

O/0557/25

TRADE MARKS ACT 1994

CONSOLIDATED PROCEEDINGS

IN THE MATTER OF APPLICATIONS NOS. 506244, 506248 AND 506249  
BROUGHT BY THE SUPPORT GROUP (UK) LIMITED

TO REVOKE ON THE GROUNDS OF NON-USE  
REGISTRATIONS NOS. UK00002273362, UK00902278398, AND UK00916079675  
IN RESPECT OF THE TRADE MARKS:

**EASYLAND**

**EasyLand**

(SERIES OF TWO)

IN CLASS 35

**easyLand**

IN CLASS 35

AND

**easyLand**

IN CLASS 35

OWNED BY  
EASYGROUP LTD

## BACKGROUND AND PLEADINGS

1. Trade marks nos. UK00002273362, UK00902278398, and UK00916079675 for the trade marks shown on the cover page of this decision each stand registered in the UK in the name of easyGroup Limited (“the proprietor”).
2. The registrations originally included goods and services in classes 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45. The goods and services for which the marks were originally registered are set out in Annex 1.
3. However, on 03 May 2024, the proprietor submitted Forms TM23 to partially surrender some of its goods and services under these registrations, in connection with separate proceedings. This was duly recorded and confirmed by the UKIPO on 14 May 2024, 15 May 2024 and 20 May 2024. As a result, the registrations now stand as follows with the only services left being those shown below:

UK00002273362 (“the proprietor’s first mark”)

EASYLAND

easyLand

(series of two)

Filing date: 22 June 2001

Registration date: 17 May 2002

**Class 35:** *Advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; business administration and business management services, business information services, promotional services; the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through general merchandise retail kiosks, through the Internet by means of a general merchandise website, on*

*board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order.*<sup>1</sup>

UK00902278398 (“the proprietor’s second mark”)

easyLand

Filing date: 22 June 2001

Registration date: 08 October 2002

**Class 35:** *Business organisation, business administration and business management services, business information services, promotional services; the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order.*

UK00916079675 (“the proprietor’s third mark”)

easyLand

Filing date: 24 November 2016

Registration date: 14 July 2017

**Class 35:** *Advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; business organisation, business administration and business management services, business information services, auctioneering services, office functions, promotional services; the bringing together for the benefit of others of a variety of goods, namely, sunglasses, jewellery, watches, bags, clothing, footwear, headgear, glassware, porcelain, earthenware, printed matter, stationery, books, magazines, prepared meals, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order.*

---

<sup>1</sup> The specification for this mark was amended following a request dated 25 October by the applicant which attached copy of the decision in *easyGroup Limited v EasyLife Limited and anor* [2021] EWHC 2150 (Ch) dated 29 July 2021 whereby the UK trade mark number UK 2273362 (contained in the table at paragraph 91 of the judgment) was revoked for “*the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through general merchandise retail shops*”.

4. On 29 June 2023, The Support Group (UK) Limited (“the applicant”) applied to revoke the proprietor’s marks in full. The applicant seeks revocation of the proprietor’s registrations on the grounds of non-use based upon Section 46(1)(a) and (b) of the Trade Marks Act 1994 (“the Act”).

5. Revocation is sought under Section 46(1)(a) in respect of the five-year period following the date on which the marks were registered, namely 18 May 2002 to 17 May 2007 (“the first relevant period for the proprietor’s first mark”), 09 October 2002 to 08 October 2007 (“the first relevant period for the proprietor’s second mark”) and 15 July 2017 to 14 July 2022 (“the first relevant period for the proprietor’s third mark”). Revocation is therefore sought from 18 May 2007 (in relation to the proprietor’s first mark), 09 October 2007 (in relation to the proprietor’s second mark) and 15 July 2022, (in relation to the proprietor’s third mark), respectively.

6. Revocation is also sought under Section 46(1)(b) in respect of the following time periods:

- **For the proprietor’s first mark:** 5 January 2011 to 4 January 2016; 5 January 2017 to 4 January 2022; and 27 June 2018 to 26 June 2023 (“the second, the third and the fourth relevant period for the proprietor’s first mark”). Revocation is therefore sought from 5 January 2016, 5 January 2022 and 27 June 2023, respectively.
- **For the proprietor’s second mark:** same as above.
- **For the proprietor’s third mark:** 15 December 2017 to 14 December 2022 and 27 June 2018 to 26 June 2023 (“the second and the third relevant period for the proprietor’s third mark”). Revocation is therefore sought from 15 December 2022 and 27 June 2023, respectively.

7. The proprietor filed counterstatements wherein it defended all of the goods and services subject to the applications. In doing so, the proprietor claims to have put its marks to genuine use in the UK. Further, the proprietor points out that the present

applications are three of many (in total 18) made by the applicant in these proceedings against trade marks owned by the proprietor. The proprietor states that it intends to defend such actions robustly.

8. The proceedings were consolidated on 11 January 2024 in accordance with rule 62(1)(g) of the Trade Marks Rules 2008.

9. The applicant is represented by Hansel Henson Limited, and the proprietor is represented by Kilburn & Strode LLP. Only the proprietor filed evidence in these proceedings. It also filed written submissions dated 07 May 2024. No hearing was requested but both parties filed written submissions in lieu. This decision is taken following a careful consideration of the papers.

10. 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**

11. The proprietor's evidence came in the form of the witness statement of Anthony Anderson dated 07 May 2024. Mr Anderson is a consultant to easyGroup Ltd (i.e. the proprietor), and prior to that he was the marketing director at easyJet and then at easyGroup Ltd.

12. Mr Anderson's evidence is only a vehicle for introducing 15 exhibits being those labelled TA1-TA15. Aside from introducing and describing the content of the exhibits, Mr Anderson's evidence contains no narrative explaining the relevance of each exhibit for the purpose of demonstrating genuine use of the proprietor's trade marks for the goods and services subject to these proceedings. I do not intend to summarise the evidence or submissions of the parties in full here. However, I confirm that I have taken

all filed documents into account and will summarise them to the extent that I deem necessary below.

## **PRELIMINARY ISSUE**

13. I note that in its counterstatement, the proprietor made reference to the fact that there are other actions brought by the applicant in these proceedings against other trade mark registrations owned by the proprietor.

14. As far as I am concerned, I case managed these proceedings along with 10 other cases, consolidating 10 cases in four groups (on the basis that the revocation/invalidity actions related to different registrations for identical marks) the present three cases having been consolidated into one group.<sup>2</sup> However, in 3 instances, I considered that it was not appropriate to actually consolidate the cases. The evidence in each case is individual to each trade mark and different in detail as a result, but there is some overlap across the 13 cases I have case managed insofar as the proprietor relies on the same argument that it owns a large family of trade marks. Therefore, whilst I consider that some efficiencies of effort would be possible by myself ruling the determination of the cases I have case managed – hence, I have decided to retain all those cases for a decision - each decision will be made based on the evidence filed in each case, and the determination of the relevant issues in one case will not rule the determination of the other cases.

## **DECISION**

15. Section 46 of the Act states:

“46. - (1) The registration of a trade mark may be revoked on any of the following grounds-

---

<sup>2</sup> Two cases are based on Section 3(1)(b), (c) and (d), the others (including the present ones) are all revocation actions based on non-use.

(a) that within the period of five years following the date of completion of the registration procedure it has not been put to genuine use in the United Kingdom, by the proprietor or with his consent, in relation to the goods or services for which it is registered, and there are no proper reasons for non-use;

(b) that such use has been suspended for an uninterrupted period of five years, and there are no proper reasons for non-use;

(c) [...]

(d) [...]

(2) For the purpose of subsection (1) use of a trade mark includes use in a form (the “variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(3) The registration of a trade mark shall not be revoked on the ground mentioned in subsection (1)(a) or (b) if such use as is referred to in that paragraph is commenced or resumed after the expiry of the five year period and before the application for revocation is made:

Provided that, any such commencement or resumption of use after the expiry of the five year period but within the period of three months before the making of the application shall be disregarded unless preparations for the commencement or resumption began before the proprietor became aware that the application might be made.

(4) [...]

(5) Where grounds for revocation exist in respect of only some of the goods or services for which the trade mark is registered, revocation shall relate to those goods or services only.

(6) Where the registration of a trade mark is revoked to any extent, the rights of the proprietor shall be deemed to have ceased to that extent as from-

(a) the date of the application for revocation, or

(b) if the registrar or court is satisfied that the grounds for revocation existing at an earlier date, that date”.

16. Given that the proprietor’s second and third marks are comparable marks, paragraph 8 of part 1, schedule 2A is relevant. It reads:

“8.— Non-use as defence in infringement proceedings and revocation of registration of a comparable trade mark (EU)

(1) Sections 11A and 46 apply in relation to a comparable trade mark (EU), subject to the modifications set out below.

(2) Where the period of five years referred to in sections 11A(3)(a) and 46(1)(a) or (b) (the "five-year period") has expired before [IP completion day]—

(a) the references in sections 11A(3) and (insofar as they relate to use of a trade mark) 46 to a trade mark are to be treated as references to the corresponding EUTM; and

(b) the references in sections 11A and 46 to the United Kingdom include the European Union.

(3) Where [IP completion day] falls within the five-year period, in respect of that part of the five-year period which falls before [IP completion day]—

(a) the references in sections 11A(3) and (insofar as they relate to use of a trade mark) 46 to a trade mark, are to be treated as references to the corresponding EUTM ; and

(b) the references in sections 11A and 46 to the United Kingdom include the European Union”.

17. Section 100 is also relevant, which reads:

“If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it.”

18. In *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247, Arnold LJ summarised the law relating to genuine use as follows:

“105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bunderversvereinigung Kamaradschaft 'Feldmarschall Radetsky'*[2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case C-141/13 P *Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

106. Ignoring issues which do not arise in the present case, such as use in relation to spare parts or second-hand goods and use in relation to a sub-category of goods or services, the principles may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Centrotherm* at [71]; *Leno* at [29]; *Ferrari* at [32].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark,

including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].”

[...]

107. [...] The General Court of the European Union has repeatedly held that genuine use of a trade mark cannot be proved by means of probabilities or suppositions, but must be demonstrated by solid and objective evidence of effective and sufficient use of the trade mark on the market concerned: see e.g. Case T-78/19 *Lidl Stiftung & Co KG v European Union Intellectual Property Office* [EU:C:2020:166] at [25]. It has also repeatedly held that the smaller the commercial volume of the exploitation of the mark, the more necessary it is for

the proprietor to produce additional evidence to dispel any doubts as to the genuineness of its use: see e.g. *Lidl* at [33].”

