mark law, it may constitute bad faith. Such bad faith may be established where there are objective, relevant and consistent indications showing that the applicant had the intention either of undermining, in a manner inconsistent with honest practices, the interests of third parties, or of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark: *Sky CJEU*.
- d) A trade mark may be applied for in good faith in relation to some of the goods/services covered by the application, and in bad faith as regards others: *Sky CJEU*.
- e) It is not possible for there to be bad faith in respect of an entire category of goods or services where there was an intention to use the mark in relation to some goods or services within that category (*Sky CJEU*; *Sky CA*).
- f) Each category of goods and services must be considered separately, taking into account legitimate use and factors such as an applicant's reputation, brand recognition and expansion which might justify a wide specification: *Sky CA*.

23. In light of this guidance, it is clear that the opponent's claims are such that they, if proven, can constitute a reason why the contested application could not be properly filed.

***Was it established that the contested application was filed in pursuit of that objective?***

24. The opponent's position is that the Windrush Monument is known, interchangeably, as the Windrush Memorial. I agree that, whilst they have slightly

different meanings (detailed later in the decision), the two words could be used, interchangeably, to describe an object or place that remembers or commemorates something.

25. The opponent was the government lead on the policy relating to the celebration and commemoration of the Windrush generation and their descendants.<sup>4</sup> As part of its celebration plans, a National Windrush Monument was unveiled on Windrush Day on 22 June 2022.<sup>5</sup> The applicant filed its WINDRUSH MONUMENT application on 25 March 2022 and its WINDRUSH MEMORIAL application on 2 February 2022. These dates fall after the opponent's plans for a national Windrush Memorial were announced but before the monument were unveiled and support the opponent's claim that the applicant was aware of its plans when it applied for the contested marks.

26. In its evidence, the opponent details the relationship between it and the applicant and cites the applicant's article on its website criticising the Government's announcement by the then Prime Minister, Theresa May, on 22 June 2019 where it was stated that "*the location of a Windrush monument at Waterloo Railway Station was an insult to the Caribbean community. Dictating and imposing a monument without openly consulting our community is not how a democratic state treats its citizens*" and "*Mrs May also announced the establishment of a Windrush Commemoration Committee to consider how best to create a permanent, fitting tribute to the 'Windrush generation and their descendants. The committee was supposed to be a community-led group that would explore a range of options. The committee did not speak with Windrush Foundation, the organisation that was the first to have held yearly Windrush commemorative events in the UK from 1997*".

27. The opponent claims that the WINDRUSH MONUMENT and WINDRUSH MEMORIAL applications fall short of the standards of acceptable commercial behaviour as they are a deliberate attempt to register marks that are identical to one used by the opponent. It is the opponent's position that the applicant's perception of being overlooked in the opponent's plans for Windrush commemoration events that

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<sup>4</sup> Mr Cooper's witness statement at [4]

<sup>5</sup> Ditto

led to the applicant filing the contested trade marks. Mr Torrington had made numerous complaints to the applicant regarding how it was taking forward its work on commemorating the WINDRUSH Caribbean community.<sup>6</sup> At the hearing Mr Torrington made it very clear that the applicant vehemently opposes the opponent's approach to recognising the WINDRUSH Caribbean people. The applicant states that it considers the opponent is among "Windrush revisionists" who are those who would change the original Windrush narrative to that which is more suited to their objectives<sup>7</sup> and considers that the opponent poses a threat to the correct presentations, history, heritage and significance of WINDRUSH.<sup>8</sup>

28. At the hearing, Mr Torrington explained that it was not its intention to prevent other people from using the marks but rather the filing of the contested applications was an attempt to prevent the opponent spreading, what it considered to be, the wrong message and that the applicant wanted to protect the integrity of the history of the Windrush landing in the UK and the people who came on the ship. This sheds light on the motives of the applicant and is tacit acknowledgement that the intention of the applicant was to block the opponent from using the WINDRUSH signs in a way that the applicant did not approve. This illustrates a misunderstanding of the purpose of a trade mark rather than any intentional misappropriation. It was motivated out of a strong belief on what WINDRUSH should stand for. Whilst I have sympathy for the applicant and its desire for the name WINDRUSH to be used in a way consistent with its objectives, the filing of the contested marks is nonetheless an act that falls short of acceptable commercial standards and is an act of bad faith when construed within the context of trade mark law. I conclude that it is clear from the comments of Mr Torrington and the applicant that the primary purpose of filing the contested marks was to prevent the opponent from presenting a version of WINDRUSH heritage that the applicant did not agree with rather than any genuine intention to trade under the marks. The timing of the filing of the applications and the nature of the relationship between the parties prior to these filings is consistent with this finding.

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<sup>6</sup> See [5] of Mr Cooper's witness statement

<sup>7</sup> Mr Torrington's first witness statement at [20]

<sup>8</sup> Ditto [21]

29. In respect of the applicant's WINDRUSH and WINDRUSH DAY applications the opponent states that these are part of the same pattern of behaviour which is primarily designed to affect both the opponent's ability and that of other third parties to make use of the term WINDRUSH and WINDRUSH DAY. At the hearing, Mr Torrington stated that the purpose of filing for the contested applications was not to prevent other people from using the marks but to prevent the opponent from "spreading the wrong message" and to protect the integrity of WINDRUSH that he defined as being those people who arrived in the UK on the Empire Windrush ship. Once again, these comments illustrate the applicant's misunderstanding of the function of a trade mark and further confirms that the purpose of filing these applications was to block the opponent from using these marks in a way that the applicant did not approve.

30. In summary, I find that the filing of these four earlier marks was an act of bad faith and the oppositions succeed, insofar as they rely upon grounds based upon section 3(6) of the Act.

31. A finding that four of the contested marks were filed with the main purpose of blocking some of the activities of the opponent can also be interpreted as also demonstrating a lack of intention, on the part of the applicant, to use its marks. I consider this argument to be a moot point because it is possible that a party may file an application with a primary purpose of blocking the activities of another party but may also have an intention to use the mark. However, it is also the opponent's case that there is a lack of intention on the part of the applicant to actually use its marks in respect of all of the services listed. In case I am wrong regarding this first limb of the bad faith case, I also consider this claim.

32. Whether it is bad faith to apply for a trade mark without any intention to use it in relation to the specified goods and services was considered in *Sky v Skykick*, CJEU, Case C-371/18, EU:C:2020:45 ("*Sky CJEU*") and *Sky Limited & Ors v Skykick, UK Ltd & Ors*, [2021] EWCA Civ 1121 ("*Sky CA*"). The law appears to be as follows:

- a) Applying to register a trade mark without an intention to use it is not bad faith *per se*. Therefore, it is not necessary for the trade mark applicant to be using,

or have plans to use, the mark in relation to all the goods/services covered by the specification: *Sky CJEU*.

- b) The bad faith of the trade mark applicant cannot, therefore, be presumed on the basis of the mere finding that, at the time of filing his or her application, that applicant had no economic activity corresponding to the goods and services referred to in that application: *Sky CJEU*.
- c) However, where the trade mark application is filed without an intention to use it in relation to the specified goods and services, and there is no rationale for the application under trade mark law, it may constitute bad faith. Such bad faith may be established where there are objective, relevant and consistent indications showing that the applicant had the intention either of undermining, in a manner inconsistent with honest practices, the interests of third parties, or of obtaining, without even targeting a specific third party, an exclusive right for purposes other than those falling within the functions of a trade mark: *Sky CJEU*.
- d) A trade mark may be applied for in good faith in relation to some of the goods/services covered by the application, and in bad faith as regards others: *Sky CJEU*.
- e) It is not possible for there to be bad faith in respect of an entire category of goods or services where there was an intention to use the mark in relation to some goods or services within that category (*Sky CJEU*; *Sky CA*).
- f) Each category of goods and services must be considered separately, taking into account legitimate use and factors such as an applicant's reputation, brand recognition and expansion which might justify a wide specification: *Sky CA*.