19. Proven use of a mark which fails to establish that “*the commercial exploitation of the mark is real*” because the use would not be “*viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services protected by the mark*” is not, therefore, genuine use.<sup>3</sup>

20. As I have set out above, two of the proprietor’s marks are comparable marks based upon earlier EU Trade Marks (“EUTMs”). This means that use of these marks in the EU prior to (and including) IP Completion Day (being 31 December 2020) is relevant to the present assessment.<sup>4</sup> By virtue of being a Member State prior to this date, the UK still forms part of the relevant territory of the EU. From 1 January 2021 onwards, however, the relevant territory is the UK only.

21. I remind myself that there are multiple relevant periods for each mark in these proceedings. Those are: 18 May 2002 to 17 May 2007; 5 January 2011 to 4 January 2016; 5 January 2017 to 4 January 2022; and 27 June 2018 to 26 June 2023 (the first, second, third and fourth relevant period for the proprietor’s first mark); 09 October 2002 to 08 October 2007; 5 January 2011 to 4 January 2016; 5 January 2017 to 4 January 2022; and 27 June 2018 to 26 June 2023 (the first, second, third and fourth relevant period for the proprietor’s second mark) and 15 July 2017 to 14 July 2022; 15 December 2017 to 14 December 2022; and 27 June 2018 to 26 June 2023 (the first, second and third relevant period for the proprietor’s third mark).

22. While the relevant periods differ, Section 46(3) of the Act (which is reproduced above) states that the registration of a trade mark shall not be revoked if genuine use is resumed or commenced prior to a period of three months before the date of the application for revocation. Therefore, it can be said that so long as use is provided for the lattermost relevant period (but not the earlier relevant periods), each mark will survive revocation in respect of all relevant periods based on the later use.

---

<sup>3</sup> *Jumpman*, Case BL O/222/16

<sup>4</sup> See paragraph 4 of Tribunal Practice Notice 2/2020

23. In its written submissions, the proprietor states: *“The Relevant Period for the purpose of these proceedings shall be 29 June 2018 – 28 June 2023, as the application for revocation was filed on 29 June 2023. The evidence submitted by the Proprietor in the form of a Witness Statement from Anthony Anderson, a consultant to easyGroup Ltd, along with accompanying exhibits, fall within the Relevant Period.”*

24. The proprietor’s approach is therefore that the marks have been used during the last five-year period – although, I note, there is a difference of a few days between the period claimed by the applicant and that reported by the proprietor - and that the applications for revocation should be dismissed based on the alleged most recent use.

### **THE PROPRIETOR’S CONCESSIONS**

25. As it will be recalled, after these proceedings were commenced, the proprietor partially surrendered some of the goods and services against which the present revocation actions were directed. However, as the applicant correctly pointed out in its submissions in lieu, the goods and services which have been surrendered are still relevant for the purpose of these revocation actions. This is because in applications for revocation on the grounds of non-use, the earliest date from which revocation can take effect is the day following the fifth anniversary of completion of the registration procedure which, in all three cases at hand, is earlier than the date the registrations were partially surrendered (the surrender of a registration not having retrospective effects). Consequently, the applicant still has an interest in pursuing the revocation actions against the surrendered goods and services insofar as if the revocations were successful, the surrendered goods and services would be cancelled from an earlier date.

26. Although in its defences the proprietor stated that the intention was to defend all of the goods and services covered by the registrations, in the written submissions of 7 May 2024 the proprietor stated that the evidence filed relates to the following goods and services in classes 16, 35, 39, 42 and 43 only, clarifying that it *“does not seek to offer evidence pertaining to the other goods and services”*:

**Class 16:** *Printed matter and publications; wrapping and packaging; books, albums; tickets, vouchers, coupons and travel documents; labels and tags; stationery, artists' materials, writing instruments, travel documents folders, guide books, promotional and advertising material.*

**Class 35:** *Advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; promotional services; purchasing and demonstration of goods for others; the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order; the bringing together for the benefit of others of a variety of goods, namely, printed matter, stationery, books, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order advisory and arrangement services relating to all the aforesaid; including, but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the world wide web.*

**Class 39:** *Transportation of passengers and travellers by air, airline services; arranging of transportation of passengers and travellers by land and sea; airline services; bus transport services, car transport services, coach services; arranging, operating and providing facilities for cruises, tours, excursions and vacations; rental and hire of aircraft, vehicles and boats; aircraft parking services; travel reservation and travel booking services provided by means of the world wide web, information services concerning travel, including information services enabling customers to compare prices of different companies; travel agency and tourist office services; advisory and information services relating to the aforesaid services; information services relating to transportation services, including information services provided on-line from a computer database or the Internet.*

**Class 42:** *Temporary accommodation; hotel services; hotel management and reservation services; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the world wide web.*

**Class 43:** *Temporary accommodation; hotel services; hotel reservation services; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

27. In addition, the defended goods and services were further narrowed down in the proprietor's submissions in lieu, where the proprietor requested that the revocation actions nos. 506244 , 506248 and 506249 be refused insofar as they relate to the remaining "**relevant services**", the "relevant services" being those which have not been surrendered and are still registered and listed in the table at paragraph 3.

28. In some of the 13 other cases I have dealt with, the applicant made the point that the fact that the proprietor claimed that the evidence relates to a restricted range of goods and services amounts to an admission that the marks subject to revocation have not been used, and should be revoked, for the goods and services which have not been identified as those to which the evidence relates. Although such an argument (with which I have agreed in my previous decisions) has not been advanced here, I see no reasons why the same logic should not apply to the "*relevant services*" identified in the proprietor's written submissions in lieu. Hence, I conclude that the proprietor's initial defences in relation to the (subsequently) surrendered goods and services have been implicitly abandoned insofar as the proprietor (a) did not explicitly concede that there has been no genuine use of the marks for the surrendered goods and services but (b) clearly identified the remaining (non-surrendered) services as being those in relation to which there has been genuine use and the revocation actions should be refused.

29. As a result, the proprietor's marks are to be revoked for the surrendered goods and services from the earliest possible date, being it 18 May 2007 (in relation to the

proprietor's first mark), 09 October 2007 (in relation to the proprietor's second mark) and 15 July 2022 (in relation to the proprietor's third mark), respectively.

30. From now on I will limit my consideration to the remaining (non-surrendered) services in class 35.

## **GENUINE USE**

31. Mr Anderson's evidence is as follows:

- **Exhibit TA1:** this exhibit consists of extracts from a booklet titled '*easyHistory 4<sup>th</sup> edition. The easy family of brands photo album 1994-2023*' dated 25 November 2022. Mr Anderson states that within the booklet Sir Stelios Haji-loannou (i.e. the founder of the proprietor's company) "*outlines the beginnings and history of easyLand, along with and details of how he set out to create a household name with easy, the easy business model and the company's brand guidelines*" adding that "*this is further supplemented with extracts from the Witness Statement of Sir Stelios Haji-loannou dated 4 August 2017 at Exhibit TA2 and the Witness Statement of Christopher Griffin dated 4 April 2017 from the Museum of Brands at Exhibit TA3*".

Significantly, in his opening statement, Sir Stelios Haji-loannou - who is described as "*the creator and owner of the easy family of brands*" - says as follows:

*"You could say that my best business idea in my life was to create a pioneering low-cost airline but that the second best idea was to keep the ownership of all the easy brands including easyJet in my own private company called easyGroup thus giving me more stable recurring income from royalties. At easyGroup we have well diversified sources of income that have allowed us to manage our way through the pandemic. The royalty business model means we have income for as long as there are revenues - even without profits. This is important in challenging economic times and high stock market volatility."*

As regards the mark 'easyLand', the booklet states:

*"1995*

*EasyLand*

*Stelios was determined to build a strong brand around the name easy in the same way Richard Branson built the Virgin brand. On 1st March 1995 he filed the incorporation documents for EasyJet Airline Company Ltd at the UK's Companies House (at that point the name was still capitalised). The first UK trademark was filed on 5th April 1995. Later that summer he decided to base his new airline at Luton airport primarily because it was cheaper than Stansted. Everything had to be easy, low-cost and orange. The office was far from glamorous. It was basically a large shed that had seen better days, but it was a great place for a start-up airline. Shortly after moving in, Stelios deliberately christened the place "easyLand" rather than "easyJet Land" and issued instructions for the building to be painted orange, including the roof. easyLand became one of the very first members of the easy family of brands alongside easyJet, easyKiosk and easyWay. Sadly, the sign had to be turned off as flashing lights aren't permitted at airports.*

*The location of the office, right next to the taxiway, gave the easy brand a very powerful brand presence at the airport. Over the years more than 100 million arriving and departing passengers have seen the easyLand building from their aircraft. Sadly, the original building was demolished in 2015 as part of Luton Airport's redevelopment plans but the easyLand brand lives on today with centres now open in France, Cyprus, Greece & the UK selling easy branded merchandise and services. easyLand, trademark [was] filed [in] June 2001 with TM number 2278398, see [www.easyLand.biz](http://www.easyLand.biz)."*

The booklet also contains an image of the 'easyLand' signage from 1995 which I reproduce below:



Although the booklet does not say whether the above image is that displayed outside the UK easyJet office in Luton, Mr Anderson says that the easyJet offices at Luton airport were called 'easyLand', so the above image is likely to be that of the easyJet offices at Luton airport in 1995.