33. In *Equisafety Ltd v Battle, Hayward And Bower, Ltd & Anor*, [2021] EWHC 3296 (IPEC), although it was admitted that the registration included certain goods in respect of which the claimant had no intention to use the mark, there was insufficient evidence to show that the application had been made in bad faith. The judge pointed out that

the registration included some goods in classes 9 and 18 in relation to which the claimant was using the mark, as well as classes it “may well want to move into” (at [38]).

34. The opponent, itself, describes the applicant in the following terms:

“The Applicant is ... a registered charity that designs and delivers heritage projects, programmes and initiatives which highlight African and Caribbean peoples’ contributions to UK public services, the Arts, commerce, and other areas of socio-economic and cultural life in Britain and the Commonwealth”<sup>9</sup>

35. No objection has been taken by the applicant to this description and I accept it as accurately reflecting its nature and purpose. At the hearing, when invited to give his submissions on the scope of specification arguments, Mr Torrington confined himself to stating that “the intention is there”. The opponent submits that the applicant’s past and current activities have been limited in nature and that this should be taken as a pointer that it does not intend to trade in the broad range applied for.

36. Applying the guidance of the courts to the current case, I cannot agree with the opponent. In order to explain my finding, it is convenient that I split the applicant’s services into two groups. The first group consists of all the broad terms that can include services that could be provided to further the aims of the applicant, such as education, entertainment, sporting and cultural activities. Despite there being no evidence demonstrating that the applicant has an intention to use its marks on all of these services, neither has the opponent adduced any evidence that illustrates it has not. Further, even if it has no current plans to extend its offerings to include these services, this may change over the five-year period and would be a natural extension of its activities. Consequently, I find that in respect of these services, their inclusion in the applicant’s specifications does not amount to an act of bad faith.

37. The second group consists of terms targeted at specific professions, industries or businesses in general, such as *arranging of an annual conference relating to*

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<sup>9</sup> See paras 3 or 4 of Continuation Sheet 2 of the opponent’s Form TM7s

*procurement, arranging of conferences relating to advertising or arranging of seminars relating to trade.* To further explain this second group, the term *artistic management of theatre shows* could be offered in furthering the educational or cultural aspects of the applicants aims but the term *artistic management of theatres* would not because it relates to a business service relating to the operation of a theatre that would not obviously be provided to further its aims. Similarly, *artistic management of music venues* is a commercial activity not likely to be undertaken by the applicant to further the aims of a particular group of people whereas *artistic management of musical shows* may form part of the activities provided that further its aims. I have some difficulty in envisaging how this second group of services would be deployed by the applicant to further its aims, but neither can I see how the terms could be deployed against the opponent (or other third parties) in a way that would protect the applicant's activities in furthering its aims. Consequently, if the listing of such services was not for the purposes of deploying against the opponent then, in the absence of evidence to the contrary, and in light of the undertaking made during application for the marks that the applicant is, or intends to use its marks in respect of the list of services provided, the opponent's case must fail. It has not relied upon any reason other than the limited scope of the applicant's present activities or in the past. This alone is insufficient reason to find that there is an absence of intention for future use in respect of these services. A claim of bad faith is a serious one and it is for the opponent to prove its case. It has failed to do so in respect of this category of services. Therefore, I do not consider that the inclusion of such terms amounts to bad faith. These terms are underlined in the respective specifications of the earlier marks shown in the annex and survive the claim of no intention to use.

**38. In summary, I find that the second limb of the bad faith claim fails, but the first limb succeeds against all four contested marks.**

### **Section 3(1)(b)**

39. Section 3(1)(b) reads:

3.— Absolute grounds for refusal of registration

(1) The following shall not be registered—

(a) ...

(b) trade marks which are devoid of any distinctive character.

(c) ...,

(d) ...:

Provided that, a trade mark shall not be refused registration by virtue of paragraph (b), (c) or (d) above if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.”.

40. The principles to be applied under article 7(1)(b) of the CTM Regulation (which is now article 7(1)(b) of the EUTM Regulation, and is identical to article 3(1)(b) of the Trade Marks Directive and section 3(1)(b) of the Act) were conveniently summarised by the CJEU in *OHIM v BORCO-Marken-Import Matthiesen GmbH & Co KG* (C-265/09 P) as follows:

“29..... the fact that a sign is, in general, capable of constituting a trade mark does not mean that the sign necessarily has distinctive character for the purposes of Article 7(1)(b) of the regulation in relation to a specific product or service (Joined Cases C-456/01 P and C-457/01 P *Henkel v OHIM* [2004] ECR I-5089, paragraph 32).

30. Under that provision, marks which are devoid of any distinctive character are not to be registered.

31. According to settled case-law, for a trade mark to possess distinctive character for the purposes of that provision, it must serve to identify the product in respect of which registration is applied for as originating from a particular undertaking, and thus to distinguish that product from those of other undertakings (*Henkel v OHIM*, paragraph 34; Case C-304/06 P *Eurohypo v*

*OHIM* [2008] ECR I-3297, paragraph 66; and Case C-398/08 P *Audi v OHIM* [2010] ECR I-0000, paragraph 33).

32. It is settled case-law that that distinctive character must be assessed, first, by reference to the goods or services in respect of which registration has been applied for and, second, by reference to the perception of them by the relevant public (*Storck v OHIM*, paragraph 25; *Henkel v OHIM*, paragraph 35; and *Eurohypo v OHIM*, paragraph 67). Furthermore, the Court has held, as *OHIM* points out in its appeal, that that method of assessment is also applicable to an analysis of the distinctive character of signs consisting solely of a colour per se, three-dimensional marks and slogans (see, to that effect, respectively, Case C-447/02 P *KWS Saat v OHIM* [2004] ECR I-10107, paragraph 78; *Storck v OHIM*, paragraph 26; and *Audi v OHIM*, paragraphs 35 and 36).

33. However, while the criteria for the assessment of distinctive character are the same for different categories of marks, it may be that, for the purposes of applying those criteria, the relevant public's perception is not necessarily the same in relation to each of those categories and it could therefore prove more difficult to establish distinctiveness in relation to marks of certain categories as compared with marks of other categories (see Joined Cases C-473/01 P and C-474/01 P *Proctor & Gamble v OHIM* [2004] ECR I-5173, paragraph 36; Case C-64/02 P *OHIM v Erpo Möbelwerk* [2004] ECR I-10031, paragraph 34; *Henkel v OHIM*, paragraphs 36 and 38; and *Audi v OHIM*, paragraph 37)."

41 In *AS v Deutsches Patent – und Markenamt*, Case C-541/18, the CJEU held that all the relevant facts and circumstances must be taken into account when examining the distinctive character of a trade mark. In the absence of other indications, this means taking into account the types of use which, in the light of the customs in the sector concerned, can be "*practically significant*." This means that the reaction of average consumers to uses of the mark which are possible in theory, but unlikely in practice, do not need to be factored into the assessment. The way that the applicant or proprietor of the trade mark itself uses the mark may be an indicator that other types of use should be taken into account.