Another image (shown below) is said to be that of the "easyLand sign in 1999" although it is not clear whether that was at Luton airport, or in another location outside the UK. There is also, on the right-hand corner, a smaller image of "easyLand in France in 2020" although, as it can be seen, the mark 'easyLand' is not visible:



easyLand sign 1999

easyLand in France 2020

Likewise, the images below are said to be of 'easyLand' in France, Greece and the UK but 1) the sign 'easyLand' is not visible at all and 2) it is not clear what type of goods or services were offered from the premises:



easyLand, 28 Bvd de la Republique,  
02640 Beausoleil, France



easyLand, Evripidou 10,  
Athens 105 59, Greece



Exterior and interior of easyLand, Palias Ilektrikis, Nicosia, Cyprus



easyLand Park Royal, N Circular Road, London NW10 7XP  
easyLand Croydon, 22 Addiscombe Road, CR0 5PE, UK  
(right)

- **Exhibit TA2-3:** These exhibits introduce two witness statements, one from Sir Stelios Haji-loannou dated 4 August 2017, and another from Christopher Griffin, the Chief Executive of the Museum of Brands, dated 4 April 2017. The parts of the witness statement which are relevant to the mark 'easyLand' are as follows:

Paragraph 9 of Sir Stelios Haji-loannou's witness statement:

From the first days of the airline, and well before the first flight, I started extending the EASY family of brands. For example, the very first address I chose for easyJet was easyJet, easyLand, easyWay, Luton Airport. The airline offices were initially based at the so called "Executive Terminal" at Luton Airport. As this was not an appropriate name for the headquarters of a low cost airline, we decided to rename "Executive Terminal" in the address to "easyLand". This was formally registered in the Annual Return of the company dated 1998. It is worth noting that I did not want to refer to the headquarters as "easyJetLand" which would have been a more obvious name, because I was already thinking of the EASY family of brands. An image of the office showing the easyLand signage is seen in the photograph on page 54 of the easyJet in-flight magazine dated November 1997. This address was used in all correspondence with the airline, and was also referenced in the press coverage at over a number of years.

Paragraph 25 of Sir Stelios Haji-loannou's witness statement mentions that the outside of their "offices" at 'easyLand' was painted in orange.

Paragraph 157 of Sir Stelios Haji-loannou's witness statement:

I was personally chuffed when in 2016 we were invited by the curator of the Museum of Brands in London ([www.museumofbrands.com](http://www.museumofbrands.com)) to be part of this prestigious exhibit of iconic brands. It is good to get some recognition for more than 20 years of hard work. Around the same time we realised that we needed to create our own collection, in physical spaces, of our own brand history and diversity. As a result we have three soon to be four locations in different countries which we call easyLand as a tribute to our very first headquarters. These retail spaces are open to members of the public and exhibits setting out the history of the brand sit alongside products for sale featuring the easy family of brands.

Notably, the above paragraph confirms that 'easyLand' was the name of easyJet's first headquarters. Further, it indicates that the sign 'easyLand' was used in relation to four retail spaces (though it is not clear from the witness statement where these were situated) which exhibited the history of the 'easy' brand and offered merchandising products featuring the 'easy' family of brand.

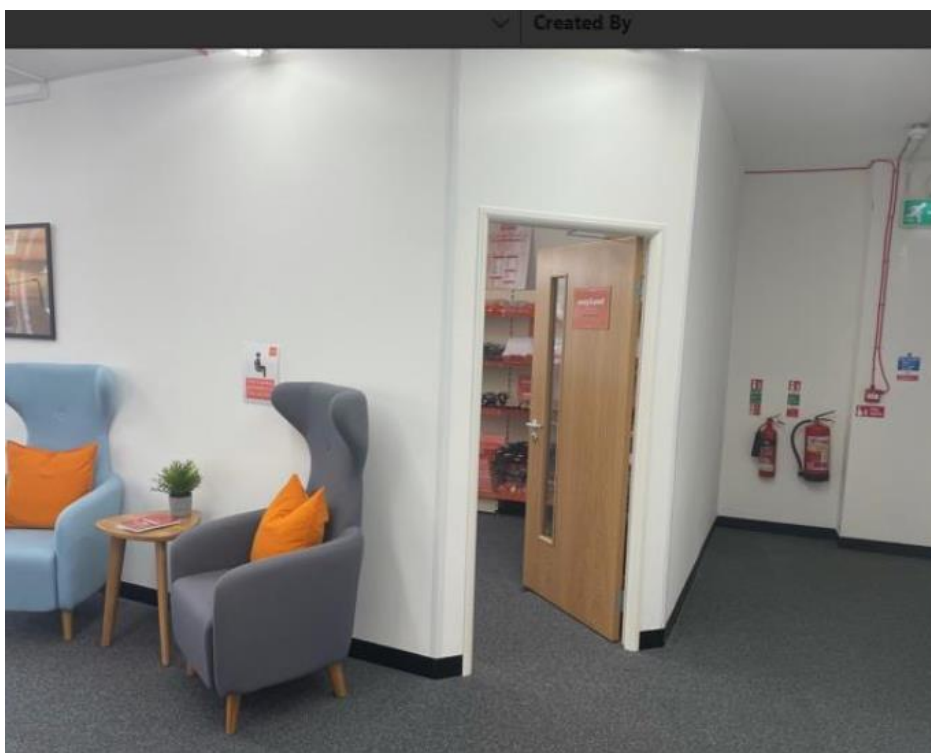
Mr Griffin's witness statement talks about the 'easy' family of brand but does not contain any specific reference to the mark 'easyLand'.

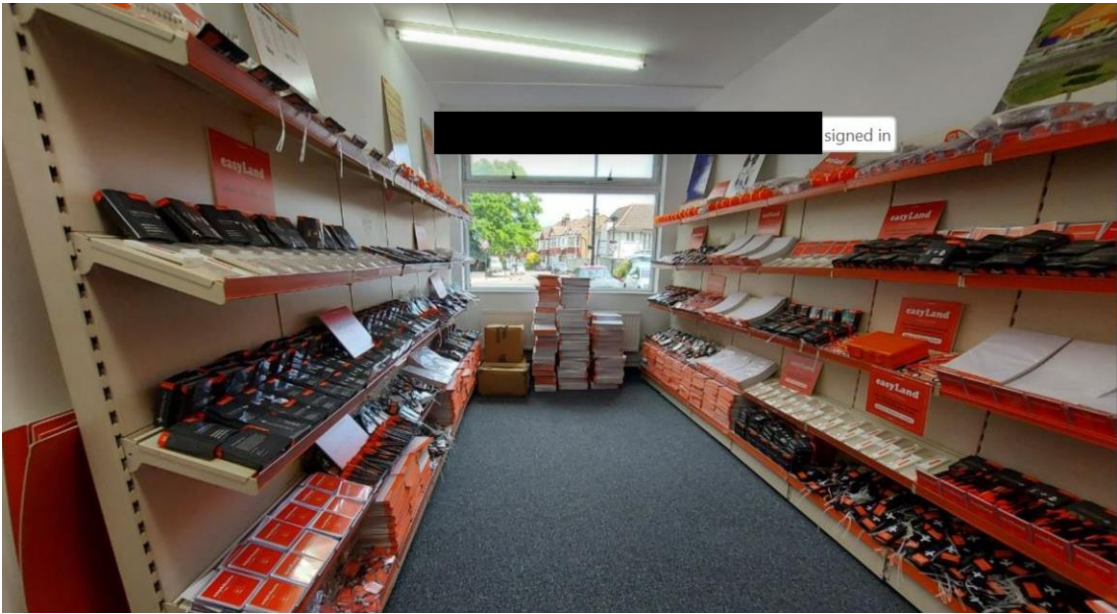
- **Exhibit TA4:** In relation to this exhibit, Mr Anderson explains that *“easyGroup Ltd [...] has regular check-ins and reports conducted for its properties, such as easyLand, and emails containing these reports and images are then uploaded to the Proprietor's CRM Software. Extracts of the reports and images from the period 2023 - 2021 relating to easyLand can be seen at Exhibit TA4.”*

The exhibit contains copies of emails sent by a '@easy.com' email address (the first part of the address is redacted) to Sir Stelios Haji-loannou, reporting on visits to two 'easyLand' sites in the UK, namely in Croydon and at 166 Fulham Road, London. The emails are dated on various dates in 2021, 2022, and February and March 2023 (falling within the most recent relevant period of 27

June 2018 to 26 June 2023). The following conclusions can be drawn from this evidence:

The 'easyLand' site in Croydon is essentially a room situated at the ground floor in a building with an 'easyLand' sign exposed on the door which is left open. The room has shelves displaying merchandising goods, which are difficult to determine but appear to include pens, airplane models, stickers and writing pads. The shelves display the 'easyLand' signs inviting visitors to pay for the items and make all payment in a "honesty box" taking a maximum of 10 items. When the person who is responsible for carrying out the checks visits the site, he will check if the room is clean, if the door was open and if there is any cash in the honesty box and, if there is enough cash, he will collect it and gives it to someone called Vikas to bank it. Most of the emails reporting on checks carried out in relation to this site confirm that the honesty box is almost empty, and that money will be collected on the next visit. In two occasions, although there were only £6,50 and £7,40 in the honesty box, this amount was considered to be sufficient for the money to be collected. I have reproduced below some of the images of the site to give a better idea of what I am describing:







One email dated 6 July 2021 which relates to the site at Fulham Road confirms that there are 5 shelves of 'easyLand' merchandising items with goods including polo shirts, writing pads, pens, keyrings, luggage tags, easyCar scrappers, white bags as well as 'easyHistory' and 'easyFood' magazines. An image of the shelves is reproduced below:



- **Exhibit TA5:** this exhibit is said to provide extracts of reports containing the number of visitors of the 'easyLand' premises, the number of transactions made, and their amounts for the period 2021- 2022. The name of the person providing the summaries of sales is redacted but the address is "easyGroup Limited easyBus House" at Park Royal in London. They are as follows:

**20 September 2021:** 11 people visited the shop for buying or visiting but only 4 purchased an item. There were 4 transactions for a total of £5.98.

**21 September 2021:** 8 people visited the shop for buying or visiting but only 2 purchased an item. There were 2 transactions for a total of £13.97.

**22 September 2021:** 11 people visited the shop for buying or visiting but only 3 purchased an item. There were 3 transactions for a total of £40.71.

**23 September 2021:** 11 people visited the shop for buying or visiting but only 3 purchased an item. There were 3 transactions for a total of £2.22.

**24 September 2021:** 9 people visited the shop for buying or visiting but only 2 purchased an item. There were 2 transactions for a total of £1.50.

**5 October 2021:** 2 people visited the shop for buying or visiting but only 1 purchased an item. There was 1 transaction for a total of £5.46.

**15 October 2021:** 7 people visited the shop for buying or visiting but only 2 purchased an item. There were 2 transactions for a total of £4.74.

**20 October 2021:** 6 people visited the shop for buying or visiting but only 2 purchased an item. There were 2 transactions for a total of £2.35.