42. Names which denote only the subject matter of goods may be caught by 3(1)(b).<sup>10</sup> It is generally accepted that marks that are found to designate a characteristic of goods or services under section 3(1)(c) are also caught by the section 3(1)(b) provision. I also keep in mind the comments of Mr Iain Purvis QC sitting as a Deputy Judge of the High Court in *Canary Wharf Group plc v The Comptroller General of Patents, Designs and Trade Marks* [2015] EWHC 1588 (Ch), where he set out the correct approach to assessing whether a trade mark is descriptive of the subject matter of the goods/services. He stated that:

“39. The general approach to be taken by a tribunal dealing with a ‘subject matter’ or ‘theme’ objection under s3(1)(c) or s3(1)(b) was recently considered by Geoffrey Hobbs QC sitting as the Appointed Person in *NMSI Trading Ltd’s Trade Mark Application (Flying Scotsman)* [2012] RPC 7 by reference to a number of authorities including the General Court in *Danjaq v OHIM* (Dr No) [2009] ECR II-2097, Mr Richard Arnold QC (as he then was) sitting as the Appointed Person in *Linkin Park* [2006] ETMR 74, the First Board of Appeal of OHIM in *Ferrero OHG v FIFA* [2008] ETMR 76 and Mr Allan James in *Diana Princess of Wales Trade Mark* [2001] ETMR 25 .

40 Following, in general terms, the approach of Mr Hobbs as set out in particular in paragraph 18 of *Flying Scotsman*, I believe that at least three matters need to be considered where a ‘subject matter’ or ‘theme’ objection arises under s 3(1)(c) or (b) :

(a) The nature of the goods or services for which the application is made. Are they in principle apt to provide or convey information about (or imagery relating to) the subject matter of the sign?

(b) The nature of the sign. Is it something which it is reasonable to believe would be recognised by the relevant class of persons (that is to

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<sup>10</sup> See, for example, *Executrices of the Estate of Diana, Princess of Wales’ Application* [2001] E.T.M.R. 25 (TMR) – Princess Diana memorabilia, and *Flying Scotsman Trade Mark* – BL-O/313/11 (AP) – printed matter about the steam engine of this name

say average consumers of the goods or services in question) as indicating a particular subject matter or theme?

(c) Is the subject matter or theme of a kind which (in the context of the goods or services in question) the average consumer would consider was controlled by a single economic undertaking, as opposed to something which was free to be used and exploited by anyone. See for example *Psytech International v OHIM* [2011] ETMR 46 at [34]-[43] and the concept of 'official merchandise' recognised in *Arsenal Football Club v Reed* [2003] RPC 9 (CJEU) and [2003] RPC 39 at [50]-[69] (Court of Appeal)."

43. Keeping all of the above guidance in mind, I will consider this ground in respect of each of the applicant's marks.

#### *The WINDRUSH mark*

44. The applicant, in its counterstatements, explains that the word WINDRUSH is a name of a Gloucestershire village and river but has become closely associated with the passengers who arrived in June 1948 aboard the ship Empire Windrush. It claims that it is the word WINDRUSH that gives meaning to its marks and provides distinctiveness. It goes on to claim that the distinctiveness of the marks is their close connection with the arrival of West Indians aboard the Empire Windrush in June 1948 and the commemorative events that the applicant has organised from 1996.

45. Again, these submissions show a fundamental misunderstanding of trade mark law underpinning the applicant's defence. Whilst the word WINDRUSH does give meaning to its marks, it does not give distinctiveness. As Mr Wilden submitted at the hearing, the historical event of the Empire Windrush's arrival in the UK is distinct in the minds of consumers, the word is not distinctive in a trade mark sense in that it acts as an indicator or origin. Mr Wilden also submitted that the word WINDRUSH is the only or dominant element of all of the applicant's marks and consequently they cannot function as a badge of trade origin for services in Class 41 because it is a meaning

that is widely understood to the general public. In support of this submission, he referred to the definition of the word WINDRUSH as being:

“of or relating to the people who emigrated from the Caribbean to the United Kingdom in the period between 1948 and 1971

**Word origin**

C20: after the ship the Empire Windrush, which brought the first group to Britain in 1948”<sup>11</sup>

46. After contacting the dictionary, the applicant established that this definition was added to the dictionary in 2018.<sup>12</sup> At the hearing, Mr Torrington submitted that it was the applicant’s interpretation of the meaning of WINDRUSH prevailed until 2017 when the opponent changed the public perception of the meaning attached to the word WINDRUSH.

47. The applicant’s position is that the word WINDRUSH is distinctive of the one Empire Windrush landing in 1948 and Mr Torrington’s submissions at the hearing were all aimed at persuading me that it is the applicant’s interpretation of the word WINDRUSH is correct and not the opponent’s interpretation. The applicant’s position and Mr Torrington’s comments are tacit acknowledgement that the word is non-distinctive (in a trade mark sense) because it does not indicate trade origin. Rather it is used to identify a historical event, something that anyone should be free to commemorate and in doing so, use the WINDRUSH name. For the purposes of my considerations, it does not matter which interpretation is correct. It only matters that the word WINDRUSH has a meaning that imparts a message to the consumer other than trade origin. The applicant’s interpretation is that the word relates to the 1948 landing and the opponent’s interpretation is that it relates to both the 1948 landing AND a generation of immigrants arriving in the UK from the Caribbean between 1948 and 1971. Therefore, even if the dictionary reference is incorrect regarding the scope of the meaning of WINDRUSH, it does not change the fact that the word does not have

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<sup>11</sup> Provided in the Form TM7 re 3726492 WINDRUSH and obtained from the collinsdictionary.com

<sup>12</sup> Exhibit 29 to Mr Torrington’s second witness statement

distinctive character in respect to any services that promote the interests of Caribbean people who arrived on the Empire Windrush or Caribbean people who arrived in the UK between 1948 and 1971.

48. The opponent claims that the name is now in common usage as is, by extension, the term “Windrush generation” and is used by many entities such as museums, galleries, charities and public interest groups. The applicant’s own evidence details funding provided by the opponent to organisations such as Thurrock Council for a Windrush Carnival in July 2021, Reading Borough Council for “Windrush cricket” and in 2021, a Leicester club was awarded funds to celebrate Windrush Day.<sup>13</sup> These all appear to be examples of use of the word WINDRUSH being used in a way other indicating a trade origin. These are examples of it being used as a reference to a historic event and the people involved. In addition, the opponent provides the following evidence of the public perception of the Windrush landing and Windrush generation:

- The National Windrush Monument was unveiled at London Waterloo station on Windrush Day on 22 June 2022;<sup>14</sup>
- Consistent with the applicant’s evidence, government grants were provided each year to organisations across England who organise events on Windrush Day that recognise the leading role that the Windrush generation and their descendants have played to making Britain stronger, culturally richer and more inclusive;<sup>15</sup>

49. The applicant also provides the following evidence relevant to this perception of the word WINDRUSH:

- The WINDRUSH name has been associated with the Empire Windrush landing in the UK in 1948;<sup>16</sup>
- In June 1968, several Windrush passengers gave their stories in The Sunday Times magazine;<sup>17</sup>

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<sup>13</sup> Mr Torrington’s first witness statement at [29] and Exhibit 16

<sup>14</sup> Mr Cooper’s witness statement at [4]

<sup>15</sup> ditto

<sup>16</sup> Mr Torrington’s first witness statement at [2]

<sup>17</sup> Ditto, at [5] and Exhibit 3

- On 2 August 1974, Windrush passengers participated in a BBC2 programme called “Yesterday’s Witness, The Ship of Good Hope” and discussed their journey and subsequent life in the UK;<sup>18</sup>
- Two Windrush passengers appeared on the BBC’s Terry Wogan Show on 15 June 1988 where, in the words of Mr Torrington, they discussed “Windrush40” that he claims was also called “Windrush Day” held, on 22 June 1988, to commemorate the Windrush landing. This included the installation of the first Windrush monument in the UK at Lambeth town hall;<sup>19</sup>
- An ITV interview also took place on 24 June 1988 with a number of Windrush passengers where the 1948 landing was discussed;<sup>20</sup>
- Sam King, a passenger on the Windrush was the driving force behind these commemorative events and referred to the passengers as “the Windrush generation”;<sup>21</sup>
- “Windrush50” (again, the words of Mr Torrington) took place in 1998, a highlight of which was the then Prince Charles hosting a reception;<sup>22</sup>
- In 2008, the applicant organised the 60<sup>th</sup> anniversary of the landing of the Windrush;<sup>23</sup>
- Several months before the 70<sup>th</sup> anniversary, journalists uncovered what they labelled as a “Windrush Scandal”, highlighting injustices that might have been done to thousands of black Britons whom the Home Office had wrongly adjudged to have been illegal immigrants;<sup>24</sup>
- In 2018, the Home Office apologised and offered compensation to each victim. “To ameliorate the situation and to appease its guilt”, the government added 22 June Windrush commemoration to the list of national annual statutory days. At this time, the opponent “annexed parts of the Applicant’s Windrush project” and focussed on the broader interpretation of “the Windrush generation”;<sup>25</sup>
- Other organisations followed the opponent’s definition and the applicant claims that the opponent’s “false information” has led to the public believing that the

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<sup>18</sup> Ditto [7]

<sup>19</sup> Ditto [7], [8] and Exhibit 6 [6]

<sup>20</sup> Ditto [8]

<sup>21</sup> Ditto [8]

<sup>22</sup> Ditto [9]

<sup>23</sup> Ditto [13]

<sup>24</sup> Ditto [14]

<sup>25</sup> Ditto [14]

Empire Windrush passengers were among those unjustly treated by the Home Office after 2010;<sup>26</sup>

50. The applicant was formed in 1995 and the events after that time and before 2018, listed above, were arranged by the applicant who continued the earlier efforts of Mr King. Nevertheless, it is clear that when considering the evidence of both parties together with the dictionary definition, the public will perceive the word WINDRUSH in one of the two ways presented by the parties. It will not be perceived as designating trade origin. Any party that wishes to celebrate/commemorate/remember either the Windrush landing, its passengers and descendants or the broader post-war Caribbean immigrants to the UK should be free to do so by reference to the word WINDRUSH.

51. It is clear from *Oberbank AG & Banco Santander SA and Another v Deutscher Sparkassen- und Giroverband eV* (Joined cases C-217 and 218/13), that the burden of establishing acquired distinctiveness in these circumstances rests on the proprietor of the mark. The opponent claims that there is no evidence of distinctive character of the marks being acquired through use. I agree. Whilst the applicant clearly uses the word WINDRUSH, it is used to indicate the landing in the UK of the Empire Windrush and its passengers. Such use is not as a trade mark.

52. All of these findings apply in respect of the applicant's services that can be used to promote its aims. This will include all of its services relating to education and all services being in the nature of entertainment or cultural activities. However, the ground fails in respect of services relating to a specific industry or profession. I consider that such services are unlikely to be used to promote the applicant's aims and, as such, use of the mark in respect of these services may be perceived primarily as an indicator of origin. Whilst the reasoning for singling out these services is different, they correspond to the underlined services in the annex (and as discussed at paragraphs 37 above when discussing the second limb of the bad faith claim).

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<sup>26</sup> Ditto [17]

53. In summary, the opponent's ground based upon section 3(1)(b) of the Act succeeds against all the applicant's services except those underlined in the attached annex.

*The WINDRUSH MEMORIAL/WINDRUSH MONUMENT marks*

54. I found earlier that these two marks can be used in an interchangeable way to describe an object that commemorates/celebrates an event or person(s). The following uncontroversial definitions are provided by the opponent in its Form TM7s:

*Monument:* a structure or edifice intended to commemorate a notable person, action or event.<sup>27</sup>

*Memorial:* an object, often large and made of stone, that has been built to honour a famous person or event.<sup>28</sup>

55. With these definitions in mind, the contested marks, when taken as a whole, are likely to be perceived as referring to something that commemorates or is in memory of the Windrush passengers or the Windrush generation (depending on which meaning the consumer is familiar with). Consequently, when used in respect of any services that could be deployed to further the interests of this/these group(s), they are not likely to be perceived as designating trade origin, but rather, will be perceived as a reference to a monument or memorial relating to the Windrush landing, its passengers and descendants or the opponent's broader interpretation. These signs should be kept free for third parties who choose to commemorate this through entertainment, cultural or entertainment services.

56. The applicant claims that these marks have acquired distinctive character as a result of the use made of them, however, as the opponent points out, there is no evidence of use of these marks. The applicant does claim that its badges were "monuments" and "memorials". This may, or may not be so, but even accepting that

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<sup>27</sup> Obtained by the opponent from The New Shorter Oxford English Dictionary

<sup>28</sup> Obtained by the opponent from <https://dictionary.cambridge.org/dictionary/english/memorial>

they are, this is not use of the marks and cannot assist in demonstrating that the marks have acquired distinctive character through such use.

57. I conclude that the ground based upon section 3(1)(b) succeeds in respect of all services that can be used to further the interests of those associated with WINDRUSH whether that be the original passengers, the Windrush generation or the wider post-war Caribbean immigrants to the UK. It fails in respect of services that relate to a specific industry or profession (and as explained at paragraph 52) and which are underlined in the annex.

58. In summary, the opponent's ground based upon section 3(1)(b) of the Act succeeds against all the applicant's services except those underlined in the attached annex.

#### *The WINDRUSH DAY mark*

59. This will be easily understood by the general public as a day set aside to commemorate/remember the Windrush passengers/generation or the wider post-war Caribbean immigrants to the UK. This finding is supported by the evidence that illustrates that a Windrush Day has been held at least occasionally, if not every year, since 1988 and because, since 2018, it has been included as one of the government's national annual statutory days. Whilst before 2018, it appears that the mark may have been used on occasions by the applicant, there is no evidence to show that this use was such to overcome its self-evident non-distinctive/descriptive meaning. Therefore, applying the same considerations as for the WINDRUSH MEMORIAL/MONUMENT marks, I also find here that, in respect of any education, cultural or entertainment services with the purpose of promoting the interests of the Windrush passengers/Windrush generation, third parties should be free to use the term WINDRUSH DAY. It fails in respect of services relating to a specific industry or profession (again, as explained at paragraph 52) and these are underlined in the specification shown for this application in the annex.

*The WINDRUSH75 mark*

60. Finally, in respect of the mark WINDRUSH75, the applicant claims in its counterstatement that it “is peculiar to [the applicant]”. There is no evidence to support this and the opponent states that it and other third parties use it in relation to the 75<sup>th</sup> anniversary on 22 June 2023, of the Empire Windrush landing.<sup>29</sup> The opponent states that it has no knowledge of the applicant’s use of the format “WINDRUSH” plus a number/year for Windrush related events other than an application to register a figurative mark “WINDRUSH 70 YEARS ON...” that incorporated the applicant’s own figurative mark.<sup>30</sup> It concludes that it is “inappropriate for a single entity to hold a trade mark for education and entertainment services in respect of WINDRUSH75 when there are a multitude of entities which will seek to celebrate the event in 2023”.<sup>31</sup>

61. By way of example, the opponent provides evidence of the sign being used on the website [www.windrush75.org](http://www.windrush75.org). According to the applicant<sup>32</sup> this website relates to a network that is following the opponent’s lead and objectives of Windrush Day. The fact that this third party has adopted the opponent’s interpretation of Windrush does not change the fact that it is an instance of a third party wishing to use the sign WINDRUSH75 in order to designate the 75<sup>th</sup> anniversary of the Empire Windrush’s landing in the UK. Therefore, whilst not determinative, it is consistent with the view that third parties may wish to use the sign in a way that is not as a badge of origin.