**21 October 2021:** 6 people visited the shop for buying or visiting but only 3 purchased an item. There were 3 transactions for a total of £27.23.

**22 October 2021:** 7 people visited the shop for buying or visiting but only 2 purchased an item. There were 2 transactions for a total of £4.39.

**25 October 2021:** 5 people visited the shop for buying or visiting but only 2 purchased an item. There were 2 transactions for a total of £37.45.

**26 October 2021:** 5 people visited the shop for buying or visiting but only 1 purchased an item. There was 1 transaction for a total of £0.37.

**27 October 2021:** 5 people visited the shop for buying or visiting but only 2 purchased an item. There were 2 transactions for a total of £0.62.

**1 November 2021:** 8 people visited the shop for buying or visiting but only 3 purchased an item. There were 3 transactions for a total of £6.81.

**22 November 2021:** 8 people visited the shop for buying or visiting but only 3 purchased an item. There were 3 transactions for a total of £5.73.

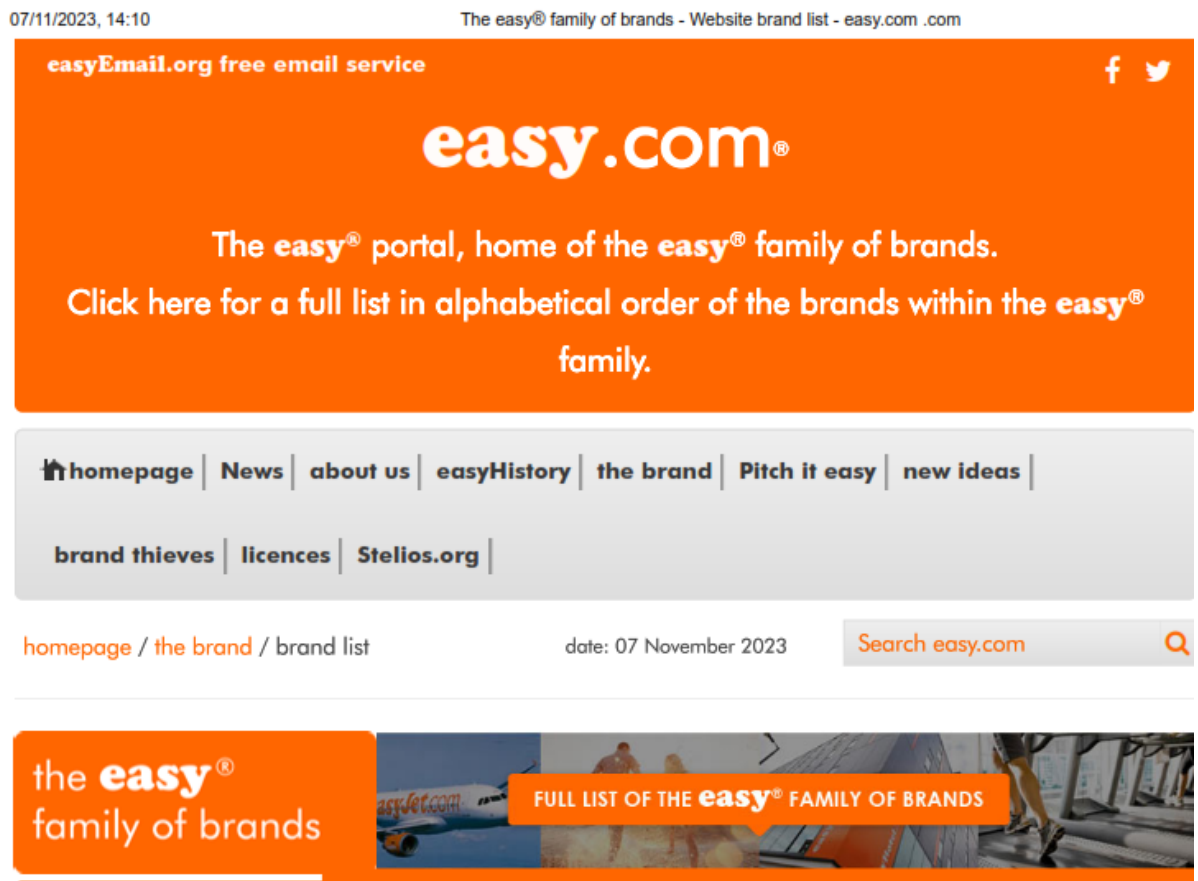
**17 January 2022:** 7 people visited the shop for buying or visiting but only 4 purchased an item. There were 4 transactions for a total of £8.11.

This equates to 116 people visiting the 'easyLand' premises in the four-month period between September 2021 and January 2022, with 39 merchandising items having been picked up for a total value of £167.64.

- **Exhibit TA6:** this exhibit consists of two spreadsheets containing a list of items of 'easy' branded merchandise available for sale at the proprietor's 'easyLand' premises in September and October 2021. Notably the cost price is slightly higher than the sale price with most items showing a zero or negative (profit) margin. Most of the item listed are 'easy' branded items though there are also references to other brands, namely Sita Spices, Tate & Lyle, Buitoni and McVities. Whilst the list includes merchandising items such 'easy' branded pens or keyrings most of the goods listed are food items such as processed peas, paprika powder, parsley, soups, baked beans, lentils, coconut powder, etc which do not appear in any of the images of the interior of the 'easyLand' spaces.
- **Exhibit TA7:** this exhibit consists of a news article from the website [easyland.biz](http://easyland.biz) dated 16 June 2021. It states: *"Fans of easyGroup and the easy family of brands can now pick up merchandise for only 25p per item from easyLand 1 located in Croydon UK. Signs have been put up around the store to guide customers on how to purchase their items start to finish."* The article

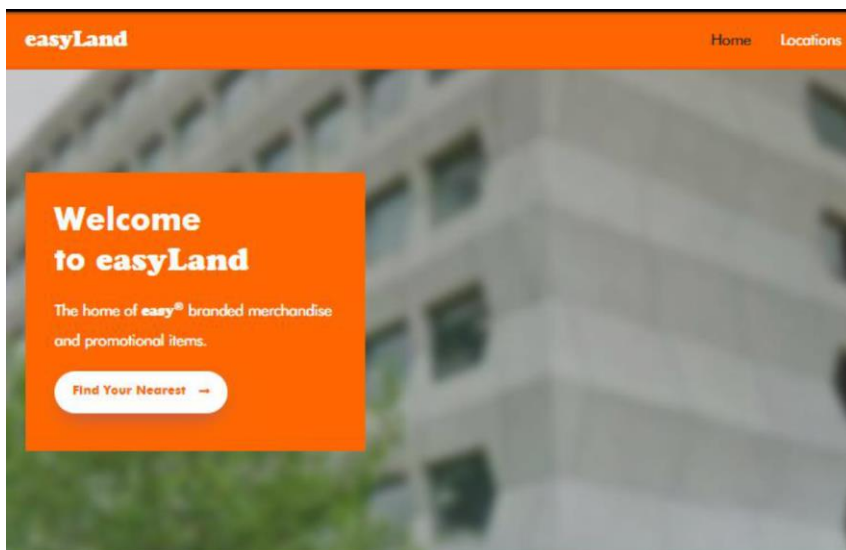
indicates that there are 5 'easyLand' locations, though it does not specify where they are located.

- **Exhibit TA8:** Mr Anderson states that this exhibit contains an extract from the website 'easy.com' dated 7 November 2023 (after the most recent five-year period) which shows a list of trade mark belonging to the easyGroup family of brands. The exhibit contains 11 webpages listing over 150 brands. The brands listed appear to be registered trade marks and the year in which each mark was registered is also specified. The trade mark 'easyLand' appears only once and the date the mark was registered is shown as 2001 as it can be seen from below:



<b>easyCleaning</b> .uk	Part of the <b>easy</b> ® family of brands	2000
<b>easyMoney</b> .com	<b>easyRamp</b> ® Part of the <b>easy</b> ® family of brands	2000
<b>easyProperty</b> .com	<b>easyHotel</b> ® Simple, comfort, great value	2000
<b>easyGym</b> .co.uk		
<b>easyAir</b> .com	<b>eastPoints</b> ® Part of the <b>easy</b> ® family of brands	2001
<b>easyGuide</b> .biz	<b>easyLand</b> ® Part of the <b>easy</b> ® family of brands	2001

- Exhibit TA9:** this exhibit consists of copies of webpages from the website www.easyland.biz as they appeared on various dates in 2021, 2022 and 2023. The copies were obtained using the Internet archive the Wayback Machine. They consistently present 'easyLand' as "*the home of easy branded merchandise and promotional items*" and show images of a 'easyLand' location in France but there is no option for purchasing items online:



### Lates easyLand News



- Exhibit TA 10:** This exhibit contains undated images of advertisements in the form of a wallpaper displayed at the Chancery Lane Underground Station, and an easyVan, both of which feature the mark 'easyLand'. The images show the trade mark 'easyLand' among a multitude of other easy-related trade marks. There is no emphasis on the trade mark 'easyLand' and the ovals around it do not appear to be part of the original advertisements but looks like something that has been drawn with a pencil or computer imaging software for the purpose of facilitating the identification of the marks within the evidence:



**Exhibit TA11:** this exhibit consists of “an extract from Wikipedia regarding Chancery Lane Station and Temple Station dated 7 February 2020”. It explains that Chancery Lane and Temple are London underground stations. Mr Anderson says that this evidence supplements the ‘easy’ wallpaper advert listed at exhibit TA10 by showing the number of people commuting through these underground stations for the years 2014 – 2017; however, the problem with this evidence is that the exhibit TA10 is not dated and there is no indication of when the advert was displayed and for how long.

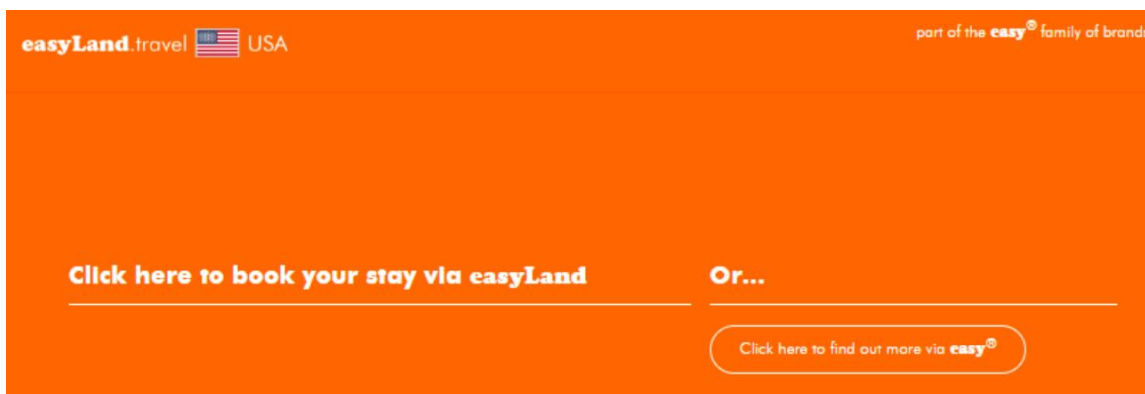
- **Exhibit TA12:** this exhibit contains invoices dated between February 2022 and June 2023 from Google to easyGroup Limited (i.e. the proprietor in these proceedings). Mr Anderson says that the invoices are in relation to the proprietor’s “Pay-Per-Click online advertising for the *easyland.travel* domain” and shows “the number of times a user clicked on an *easyland.travel* advertisement on Google”. Admittedly, the invoices relate to a multitude of ‘easy’ marks as well as other third-party marks, for example, the reference to the mark ‘easyland’ is presented together with a reference to the mark ‘booking.com’ as shown by the examples below:

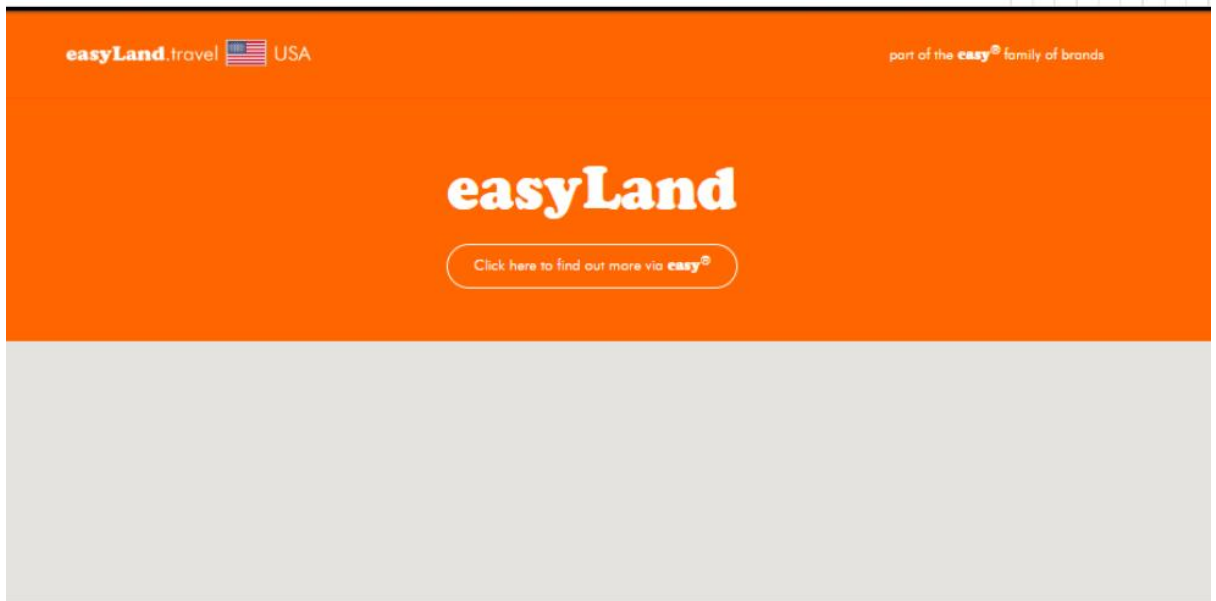
Rocketer   easykiosk.travel   Booking.com	1312	Clicks	798.91
Rocketer   <b>easyland.travel</b>   Booking.com	<b>648</b>	<b>Clicks</b>	<b>787.99</b>
<b>Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Amount(£)</b>
easyramp.co.uk with booking.com	896	Clicks	282.55
easyInternetcafe.com with electricaldiscountuk.co.uk	548	Clicks	282.45
easyTech.info with Amazon Affiliates	346	Clicks	282.35
easyWeb.mobi with names.co.uk	620	Clicks	282.29
<b>easyland.travel with booking.com</b>	<b>763</b>	<b>Clicks</b>	<b>282.14</b>

Further, the summary section of the invoices refers to “regulatory operating costs” for Austria, Turkey, Spain, France, Italy and India, and a footnote states that “additional fees (e.g. regulatory operating costs, digital services Tax (DST) fee, operating charges etc) are applicable to your business when ads are acquired and/or displayed in certain countries”. Since there is no reference to regulatory operating costs being applied for the UK, and since there is no

breakdown of costs per country, this suggests that the invoices relate to adverts which were not displayed in the UK.

- **Exhibit TA13:** this exhibit contains copies of two single frames captured from two YouTube videos, one called “*easyHistory 5<sup>th</sup> edition – the easy family of brand video 2024*” and another called “*Sir Stelios on creating the easy family of brands and giving back to society*”, both taken on 29 April 2024 (outside the most recent relevant period). Although Mr Anderson points out that the videos were viewed over 14 million and 2 million times respectively, these figures relate to 2 and 3 months before 29 April 2024 (which is still outside the most recent relevant period) and there is no indication of what percentage of viewers were from the UK or the EU.
- **Exhibit TA14:** this exhibit consists of copies of webpages from [www.easyland.travel](http://www.easyland.travel) dated on various date in 2020, 2021, 2022 and 2023 obtained using the Wayback Machine. As it can be seen from the images below, the website [www.easyland.travel](http://www.easyland.travel) appears to be targeting US residents and offering the option of booking a stay:





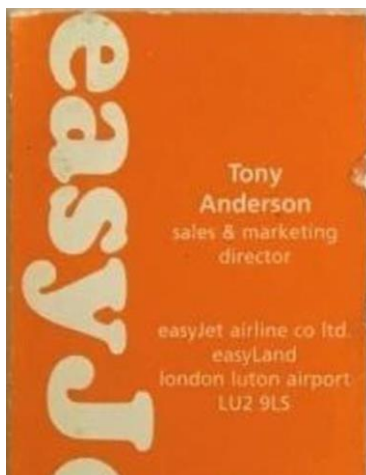
Stelios and easyGroup bring to you the values of the easy family of brands.  
We welcome Americans to find out more about easyLand.

Click here to find out more via easy®

For our global portal see [easy.com](http://easy.com)



- **TA15:** this exhibit consists of a copy of Mr Anderson' easyJet business card from 1995 showing that 'easyLand' formed part of the company address, as shown below:



32. That is the totality of the evidence filed by the proprietor. Indeed, in a revocation action based on allegations of non-use, one would expect the proprietor of the mark under attack to file, at least, evidence of turnover and invoices showing sales of goods and services under the mark. None of this has been provided in the present case.

33. In *Awareness Limited v Plymouth City Council*, Case BL O/236/13, Mr Daniel Alexander Q.C. as the Appointed Person stated that:

“22. The burden lies on the registered proprietor to prove use..... However, it is not strictly necessary to exhibit any particular kind of documentation, but if it is likely that such material would exist and little or none is provided, a tribunal will be justified in rejecting the evidence as insufficiently solid. That is all the more so since the nature and extent of use is likely to be particularly well known to the proprietor itself. A tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive. By the time the tribunal (which in many cases will be the Hearing Officer in the first instance) comes to take its final decision, the evidence must be sufficiently solid and specific to enable the evaluation of the scope of protection to which the proprietor is legitimately entitled to be properly and fairly undertaken, having regard to the interests of the proprietor, the opponent and, it should be said, the public.”

and further at paragraph 28:

“28. .... I can understand the rationale for the evidence being as it was but suggest that, for the future, if a broad class, such as “tuition services”, is sought to be defended on the basis of narrow use within the category (such as for classes of a particular kind) the evidence should not state that the mark has been used in relation to “tuition services” even by compendious reference to the trade mark specification. The evidence should make it clear, with precision, what specific use there has been and explain why, if the use has only been narrow, why a broader category is nonetheless appropriate for the specification. Broad statements purporting to verify use over a wide range by reference to the

wording of a trade mark specification when supportable only in respect of a much narrower range should be critically considered in any draft evidence proposed to be submitted.”

34. In *Dosenbach-Ochsner Ag Schuhe Und Sport v Continental Shelf 128 Ltd*, Case BL O/404/13, Mr Geoffrey Hobbs Q.C. as the Appointed Person stated that:

“21. The assessment of a witness statement for probative value necessarily focuses upon its sufficiency for the purpose of satisfying the decision taker with regard to whatever it is that falls to be determined, on the balance of probabilities, in the particular context of the case at hand. As Mann J. observed in *Matsushita Electric Industrial Co. v. Comptroller- General of Patents* [2008] EWHC 2071 (Pat); [2008] R.P.C. 35:

[24] As I have said, the act of being satisfied is a matter of judgment. Forming a judgment requires the weighing of evidence and other factors. The evidence required in any particular case where satisfaction is required depends on the nature of the inquiry and the nature and purpose of the decision which is to be made. For example, where a tribunal has to be satisfied as to the age of a person, it may sometimes be sufficient for that person to assert in a form or otherwise what his or her age is, or what their date of birth is; in others, more formal proof in the form of, for example, a birth certificate will be required. It all depends who is asking the question, why they are asking the question, and what is going to be done with the answer when it is given. There can be no universal rule as to what level of evidence has to be provided in order to satisfy a decision-making body about that of which that body has to be satisfied.

22. When it comes to proof of use for the purpose of determining the extent (if any) to which the protection conferred by registration of a trade mark can legitimately be maintained, the decision taker must form a view as to what the evidence does and just as importantly what it does not ‘show’ (per Section 100 of the Act) with regard to the actuality of use in relation to goods or services

covered by the registration. The evidence in question can properly be assessed for sufficiency (or the lack of it) by reference to the specificity (or lack of it) with which it addresses the actuality of use.”