62. In his evidence, Mr Torrington makes reference to the 40<sup>th</sup> anniversary of the Windrush landing and refers to it as “Windrush40”,<sup>33</sup> the organisation of a “Windrush50” event by the applicant’s two founding members in 1998,<sup>34</sup> and the applicant receiving National Lottery Heritage funding for “Windrush70”.<sup>35</sup> However, the only supporting evidence is a copy of the logo version of WINDRUSH70 that features a device of a ship and the words “Windrush Federation”.<sup>36</sup> There is no

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<sup>29</sup> Mr Cooper’s witness statement at [22]

<sup>30</sup> Ditto, at [23]

<sup>31</sup> Ditto [24]

<sup>32</sup> Mr Torrington’s first witness statement at [25]

<sup>33</sup> Ditto at [7] and [8]

<sup>34</sup> Ditto at [9]

<sup>35</sup> Ditto at [13]

<sup>36</sup> Exhibit 11 to Mr Torrington’s first witness statement

evidence of any of these signs in use by the applicant or its predecessors, but there is a press release from the applicant announcing that it will receive money from the National Lottery Heritage Fund to “lead WINDRUSH75 activities in 2023”.<sup>37</sup>

63. Taking all this evidence together, there is nothing to illustrate that the specific construction created by the word WINDRUSH and a number or, for that matter, any word designating an event plus a number will be perceived by the consumer as indicating an anniversary or other non-distinctive (as a trade mark) function. Therefore, I must make a decision based on what the evidence does show and, also, my experience as an ordinary consumer. The evidence does show that the word WINDRUSH alone is likely to be understood by a significant part of the public, particularly so since the Windrush scandal, as a reference to the Empire Windrush landing and/or the Windrush generation of Caribbean immigrants to the UK. As I have already found, because of this meaning, it is not endowed with any distinctive character as a trade mark. When the word is combined with the numeral “75”, it is likely to be perceived in the way originally intended, namely, to indicate the 75<sup>th</sup> anniversary of the landing of the Empire Windrush in the UK. As any party should be free to commemorate/celebrate this event, the use of the term should remain free for third parties to use. I find that the mark is not likely to indicate trade origin and is not distinctive in respect of services that are provided as part of the 75<sup>th</sup> anniversary of the landing of the Empire Windrush in the UK. Once again, the exception are the services that would not be likely to be provided to further the charitable aims associated with WINDRUSH.

64. In summary, the section 3(1)(b) ground succeeds against this mark in respect of all the services that may be provided as part of the anniversary celebrations. In respect of the other services (see my comments at [52]), the ground fails. The latter services are emboldened in the specification of services for this mark provided in the annex.

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<sup>37</sup> Exhibit 12

## Summary

65. The oppositions to the marks WINDRUSH, WINDRUSH MONUMENT, WINDRUSH MEMORIAL and WINDRUSH DAY succeed in their entirety based on the first limb of the opponent's bad faith claims under section 3(6). The oppositions fail in respect of the second limb of the bad faith claim and is partially successful in respect of the grounds based upon 3(1)(b). In the absence of an appeal, all of the aforementioned four marks will therefore be refused in their entirety.

66. The opposition to the applicant's WINDRUSH75 mark (where no section 3(6) ground was relied upon) partially succeeds based upon its section 3(1)(b) ground. In the absence of an appeal, this mark may therefore proceed to registration for the emboldened services shown in the attached annex only.

## COSTS

67. The opponent has been mostly successful and is entitled to a contribution towards its costs. In the circumstances I award the opponent a contribution towards the cost of the five proceedings. The sum is calculated as follows:

Official fees (£200x 5)	£1000
Preparing and filing Form TM7s and statement of case and reviewing the Form TM8s and counterstatements:	£1000
Considering the other side's evidence and preparing own evidence:	£900
Preparing for, and attending the hearing:	£ 900
<b>Total:</b>	<b>£3800</b>

68. I therefore order Windrush Foundation to pay the Department for Levelling Up, Housing and Communities the sum of £3800. The above sum should be paid within

twenty-one days of the expiry of the appeal period or within twenty-one days of the final determination of this case if any appeal against this decision is unsuccessful.

**Dated this 25<sup>th</sup> day of January 2024**

**Mark Bryant**

**For the Registrar,**

**The Comptroller-General**

## ANNEX

### List of the applicant's services

#### **3770090 WINDRUSH MONUMENT**

**Class 41:** *Arranging and conducting fairs for academic purposes; Arranging and conducting of concerts; Arranging and conducting of conferences; Arranging and conducting of conferences and congresses; Arranging and conducting of conferences, congresses and symposiums; Arranging and conducting of cultural activities; Arranging and conducting of day school courses for adults; Arranging and conducting of displays for educational purposes; Arranging and conducting of educational courses; Arranging and conducting of educational events; Arranging and conducting of educational events for charitable purposes; Arranging and conducting of educational seminars; Arranging and conducting of lectures; Arranging and conducting of lectures for educational purposes; Arranging and conducting of lectures for training purposes; Arranging and conducting of music concerts; Arranging and conducting of seminars; Arranging and conducting of seminars and workshops; Arranging and conducting of sports competitions; Arranging and conducting of sports events; Arranging and conducting of sports events for charitable purposes; Arranging and conducting of training seminars; Arranging and conducting of tutorials; Arranging and conducting of workshops and seminars; Arranging and conducting of workshops and seminars in self-awareness; Arranging and conducting of workshops [training]; Arranging, conducting and organisation of workshops; Arranging, conducting and organization of seminars; Arranging conferences; Arranging for students to participate in educational courses; Arranging for students to participate in recreational activities; Arranging of an annual educational conference; Arranging of award ceremonies; Arranging of award ceremonies to recognise achievement; Arranging of award ceremonies to recognise bravery; Arranging of competitions for cultural purposes; Arranging of competitions for education or entertainment; Arranging of competitions for entertainment purposes; Arranging of cultural events; Arranging of demonstrations for cultural purposes; Arranging of demonstrations for educational purposes; Arranging of educational events; Arranging of entertainment shows; Arranging of exhibitions for cultural purposes; Arranging of festivals for entertainment*

*purposes; Arranging of festivals for training purposes; Audio production; Audio production services; Audio recording and production; Audio recording and production services; Academic examination services; Academic mentoring of school age children; Academies [education]; Academy services (Education -); Accreditation [certifying] of educational achievement; Accreditation of educational services; Administration [organisation] of cultural activities; Adult education services; Adult education services relating to intellectual property; Adult education services relating to management; Advanced training; Adventure training for children; Advisory services relating to education; Advisory services relating to entertainment; Advisory services relating to publishing; Animated musical entertainment services; Animation production services; Archive library services; Arrangement of conferences for educational purposes; Arrangement of conferences for recreational purposes; Arrangement of conventions for educational purposes; Arrangement of seminars for educational purposes; Arrangement of seminars for recreational purposes; Arrangement of training courses in teaching institutes; Arranging and conducting award ceremonies; Arranging and conducting conferences; Arranging and conducting conferences and seminars; Arranging and conducting education fairs; Arranging and conducting educational conferences Academic examination services; Academic mentoring of school age children; Academies [education]; Academy education services; Academy services (Education -); Accreditation [certifying] of educational achievement; Accreditation of educational services; Accreditation of professional competency; Administration of lotteries for others; Administration [organisation] of amusement services; Administration [organisation] of competitions; Administration [organisation] of contests; Administration [organisation] of cultural activities; Administration [organisation] of entertainment services; Administration [organisation] of gameshows; Administration [organisation] of gaming services ;Administration [organisation] of poker games; Adult education services; Adult education services relating to accounting; Adult education services relating to auditing; Adult education services relating to banking; Adult education services relating to commerce; Adult education services relating to environmental issues; Adult education services relating to finance; Adult education services relating to intellectual property; Adult education services relating to law; Adult education services relating to management; Adult education services relating to medicine; Adult education services relating to pharmacy; Adult training; Adult tuition; Advanced driving instruction for drivers of motor cars; Advanced*