35. I also note Mr Alexander’s comments in *Guccio Gucci SPA v Gerry Weber International AG*,<sup>5</sup> where he stated:

“The Registrar says that it is important that a party puts its best case up front – with the emphasis both on “best case” (properly backed up with credible exhibits, invoices, advertisements and so on) and “up front” (that is to say in the first round of evidence). [...] The rule is not just “use it or lose it” but (the less catchy, if more reliable) “use it – and file the best evidence first time round – or lose it”.”

36. The key question in this case is whether there has been genuine use of the ‘easyLand’ marks in connection with the remaining (non-surrendered) services in classes 35 (as set out above at paragraph 3). The proprietor contends that the mark has been put to genuine use during the period 29 June 2018 – 28 June 2023. The applicant submits that the evidence taken as a whole does not demonstrate use (let alone genuine use) of the marks in connection with any of the goods and services concerned.

37. The peculiarity of the present case is that the proprietor claims to be the owner of a large family of trade marks and to have made genuine use of the mark ‘easyLand’ as one of the trade marks which makes up the family. This is a common underlying theme of the proprietor’s submissions in all the cases I have retained. One aspect of the proprietor’s case is that the ‘easyLand’ brand is strengthened by its inclusion alongside other brands in the family. In this connection, in its written submissions of 7 May 2024, the proprietor states:

*“The proprietor is the owner of a large family of brands. The common denominator in that family is the word easy conjoined to another word element*

---

<sup>5</sup> Case BL O/424/14.

*so as to form a neologism. easyLand follows that formula. The business model includes licensing the use of its mark to licensees. The licensee is expected to follow the brand guidelines and terms of use. The industries and markets for these sub brands are varied, from cleaning products to dog walking, airlines services to banking.*

*In order to promote its goods and services, the proprietor regularly promotes the existence of a family of brands under the easy mark. The benefits of doing this include:*

- i. to educate consumers that easy plus another word element indicates a product or service of the proprietor;*
- ii. to educate consumers that the easy family of brands extends across many marks and many industries; and*
- iii. to cross-sell other goods and services offered by the group.*

*easyLand plays an important and early role in this family of brands. As described by Anthony Anderson in his witness statement, and in exhibits TA15, TA1, TA2 and TA13, easyLand was used as the name of a building at Luton Airport used as the base for the operations of the airline easyJet from 1995. For many years, consumers were educated to regard easyLand as part of the easy family of brands alongside more famous siblings such as easyJet, easyInternetcafe and easyRentacar. This was use of the mark in relation to travel and transportation services, reservation and booking, and travel agency services.*

*[...]*

*At Exhibit TA8, there is a list of brands on the proprietor's website including easyLand. The individual brand is strengthened by its use alongside other similar brands in the family."*

38. In addition, the proprietor refers specifically to exhibits TA1, TA2, TA13, and TA15 as showing use of the "easy brand" in relation to the remaining (non-surrendered) services in class 35 and to exhibits TA9 and TA14 as showing the time of the proprietor's use for two 'easyLand' websites. It states:

*“It remains the case that consumers were and continue to be educated to regard easyLand as part of the easy family of brands, alongside more famous members of the family such as easyJet.*

*Together, Exhibits TA1, TA2, TA13 and TA15 show the establishment of the easy brand across a variety of sectors, including those in Class 35 and in particular: Advertising, marketing and publicity services; business organisation, business administration and business management services, business information services, auctioneering services, office functions, promotional services; the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through retail shops.*

*The Proprietor also maintains two easyLand websites – easyland.biz and easyland.travel – which can be seen at Exhibit TA9 and Exhibit TA14. The Proprietor has maintained an active website at this address for several years [...] These Exhibits clearly show the time of the Proprietor’s use, which was also during the Relevant Period”.*

39. The applicant made a number of criticisms in respect of the proprietor’s evidence. In particular, it argued that:

- The proprietor has not provided any evidence of turnover, invoices or sales figures for any specific goods and services offered under the ‘easyLand’ marks.
- Simply using ‘easyLand’ as the name of a building for the company easyJet does not amount to genuine use of the marks ‘easyLand’ for the relevant services (or indeed for any of the surrendered goods and services).
- None of the images of the ‘easyLand’ sites in Park Royal (London), France and Greece feature the ‘easyLand’ mark. While it is purported that there are ‘easyLand’ centres in Europe, the evidence does not show use of the

'easyLand' marks and there is no evidence of sales or turnover from these claimed centres.

- The evidence provided at exhibits TA4-7 about the check-ins and reports conducted by the proprietor in relation to the 'easyLand' centres and the number of goods sold relates to a limited and very short period of time, and Mr Anderson does not say whether there are any other periods of time for which he could have provided similar evidence. Additionally, although the proprietor's written submissions dated 7 May 2024 claim that the evidence shows that the centres *"are regularly inspected, and accounting reports are maintained and transmitted to easyGroup"*, this is not corroborated by Mr Anderson's evidence.
- The images of the Croydon premises show a small room within a building which has an 'easyLand' sign on the door and within the interior of the room. It is not clear how the room is accessed by the general public or how easily it is seen by the general public. All we know from this evidence is that the door is open at the time of the visit and that there is an honesty box with minimal amounts in it. Exhibit TA5 suggests that the room is within 'easyHub' as the email produced at page 91 states: *"No cash as yet in the honesty box. I would check with easyHub staff if anything has been left with them"*.
- The images of the Fulham Road premises show no use of the 'easyLand' marks. There is no information in the evidence as to how or whether the shelving units are accessed by the public; further, there is no evidence of there being any sales or even an honesty box.
- Mr Anderson does not explain which premises the sales reports relate to, but in any event the evidence shows limited customers and sales over a four-month period.
- There is no evidence of sale of any specific goods or services under the 'easyLand' marks during any relevant period. Alternatively, if there is any use, it is token use, to preserve the marks. The fact that goods offered at 'easyLand' centres are paid for by way of an honesty box is clearly suggestive of the goods being distributed as promotional items. The goods offered in the 'easyLand'

centres are used to promote the proprietor's other 'easy' trade marks, or to encourage customers to learn about the proprietor's 'easy' brand, rather than as a means of creating or preserving an outlet for any goods or services. The 'easyLand' centres are being maintained purely as token use in order to try to maintain the marks rather than to genuinely carry out a commercial exploitation of them.

40. I now draw together all of the matters set out above to constitute the cumulative basis for my conclusion. Before I do that, I want to go back to the services in relation to which the proprietor claims that it has genuinely used the marks. They are as follows:

**The proprietor's first mark:**

**Class 35:** *Advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; business administration and business management services, business information services, promotional services; the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through general merchandise retail kiosks, through the Internet by means of a general merchandise website, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order*

**The proprietor's second mark:**

**Class 35:** *Business organisation, business administration and business management services, business information services, promotional services; the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order.*

**The proprietor's third mark:**

**Class 35:** *Advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; business organisation, business administration and business management services, business information services, auctioneering services, office functions, promotional services; the bringing together for the benefit of others of a variety of goods, namely, sunglasses, jewellery, watches, bags, clothing, footwear, headgear, glassware, porcelain, earthenware, printed matter, stationery, books, magazines, prepared meals, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order.*

41. As it can be seen, the services in relation to which the proprietor now insists the trade marks 'easyLand' have been put to genuine use can be broadly categorised as:

- i. **business services** (i.e. *business administration and business management services, business information services* in the first mark; *business organisation, business administration and business management services, business information services* in the second mark; *business organisation, business administration and business management services, business information services, office functions* in the third mark).
- ii. **advertising, marketing and promotional services** (*advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; promotional services* in the first mark; *promotional services* in the second mark; *advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; promotional services* in the third mark).
- iii. **auctioneering services** (in the third mark)
- iv. **the services of bringing together for the benefit of others of a variety of goods** (*the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through general merchandise retail kiosks, through the Internet by means of a general*

*merchandise website, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order in the first mark; the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order in the second mark; the bringing together for the benefit of others of a variety of goods, namely, sunglasses, jewellery, watches, bags, clothing, footwear, headgear, glassware, porcelain, earthenware, printed matter, stationery, books, magazines, prepared meals, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order in the third mark).*

42. I shall start with business services.

*Business services.*

43. The registered business services are specialised professional services usually provided by business consultants that assist businesses in managing key operational, administrative, and strategic tasks more efficiently. There is no evidence of the proprietor providing these types of services to other businesses under the mark 'easyLand'.

*Adverting, marketing and promotional services.*

44. Turning to the registered adverting, marketing and promotional services, they are services designed to promote goods and services to the public. These services are typically provided by advertising agencies and might include creating awareness through dissemination of advertising, marketing and publicity materials to inform potential customers about offerings; promotional strategies such as developing campaigns aimed at promoting products or services and assisting businesses with their marketing communications. There is no evidence that the proprietor offers those type of services to other businesses to help them connect with their target audience

and drive sales. The fact that the proprietor has invested a large amount of time and effort into creating, obtaining registration for, and promoting its own “easy family of brands” centred around the trade mark ‘easy’ and deriving from its original ‘easyJet’ airline business, does not equate to providing advertising, marketing and promotional services to the public. Any advertising, marketing and promotional activities the proprietor might have carried out in relation to its easy-family of trade marks (including the trade mark ‘easyLand’) would have been for the proprietor’s own benefit; it would not be a service targeting the average consumer of advertising, marketing and promotional activities. Promoting your own brand, if I may put it like this, is not the same as providing advertising, marketing and promotional activities as a service to others. In this connection, I should say, there is a fundamental misconception in the proprietor’s approach about what “use” of a trade mark means in the context of those services. This goes back to the essential function of a trade mark which is to denote the origin of the goods and services to which it is applied or in relation to which it is used; even if the proprietor might have used the mark ‘easyLand’ for the purpose of creating awareness of, and promoting, its own ‘easy family of brands’ through the offering of ‘easy’ branded merchandising in ‘easyLand’ centres, that would not be use of ‘easyLand’ as a trade mark to identify the proprietor’s advertising, marketing and promotional services. Whilst in several cases the courts have acknowledged that other legitimate functions of a trade mark include the quality function, the investment function and the advertising function, the relevance of these functions has emerged in the context of disputes involving damage to the function of trade marks in comparative advertising whereby the courts had to face the question of whether use of a sign identical to a trade mark in relation to imitation or competitive products was liable to have an adverse effect on the investment and advertising functions of that trade mark.<sup>6</sup> So whilst the recognition of the investment and advertising functions might have effects on the scope of protection of trade marks, it does not affect the basic principle that for use of a trade mark to be relevant in revocation for non-use cases, it must denote the origin of the goods and services. In other words, even though the

---

<sup>6</sup> In *L’Oréal v Bellure*, C-487/07, for example, the CJEU acknowledged the existence and relevance of the investment function and concluded that the proprietor of a trade mark is entitled to prevent the use by a competitor, of a sign identical with the trade mark in relation to goods or services identical with those for which the mark is registered, when such use interferes with the proprietor’s use of its trade mark to acquire or preserve a reputation capable of attracting consumers and retaining their loyalty; in such cases, the CJEU held, the third party’s use must be regarded as adversely affecting the trade mark’s investment function.

investment and advertising functions of a trade mark might be relevant in infringement proceedings (insofar as they might be adversely affected by the use of another sign), what really counts in revocation for non-use is that the mark under attack performs an origin function, i.e. that it is used to distinguish the goods and services for which it is protected. There is no evidence of the proprietor providing these types of services to other businesses under the mark 'easyLand' or using 'easyLand' to denote the origin of these services.

Auctioneering services.

45. Auctioneering is the public sale of goods or properties to the highest bidder. Auctioneering services consists in arranging, managing, advertising, or conducting auctions. There is no evidence of the proprietor providing these types of services to other businesses under the mark 'easyLand'.

The services of bringing together for the benefit of others of a variety of goods.

46. There is no evidence of the proprietor providing services consisting of the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order. Likewise, there is no evidence of the opponent's offering goods such as sunglasses, jewellery, watches, footwear, headgear, glassware, porcelain, earthenware, or prepared meals in any of the 'easyLand' spaces. In this connection, I should pause for a moment to explain that the online use shown in relation to the website easyland.biz is not sufficient to demonstrate use in relation to the provision of services consisting of *"the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through the Internet"* or *"by means of telecommunications"*. This is because although the landing page of easyland.biz says *"Welcome to easyLand the home of easy branded merchandising and promotional items"* it does not show the option of purchasing the items online, but only appears to allow the user to search for the nearest 'easyLand' centre. Whilst this amounts to promotion of the mark 'easyLand' online (i.e. "on the Internet" or "by means of telecommunications"), it does not constitute use of the same

mark for the provision of goods online. Likewise, the website [www.easyland.travel](http://www.easyland.travel) appears to be targeting US residents (which means that it is not use in the relevant territory, the relevant territory being the UK and the EU) and offering the option of booking a stay, which, again, does not constitute use of the mark 'easyLand' for the provision of the registered services which consists of the bringing together for the benefit of others of a variety of goods online.

47. Admittedly, there is limited evidence of the proprietor offering some merchandising goods, mostly limited to t-shirts, stationery, printed matters, and magazines, from the 'easyLand' spaces in Croydon and Fulham Road London. Those spaces appear to be rooms (Croydon) or spaces within rooms (Fulham Road London) designated within the opponent's offices, as the room in Croydon seems to be located in the same building where staff from 'easyHub' is present, and the space in Fulham Road is located where the opponent has its main address. Having excluded that such use amounts to offering a variety of goods through the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order, the question that remains to be answered is whether such use would fall within the registered terms ***the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through general merchandise retail kiosks*** (in the first mark), ***the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks*** (in the second mark), and ***the bringing together for the benefit of others of a variety of goods, namely, clothing, printed matter, stationery, books, magazines, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks*** (the third mark).

48. Cambridge online dictionary defines kiosk as "a small building where things such as chocolate, drinks, or newspapers are sold through an open window". As I have said, the 'easyLand' spaces are rooms within the proprietor's offices which display some 'easy' branded merchandising items where people can just help themselves up to 10 items and leave some money in the honesty box - if they feel inclined to. That would not fall within the definition of a kiosk, and it cannot be use in relation to the registered ***the bringing together for the benefit of others of a variety of goods, enabling customers***

*conveniently to view and to purchase such goods through general merchandise retail kiosks* (in the first and third mark). But would it be use in relation for retail shops? I do not think it would. First, selling and offering to sell goods does not, in itself, amount to providing retail services in Class 35.<sup>7</sup> In this connection, in C-155/18 (*Tulliallan Burlington v EUIPO*), ECLI:EU:C:2020:151, the Court of Justice of the European Union (“CJEU”) stated as follows (emphasis added):

“124. [...] it must be borne in mind that, as regards retail services in Class 35, within the meaning of the Nice Agreement, the Court has held that the objective of retail trade is the sale of goods to consumers. That activity consists, inter alia, in selecting an assortment of goods offered for sale and in offering a variety of services aimed at inducing the consumer to conclude the abovementioned transaction (see, to that effect, judgment in *Praktiker*, paragraph 34).

125. In addition, it must be pointed out that the explanatory note relating to Class 35, within the meaning of the Nice Agreement, states that that class includes, in particular, the bringing together, for the benefit of others, of a variety of goods, excluding the transport thereof, enabling customers to conveniently view and purchase those goods. Those services may be provided by retail stores, wholesale outlets, through vending machines, mail order catalogues or by means of electronic media, for example, through web sites or television shopping programmes.

126. It follows from that explanatory note that the concept of ‘retail services’ relates to three essential characteristics, namely, first, the purpose of those services is the sale of goods to consumers, secondly, they are addressed to the consumer with a view to enabling him or her to conveniently view and purchase those goods and, thirdly, they are provided for the benefit of others.

127. Accordingly, the concept of ‘retail services’ covers services which are aimed at the consumer and which consist, on behalf of the businesses occupying a shopping arcade’s stores, in bringing together a variety of goods

---

<sup>7</sup> Tony Van Gulck v Wasabi Frog Ltd, Case BL O/391/14

in a range of stores enabling the consumer to conveniently view and purchase those goods and in offering a variety of services separate from the act of sale, which seek to ensure that that consumer purchases the goods sold in those stores.

128. It follows from the foregoing considerations that, as the General Court itself correctly held in paragraph 32 of the judgments under appeal, the Court of Justice's interpretation in paragraph 34 of the judgment in *Praktiker* does not support the assertion that the services provided by shopping arcades or shopping centres are, by definition, excluded from the scope of the concept of 'retail services' defined in Class 35, within the meaning of the Nice Agreement."

49. It is well-established that retail store services cover the sale of goods produced by others. Whilst retail stores can include selling the seller's own goods, with respect to the three criteria established by the CJEU, the third question is who primarily benefits from the activity. If the activity is done primarily for the benefit of others, the fact that the proprietor also derives a benefit is not fatal. Here, it is sufficiently clear that the proprietor's primary commercial activity is not the manufacturing and sale of various merchandising goods bearing its own 'easy' related trade marks; its main business is the provision of airline services. Since the branded merchandising goods displayed in the 'easyLand' spaces are only offered to visitors as a way of promoting the 'easy family' of brands' and its history (the name 'easyLand' also having an historical meaning having been the name of the proprietor's first headquarters in the UK), the activity is done primarily for the benefit of the proprietor, even if the visitors derive some benefits in obtaining a promotional item. This conclusion is corroborated by the evidence that most of the items allegedly offered in the 'easyLand' spaces show a zero or negative (profit). The third criteria is not, therefore, met. Further, whilst the reports indicate that the proprietor keeps a records on how many goods are "purchased" every day, there is no evidence as to how goods are priced and the evidence suggests that it is left to the scrupulousness of visitor who take the item(s) from the shelves to decide whether to declare it and put the right amount of money in the honesty box. Hence, there is a lack of activity aimed at interacting with the visitors and verifying their payment which in turn means that the honesty box system is more akin to the visitors helping themselves to the items they like and making a voluntary donation, than

selecting the goods and paying for them, as it is the case for goods purchased in a retail shop. Even if I was wrong in the above, the amount of goods sold, and their value, is minuscule in the context of the market for the services concerned and would not be sufficient to establish genuine use.

50. Lastly, some final remarks. According to the case-law, there is genuine use of a trade mark where the mark is used in accordance with its essential function, which is to guarantee the identity of the origin of the goods or services for which it is registered in order to create or preserve an outlet for those goods and services; genuine use does not include token use for the sole purpose of preserving the rights conferred by the mark. The analysis of whether use of a mark is genuine cannot be confined merely to establishing that the mark has been used in the course of trade since that use must also be genuine. Not all proven commercial use can therefore automatically be deemed to constitute genuine use of the mark in question.<sup>8</sup>

51. As I have said in the other cases I dealt with, an aspect of the proprietor's case is that the mark 'easyLand' has been promoted as part of the "EASY" family of marks. Importantly, use of the mark must relate to goods or services already marketed or which are about to be marketed and for which preparations by the undertaking to secure customers are under way. This includes use in the form of advertising campaigns; however, the promotion of a trade mark cannot be an end in itself, as trade marks which are the subject of advertising activities must relate to goods or services already marketed or about to be marketed. In other words, the owner of a registered trade mark cannot promote the mark independently from the goods and services, as the *raison d'être* of a trade mark is to guarantee the identity of the origin of the goods or services for which it is registered.

52. In the present case, for all of the reasons I have set out above, the evidence fails to establish that the relevant services were offered under the mark 'easyLand'. Further, the promotion of the mark 'easyLand' as part of the proprietor's 'EASY' family of marks, but independently from the relevant services, is not compatible with the trade mark's function as an indication of origin. The proprietor's approach appears to

---

<sup>8</sup> *Reber* at [32]

conflate the consideration that the mark 'easyLand' has been promoted as belonging to the 'EASY' family of marks with the question of whether there had been in the relevant period genuine use of that mark in relation to the relevant services. That approach is wrong in law and is not very helpful.

53. Genuine use of a mark cannot be proved by means of probabilities or presumptions, but must be demonstrated by solid and objective evidence of effective and sufficient use of the trade mark on the market concerned. Even if the proprietor is right in saying that minimal use can be sufficient in order to be deemed genuine, it is still not enough to get it home. This is because for minimal use to be sufficient it must be real, which means warranted in the relevant economic sector to maintain or create a share in the market for the goods or services protected by the mark. The use of the mark 'easyLand' is not use on the market to distinguish the proprietor's services. The fact that the mark is promoted as belonging to the proprietor's family of 'EASY' marks does not supersede the requirement of genuine use, as a mark which is used as part of a family of marks is still subject to the same conditions regarding genuine use that apply to marks used independently.