*training; Adventure playground services; Adventure training for children; Advice relating to medical training; Advisory services relating to education; Advisory services relating to entertainment; Advisory services relating to publishing; Advisory services relating to the organisation of sporting events; Advisory services relating to training; Amusement and theme parks, fairs, zoos and museums; Amusement arcade gaming machine rental services; Amusement arcade machine rental services; Amusement arcade services; Amusement arcade services (Providing -); Amusement arcades; Amusement centers; Amusement centre services; Amusement centres; Amusement park and theme park services; Amusement park services; Amusement park services with a theme of films; Amusement park services with a theme of radio productions; Amusement park services with a theme of television productions; Amusement parks; Amusement services; Amusements; Analysing educational test scores and data for others; Analyzing educational tests scores and data for others; Animal dressage; Animal exhibitions; Animal exhibitions and training of animals; Animal exhibitions (Arranging of -); Animal exhibitions (Conducting of -); Animal shows; Animal training; Animated musical entertainment services; Animation production services; Aquatic recreation areas (Operation of -); Arcade game services; Archive library services; Arrangement of conferences for educational purposes; Arrangement of conferences for recreational purposes; Arrangement of conventions for educational purposes; Arrangement of conventions for recreational purposes; Arrangement of professional golf tournaments; Arrangement of seminars for educational purposes; Arrangement of seminars for recreational purposes; Arrangement of sports competitions; Arrangement of training courses in teaching institutes; Arranging and conducting athletic competitions; Arranging and conducting award ceremonies; Arranging and conducting competitions; Arranging and conducting conferences; Arranging and conducting conferences and seminars; Arranging and conducting education fairs; Arranging and conducting educational conferences; Arranging and conducting fairs for academic purposes; Arranging and conducting of American football training programs; Arranging and conducting of balls; Arranging and conducting of beauty contests; Arranging and conducting of classes; Arranging and conducting of colloquiums; Arranging and conducting of commercial, trade and business conferences; Arranging and conducting of competitions [education or entertainment]; Arranging and conducting of concerts; Arranging and conducting of conferences; Arranging and conducting of conferences and congresses; Arranging and conducting of conferences, congresses and*

*symposiums; Arranging and conducting of congresses; Arranging and conducting of conventions; Arranging and conducting of cultural activities; Arranging and conducting of day school courses for adults; Arranging and conducting of displays for educational purposes; Arranging and conducting of displays for training purposes; Arranging and conducting of education courses relating to the travel industry; Arranging and conducting of educational courses; Arranging and conducting of educational discussion groups, not on-line; Arranging and conducting of educational events; Arranging and conducting of educational events for charitable purposes; Arranging and conducting of educational seminars; Arranging and conducting of entertainment activities; Arranging and conducting of entertainment events; Arranging and conducting of entertainment events for charitable fundraising purposes; Arranging and conducting of entertainment events for charitable purposes; Arranging and conducting of games; Arranging and conducting of in-person educational forums; Arranging and conducting of lectures; Arranging and conducting of lectures for educational purposes; Arranging and conducting of lectures for training purposes; Arranging and conducting of live entertainment events; Arranging and conducting of live entertainment events for charitable purposes; Arranging and conducting of meetings in the field of education; Arranging and conducting of meetings in the field of entertainment; Arranging and conducting of music concerts; Arranging and conducting of seminars; Arranging and conducting of seminars and workshops; Arranging and conducting of seminars in the field of oncology; Arranging and conducting of soccer training programs; Arranging and conducting of sports competitions; Arranging and conducting of sports events; Arranging and conducting of sports events for charitable purposes; Arranging and conducting of symposia; Arranging and conducting of symposiums; Arranging and conducting of training courses; Arranging and conducting of training seminars; Arranging and conducting of training workshops; Arranging and conducting of tutorials; Arranging and conducting of wine tasting events for educational purposes; Arranging and conducting of wine tasting events for entertainment purposes; Arranging and conducting of workshops; Arranging and conducting of workshops and seminars; Arranging and conducting of workshops and seminars in self-awareness; Arranging and conducting of workshops [training]; Arranging and conducting of youth American football training programs; Arranging and conducting of youth soccer training programs; Arranging and conducting seminars; Arranging and conducting workshops; Arranging and presenting of live performances; Arranging competitions and*

tournaments relating to car racing; Arranging competitions and tournaments relating to driving; Arranging, conducting and organisation of concerts; Arranging, conducting and organisation of conferences; Arranging, conducting and organisation of congresses; Arranging, conducting and organisation of seminars; Arranging, conducting and organisation of symposiums; Arranging, conducting and organisation of workshops; Arranging, conducting and organization of seminars; Arranging conferences; Arranging contests; Arranging for students to participate in educational activities; Arranging for students to participate in educational courses; Arranging for students to participate in recreational activities; Arranging for ticket reservations for shows and other entertainment events; Arranging group recreational activities; Arranging of air displays; Arranging of air shows; Arranging of an annual conference relating to logistics; Arranging of an annual conference relating to procurement; Arranging of an annual conference relating to telecommunications; Arranging of an annual educational conference; Arranging of athletics competitions; Arranging of award ceremonies; Arranging of award ceremonies to recognise achievement; Arranging of award ceremonies to recognise bravery; Arranging of beauty contests; Arranging of classes; Arranging of competitions for cultural purposes; Arranging of competitions for education or entertainment; Arranging of competitions for educational purposes; Arranging of competitions for entertainment purposes; Arranging of competitions for training purposes; Arranging of competitions via the Internet; Arranging of concerts; Arranging of conferences; Arranging of conferences relating to advertising; Arranging of conferences relating to business; Arranging of conferences relating to commerce; Arranging of conferences relating to cultural activities; Arranging of conferences relating to education; Arranging of conferences relating to entertainment; Arranging of conferences relating to trade; Arranging of conferences relating to training; Arranging of contests; Arranging of conventions for business purposes; Arranging of conventions for cultural purposes; Arranging of conventions for educational purposes; Arranging of conventions for entertainment purposes; Arranging of conventions for trade purposes; Arranging of conventions for training purposes; Arranging of courses of instruction; Arranging of courses of instruction for tourists; Arranging of cultural events; Arranging of demonstrations for cultural purposes; Arranging of demonstrations for educational purposes; Arranging of demonstrations for entertainment purposes; Arranging of demonstrations for training purposes; Arranging of displays for cultural purposes; Arranging of displays for

*educational purposes; Arranging of displays for entertainment purposes; Arranging of displays for training purposes; Arranging of educational conferences; Arranging of educational events; Arranging of entertainment shows; Arranging of exhibitions for cultural or educational purposes; Arranging of exhibitions for cultural purposes; Arranging of exhibitions for educational purposes; Arranging of exhibitions for entertainment purposes; Arranging of exhibitions for training purposes; Arranging of festivals for cultural purposes; Arranging of festivals for educational purposes; Arranging of festivals for entertainment purposes; Arranging of festivals for training purposes; Arranging of games; Arranging of guided educational tours; Arranging of lectures; Arranging of music performances; Arranging of music shows; Arranging of musical entertainment; Arranging of musical events; Arranging of pageants; Arranging of presentations for cultural purposes; Arranging of presentations for educational purposes; Arranging of presentations for entertainment purposes; Arranging of presentations for training purposes; Arranging of quizzes; Arranging of seminars; Arranging of seminars relating to advertising; Arranging of seminars relating to business; Arranging of seminars relating to commerce; Arranging of seminars relating to cultural activities; Arranging of seminars relating to education; Arranging of seminars relating to entertainment; Arranging of seminars relating to trade; Arranging of seminars relating to training; Arranging of soccer games; Arranging of sporting events; Arranging of sports competitions; Arranging of training courses; Arranging of visual and musical entertainment; Arranging of visual entertainment; Arranging of workshops; Arranging of workshops and seminars; ;Arranging professional workshop and training courses; Arranging teaching programmes; Arranging technical instruction courses; Arranging the provision of recreation facilities; Arranging of tours for training purposes; Art exhibition services; Art exhibitions; Art gallery services; Art gallery services provided on-line via a telecommunications link; Artistic direction of performing artists; Artistic management of entertainment venues; Artistic management of music venues; Artistic management of musical shows; Artistic management of performing artists; Artistic management of theatre shows; Artistic management of theatres; Audio and video editing services; Audio and video production, and photography; Audio and video recording services; Audio entertainment services; Audio, film, video and television recording services; Audio production; Audio production services; Audio recording and production; Audio recording and production services.*

### **3750361 WINDRUSH MEMORIAL**

**Class 41:** Academic examination services; Accreditation [certifying] of educational achievement; Accreditation of educational; Accreditation of educational services; Accreditation of educational services achievement; Adult education services relating to accounting; Adult education services relating to auditing; Adult education services relating to commerce; Adult education services relating to environmental issues; Adult education services relating to finance; Adult education services relating to intellectual property; Adult education services relating to law; Adult education services relating to management; Adult education services relating to medicine; Adult education services relating to pharmacy; Advisory services relating to publishing; Amusement and theme parks, fairs, zoos; Amusement arcade gaming machine rental services; Amusement arcade machine rental services; Amusement arcade services; Amusement arcade services (Providing); Amusement arcades; Amusement centers; Amusement centre services; Amusement centres; Amusement park and theme park services; Amusement park services; Amusement park services with a theme of films; Amusement park services with a theme of radio productions; Amusement park services with a theme of television productions; Amusement parks; Amusement services; Amusements; Analysing educational test scores and data for others; Analyzing educational tests scores and data for others; Animal dressage; Animal exhibitions; Animal exhibitions (Arranging of ); Animal exhibitions (Conducting of ); Animal exhibitions and training of animals; Animal shows; Animal training; Arrangement of professional golf tournaments; Arranging and conducting of education courses relating to the travel industry; Arranging and conducting of workshops and seminars in self-awareness; Audio production; Audio production services; Audio recording and production; Audio recording and production services.

### **3750384 WINDRUSH75**

**Class 41:** **Academic examination services; Accreditation [certifying] of educational achievement; Accreditation of educational; Accreditation of educational services; Accreditation of educational services achievement; Adult education services relating to accounting; Adult education services relating to**

*auditing; Adult education services relating to commerce; Adult education services relating to environmental issues; Adult education services relating to finance; Adult education services relating to intellectual property; Adult education services relating to law; Adult education services relating to management; Adult education services relating to medicine; Adult education services relating to pharmacy; Advisory services relating to publishing; Amusement and theme parks, fairs, zoos; Amusement arcade gaming machine rental services; Amusement arcade machine rental services; Amusement arcade services; Amusement arcade services (Providing); Amusement arcades; Amusement centers; Amusement centre services; Amusement centres; Amusement park and theme park services; Amusement park services; Amusement park services with a theme of films; Amusement park services with a theme of radio productions; Amusement park services with a theme of television productions; Amusement parks; Amusement services; Amusements; Analysing educational test scores and data for others; Analyzing educational tests scores and data for others; Animal dressage; Animal exhibitions; Animal exhibitions (Arranging of ); Animal exhibitions (Conducting of ); Animal exhibitions and training of animals; Animal shows; **Animal training**; Arrangement of professional golf tournaments; **Arranging and conducting of education courses relating to the travel industry**; Arranging and conducting of workshops and seminars in self-awareness; **Audio production; Audio production services; Audio recording and production; Audio recording and production services.***

### **3726492 WINDRUSH**

**Class 41:** *Arranging and conducting fairs for academic purposes; Arranging and conducting of concerts; Arranging and conducting of conferences; Arranging and conducting of conferences and congresses; Arranging and conducting of conferences, congresses and symposiums; Arranging and conducting of cultural activities; Arranging and conducting of day school courses for adults; Arranging and conducting of displays for educational purposes; Arranging and conducting of educational courses; Arranging and conducting of educational events; Arranging and conducting of educational events for charitable purposes; Arranging and conducting of educational seminars; Arranging and conducting of lectures; Arranging and*

conducting of lectures for educational purposes; Arranging and conducting of lectures for training purposes; Arranging and conducting of music concerts; Arranging and conducting of seminars; Arranging and conducting of seminars and workshops; Arranging and conducting of sports competitions; Arranging and conducting of sports events; Arranging and conducting of sports events for charitable purposes; Arranging and conducting of training seminars; Arranging and conducting of tutorials; Arranging and conducting of workshops and seminars; Arranging and conducting of workshops and seminars in self- awareness; Arranging and conducting of workshops [training]; Arranging, conducting and organisation of workshops; Arranging, conducting and organization of seminars; Arranging conferences; Arranging for students to participate in educational courses; Arranging for students to participate in recreational activities; Arranging of an annual educational conference; Arranging of award ceremonies; Arranging of award ceremonies to recognise achievement; Arranging of award ceremonies to recognise bravery; Arranging of competitions for cultural purposes; Arranging of competitions for education or entertainment; Arranging of competitions for entertainment purposes; Arranging of cultural events; Arranging of demonstrations for cultural purposes; Arranging of demonstrations for educational purposes; Arranging of educational events; Arranging of entertainment shows; Arranging of exhibitions for cultural purposes; Arranging of festivals for entertainment purposes; Arranging of festivals for training purposes; Audio production; Audio production services; Audio recording and production; Audio recording and production services; Academic examination services; Academic mentoring of school age children; Academies [education]; Academy services (Education -); Accreditation [certifying] of educational achievement; Accreditation of educational services; Administration [organisation] of cultural activities; Adult education services; Adult education services relating to intellectual property; Adult education services relating to management; Advanced training; Adventure training for children; Advisory services relating to education; Advisory services relating to entertainment; Advisory services relating to publishing; Animated musical entertainment services; Animation production services; Archive library services ;Arrangement of conferences for educational purposes; Arrangement of conferences for recreational purposes; Arrangement of conventions for educational purposes; Arrangement of seminars for educational purposes; Arrangement of seminars for recreational purposes; Arrangement of training courses in teaching institutes; Arranging and conducting award ceremonies; Arranging and

conducting conferences; Arranging and conducting conferences and seminars; Arranging and conducting education fairs; Arranging and conducting educational conferences; Academic examination services; Academic mentoring of school age children; Academies [education]; Academy education services; Academy services (Education - ); Accreditation [certifying] of educational achievement; Accreditation of educational services; Administration [organisation] of cultural activities; Adult education services; Adult education services relating to intellectual property; Adult education services relating to management; Advanced training; Adventure training for children; Advisory services relating to education; Advisory services relating to entertainment; Advisory services relating to publishing; Advisory services relating to training; Animation production services; Archive library services; Arrangement of conferences for educational purposes; Arrangement of conferences for recreational purposes; Arrangement of conventions for educational purposes; Arrangement of seminars for educational purposes; Arrangement of seminars for recreational purposes; Arrangement of training courses in teaching institutes; Arranging and conducting award ceremonies; Arranging and conducting conferences; Arranging and conducting conferences and seminars; Arranging and conducting education fairs; Arranging and conducting educational conferences; Arranging and conducting fairs for academic purposes; Arranging and conducting of concerts; Arranging and conducting of conferences; Arranging and conducting of conferences and congresses; Arranging and conducting of conferences, congresses and symposiums; Arranging and conducting of cultural activities; Arranging and conducting of day school courses for adults; Arranging and conducting of displays for educational purposes; Arranging and conducting of educational courses; Arranging and conducting of educational events; Arranging and conducting of educational events for charitable purposes; Arranging and conducting of educational seminars; Arranging and conducting of lectures; Arranging and conducting of lectures for educational purposes; Arranging and conducting of lectures for training purposes; Arranging and conducting of live entertainment events for charitable purposes; Arranging and conducting of music concerts; Arranging and conducting of seminars; Arranging and conducting of seminars and workshops.