54. The proprietor has failed to establish that the first, second and third mark have been put to genuine use during any of the relevant periods (or at all) in relation to the relevant (i.e. non-surrendered) services set out at paragraph 3. The evidence does not support the conclusion that there has been a real commercial exploitation of the marks on the market for the relevant services. For the sake of completeness, I should say that even without the concession of non-use, I would have made a finding of non-use in relation to all of the surrendered goods and services covered by the three marks at issue.

55. The proprietor has not pleaded or formulated any submission or argument of "proper reason for non-use" so I do not need to consider anything further.

56. As there is no genuine use of the marks, the registrations are revoked in their entirety.

## **OUTCOME**

57. The applications for revocation on the grounds of non-use therefore succeed under both Sections 46(1)(a) and 46(1)(b) in relation to all of the goods and services listed in Annex 1. The registrations will be revoked in respect of all the goods and services for which the proprietor's marks are (and were) registered including the goods and services which have been surrendered.

58. The effective dates of revocations are 18 May 2007 (in relation to the proprietor's first mark no. UK00002273362), 09 October 2007 (in relation to the proprietor's second mark no. UK00902278398) and 15 July 2022 (in relation to the proprietor's third mark no. UK00916079675).

## **COSTS**

59. The applicant has been successful and is, therefore, entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances, I award the applicant sum of £2,400, calculated as follows:

Preparing the revocation applications and considering the counterstatements:	£900
Considering the evidence	£500
Written submissions:	£400
Official fees(x3):	£600
Total	£2,400

60. I therefore order easyGroup Ltd to pay The Support Group (UK) Limited the sum of £2,400. This sum is to be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

Dated this 23<sup>rd</sup> day of June 2025

TERESA PINTO

For the Registrar

## Annex 1

**UK00002273362**

**Class 16:** *Printed matter and publications; wrapping and packaging; books, manuals, pamphlets, newsletters, albums, newspapers, magazines and periodicals; tickets, vouchers, coupons and travel documents; identity cards; labels and tags; posters, postcards, calendars, diaries, photographs, gift cards and greeting cards; teaching and instructional materials; stationery, artists' materials, playing cards, writing instruments, brochures, travel document folders, guide books, travellers cheques, badges, promotional and advertising material.*

**Class 35:** *Advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; business organisation, business administration and business management services, business information services, auctioneering services, office functions, promotional services; import-export agency services, business and management consultancy, assistance and advice; purchasing and demonstration of goods for others; the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through general merchandise retail shops, through general merchandise retail kiosks, through the Internet by means of a general merchandise website, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order; advisory and arrangement services relating to all the aforesaid; including, but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 36:** *Non-business professional consultancy; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 37:** *Non-business professional consultancy; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 38:** *Non-business professional consultancy; provision of access to computers; Internet cafe services; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 39:** *Transportation of goods, passengers and travellers by air; airline and shipping services; airport check-in services; arranging of transportation of goods, passengers and travellers by land and sea; airline services; bus transport services, car transport services, coach services, baggage handling services; cargo handling and freight services; arranging, operating and providing facilities for cruises, tours, excursions and vacations; chartering of aircraft; rental and hire of aircraft, vehicles and boats; aircraft parking services; aircraft fuelling services, travel reservation and travel booking services provided by means of the world wide web, information services concerning travel, including information services enabling customers to compare prices of different companies; travel agency and tourist office services; advisory and information services relating to the aforesaid services; information services relating to transportation services, including information services provided on-line from a computer database or the Internet; non-business professional consultancy; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 40:** *Non-business professional consultancy; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 41:** *Non-business professional consultancy; kindergarten; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 42:** *Non-business professional consultancy; meteorological information services; consultancy, advice, assistance, analysis, design, evaluation and programming services relating to computer software, firmware, hardware and information technology; rental of consumer domestic electric and electronic goods in class 42; design, drawing and commissioned writing, all for the compilation of web pages on the Internet; posting, creating and maintaining websites for others; leasing access time to a computer database, consultancy and advice relating to the evaluation, choosing and implementation of computer software, firmware, hardware, information technology and of data-processing systems; rental and licensing of computer software, firmware and hardware; provision of information relating to technical matters, legal matters, information technology, and intellectual property; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 43:** *Temporary accommodation; provision of food and drink; catering; hotel, restaurant, cafe and bar services; hotel management and reservation services; non-business professional consultancy; providing facilities for exhibitions and conferences; nursery, kindergarten and creche services; rental of consumer domestic electric and electronic goods; Internet cafe services; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 44:** *Non-business professional consultancy; hairdressing; grooming and beauty salon services; physical, mental and emotional health-care and well-being services; counselling; rental of consumer domestic electric and electronic goods; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**Class 45:** *Non-business professional consultancy; counselling; rental of clothing; rental of consumer domestic electric and electronic goods, security services; including but not limited to, all the aforesaid services provided via*

*telecommunications networks, by online delivery and by way of the Internet and the World Wide Web.*

**UK00902278398**

**Class 16:** *Printed matter and publications; wrapping and packaging; books, manuals, pamphlets, newsletters, albums, newspapers, magazines and periodicals; tickets, vouchers, coupons and travel documents; identity cards; labels and tags; posters, postcards, calendars, diaries, photographs, gift cards and greeting cards; teaching and instructional materials; stationery, artists' materials, playing cards, writing instruments, brochures, travel documents folders, guide books, travellers cheques, badges, promotional and advertising material.*

**Class 35:** *Advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; business organisation, business administration and business management services, business information services, auctioneering services, office functions, promotional services; import-export agency services, business and management consultancy, assistance and advice; purchasing and demonstration of goods for others; the bringing together for the benefit of others of a variety of goods, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order; advisory and arrangement services relating to all the aforesaid; including, but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the world wide web.*

**Class 39:** *Transportation of goods, passengers and travellers by air, airline and shipping services; airport check-in services; arranging of transportation of goods, passengers and travellers by land and sea; airline services; bus transport services, car transport services, coach services, baggage handling services; cargo handling and freight services; arranging, operating and providing facilities for cruises, tours, excursions and vacations; chartering of aircraft; rental and hire of aircraft, vehicles and boats; aircraft parking services; aircraft fuelling services, travel reservation and*

*travel booking services provided by means of the world wide web, information services concerning travel, including information services enabling customers to compare prices of different companies; travel agency and tourist office services; advisory and information services relating to the aforesaid services; information services relating to transportation services, including information services provided on-line from a computer database or the Internet.*

**Class 42:** *Temporary accommodation; provision of food and drink; catering; hotel, restaurant, café and bar services; hotel management and reservation services; non-business professional consultancy; providing facilities for exhibitions and conferences; meteorological information services; hairdressing; grooming and beauty salon services; physical, mental and emotional health-care and well-being services; counselling; nursery, kindergarten and creche services; rental of clothing; consultancy, advice, assistance, analysis, design, evaluation and programming services relating to computer software, firmware, hardware and information technology; provision of access to computers; rental of consumer domestic electric and electronic goods in class 42, security services; design, drawing and commissioned writing, all for the compilation of web pages on the Internet; posting, creating and maintaining websites for others; leasing access time to a computer database; Internet café services, consultancy and advice relating to the evaluation, choosing and implementation of computer software, firmware, hardware, information technology and of data-processing systems; rental and licensing of computer software, firmware and hardware; provision of information relating to technical matters, legal matters, information technology, and intellectual property; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the world wide web.*

**UK00916079675**

**Class 16:** *Printed matter and publications; wrapping and packaging; books, manuals, pamphlets, newsletters, albums, newspapers, magazines and periodicals; tickets, vouchers, coupons and travel documents; identity cards; labels and tags; posters, postcards, calendars, diaries, photographs, gift cards and greeting cards;*

*teaching and instructional materials; stationery, artists' materials, writing instruments, brochures, travel documents folders, guide books, travellers cheques, cardboard badges, paper badges, paper name badges, promotional and advertising material.*

**Class 35:** *Advertising, marketing and publicity services; dissemination of advertising, marketing and publicity materials; business organisation, business administration and business management services, business information services, auctioneering services, office functions, promotional services; import-export agency services, business and management consultancy, assistance and advice; purchasing and demonstration of goods for others; the bringing together for the benefit of others of a variety of goods, namely, sunglasses, jewellery, watches, bags, clothing, footwear, headgear, glassware, porcelain, earthenware, printed matter, stationery, books, magazines, prepared meals, enabling customers conveniently to view and to purchase such goods through retail shops, retail kiosks, the Internet, on board aircraft, by means of telecommunications and from a general merchandise catalogue by mail order; advisory and arrangement services relating to all the aforesaid; including, but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the world wide web; hotel management.*

**Class 37:** *Aircraft fuelling services.*

**Class 39:** *Transportation of goods, passengers and travellers by air, airline and shipping services; airport check-in services; arranging of transportation of goods, passengers and travellers by land and sea; airline services; bus transport services, car transport services, coach services, baggage handling services; cargo handling and freight services; arranging, operating and providing facilities for cruises, tours and excursions; arranging, operating and providing transport facilities for holidays; chartering of aircraft; rental and hire of aircraft, vehicles and boats; aircraft parking services; travel reservation and travel booking services provided by means of the world wide web, information services concerning travel, including information services enabling customers to compare prices of different companies; travel*

*agency and tourist office services; advisory and information services relating to the aforesaid services; information services relating to transportation services, including information services provided on-line from a computer database or the Internet.*

**Class 42:** *Meteorological information services; consultancy, advice, assistance, analysis, design, evaluation and programming services relating to computer software, firmware, hardware and information technology; provision of access to computers; design, drawing and commissioned writing, all for the compilation of web pages on the Internet; hosting, creating and maintaining websites for others; Internet café services, consultancy and advice relating to the evaluation, choosing and implementation of computer software, firmware, hardware, information technology and of data-processing systems; provision of information relating to technical matters and information technology; including but not limited to, all the aforesaid services provided via telecommunications networks, by online delivery and by way of the Internet and the world wide web.*

**Class 43:** *Temporary accommodation; provision of food and drink; catering; hotel, restaurant, café and bar services; hotel reservation services; providing facilities for exhibitions and conferences; nursery, kindergarten and creche services.*