### **3726488 WINDRUSH DAY**

*Arranging and conducting fairs for academic purposes; Arranging and conducting of concerts; Arranging and conducting of conferences; Arranging and conducting of conferences and congresses; Arranging and conducting of conferences, congresses and symposiums; Arranging and conducting of cultural activities; Arranging and conducting of day school courses for adults; Arranging and conducting of displays for educational purposes; Arranging and conducting of educational courses; Arranging and conducting of educational events; Arranging and conducting of educational events for charitable purposes; Arranging and conducting of educational seminars; Arranging and conducting of lectures; Arranging and conducting of lectures for educational purposes; Arranging and conducting of lectures for training purposes; Arranging and conducting of music concerts; Arranging and conducting of seminars; Arranging and conducting of seminars and workshops; Arranging and conducting of sports competitions; Arranging and conducting of sports events; Arranging and conducting of sports events for charitable purposes; Arranging and conducting of training seminars; Arranging and conducting of tutorials; Arranging and conducting of workshops and seminars; Arranging and conducting of workshops and seminars in self-awareness; Arranging and conducting of workshops [training]; Arranging, conducting and organisation of workshops; Arranging, conducting and organization of seminars; Arranging conferences; Arranging for students to participate in educational courses; Arranging for students to participate in recreational activities; Arranging of an annual educational conference; Arranging of award ceremonies; Arranging of award ceremonies to recognise achievement; Arranging of award ceremonies to recognise bravery; Arranging of competitions for cultural purposes; Arranging of competitions for education; Arranging of cultural events; Arranging of demonstrations for cultural purposes; Arranging of demonstrations for educational purposes; Arranging of educational events; Arranging of exhibitions for cultural purposes; Arranging of festivals for training purposes; Audio production; Audio production services; Audio recording and production; Audio recording and production services; Academic examination services; Academic mentoring of school age children; Academies [education]; Academy services (Education - ); Accreditation [certifying] of educational achievement; Accreditation of educational services; Administration [organisation] of cultural activities; Adult education services; Adult education services relating to*

*intellectual property; Adult education services relating to management; Advanced training; Adventure training for children; Advisory services relating to education; Advisory services relating to publishing; Archive library services; Arrangement of conferences for educational purposes; Arrangement of conferences for recreational purposes; Arrangement of conventions for educational purposes; Arrangement of seminars for educational purposes; Arrangement of seminars for recreational purposes; Arrangement of training courses in teaching institutes; Arranging and conducting award ceremonies; Arranging and conducting conferences; Arranging and conducting conferences and seminars; Arranging and conducting education fairs; Arranging and conducting educational conferences; Academic examination services; Academic mentoring of school age children; Academies [education]; Academy education services; Academy services (Education -); Accreditation [certifying] of educational achievement; Accreditation of educational services achievement; Arranging of award ceremonies to recognise bravery; Arranging of competitions for cultural purposes; Arranging of competitions for education; Arranging of cultural events; Arranging of demonstrations for cultural purposes; Arranging of demonstrations for educational purposes; Arranging of educational events; Arranging of exhibitions for cultural purposes; Arranging of festivals for training purposes; Audio production; Audio production services; Audio recording and production services; Academic examination services; Academic mentoring of school age children; Academies [education]; Academy services (Education -); Accreditation [certifying] of educational achievement; Accreditation of educational services; Administration [organisation] of cultural activities; Adult education services; Adult education services relating to intellectual property; Adult education services relating to management; Advanced training; Adventure training for children; Advisory services relating to education; Advisory services relating to publishing; Archive library services; Arrangement of conferences for educational purposes; Arrangement of conferences for recreational purposes; Arrangement of conventions for educational purposes; Arrangement of seminars for educational purposes; Arrangement of seminars for recreational purposes; Arrangement of training courses in teaching institutes; Arranging and conducting award ceremonies; Arranging and conducting conferences; Arranging and conducting conferences and seminars; Arranging and conducting education fairs; Arranging and conducting educational conferences; Academic examination services; Academic mentoring of school age children; Academies*

*[education]; Academy education services; Academy services (Education - ); Accreditation [certifying] of educational achievement; Accreditation of educational services; Administration [organisation] of cultural activities; Adult education services; Adult education services relating to accounting; Adult education services relating to auditing; Adult education services relating to commerce; Adult education services relating to environmental issues; Adult education services relating to finance; Adult education services relating to intellectual property; Adult education services relating to law; Adult education services relating to management; Adult education services relating to medicine; Adult education services relating to pharmacy; Adult training; Adult tuition; Advisory services relating to education; publishing services; Advisory services relating to the organisation of sporting events; Advisory services relating to training; Amusement and theme parks, fairs, zoos and museums; Amusement arcade gaming machine rental services; Amusement arcade machine rental services; Amusement arcade services; Amusement arcade services (Providing - ); Amusement arcades; Amusement centers; Amusement centre services; Amusement centres; Amusement park and theme park services; Amusement park services; Amusement park services with a theme of films; Amusement park services with a theme of radio productions; Amusement park services with a theme of television productions; Amusement parks; Amusement services; Amusements; Analysing educational test scores and data for others; Analyzing educational tests scores and data for others; Animal dressage; Animal exhibitions; Animal exhibitions and training of animals; Animal exhibitions (Arranging of -); Animal exhibitions (Conducting of - ); Animal shows; Animal training; Archive library services; Arrangement of conferences for educational purposes; Arrangement of conferences for recreational purposes; Arrangement of conventions for educational purposes; Arrangement of conventions for recreational purposes; Arrangement of professional golf tournaments; Arrangement of seminars for educational purposes; Arrangement of seminars for recreational purposes; Arrangement of sports competitions; Arrangement of training courses in teaching institutes; Arranging and conducting athletic competitions; Arranging and conducting award ceremonies; Arranging and conducting competitions; Arranging and conducting conferences; Arranging and conducting conferences and seminars; Arranging and conducting education fairs; Arranging and conducting educational conferences; Arranging and conducting fairs for academic purposes; Arranging and conducting of colloquiums; Arranging and conducting of commercial, trade and business*

*conferences; Arranging and conducting of competitions [education]; Arranging and conducting of concerts; Arranging and conducting of conferences; Arranging and conducting of conferences and congresses; Arranging and conducting of conferences, congresses and symposiums; Arranging and conducting of congresses; Arranging and conducting of conventions; Arranging and conducting of cultural activities; Arranging and conducting of day school courses for adults; Arranging and conducting of displays for educational purposes; Arranging and conducting of displays for training purposes; Arranging and conducting of education courses relating to the travel industry; Arranging and conducting of educational courses; Arranging and conducting of educational discussion groups, not on- line; Arranging and conducting of educational events; Arranging and conducting of educational events for charitable purposes; Arranging and conducting of educational seminars; Arranging and conducting of in-person educational forums; Arranging and conducting of lectures; Arranging and conducting of lectures for educational purposes; Arranging and conducting of lectures for training purposes; Arranging and conducting of meetings in the field of education; Arranging and conducting of music concerts; Arranging and conducting of seminars; Arranging and conducting of seminars and workshops.*