

O/0800/23

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK00003403664

BY EXTREME E LTD

TO REGISTER THE FOLLOWING TRADE MARK:



IN CLASSES 4, 9, 12, 14, 16, 18, 25, 28, 32, 35, 36, 37, 38, 39, 41, 42, 43 AND 45

AND IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 418020

BY EXTREME NETWORKS LIMITED

## BACKGROUND AND PLEADINGS

1. On 31 May 2019, EXTREME E LTD (“the applicant”) applied to register the trade mark shown on the cover page of this decision, in the UK. The application was published for opposition purposes on 14 June 2019 and registration is sought for the goods and services shown in the Annex to this decision.

2. On 10 September 2019, the application was partially opposed by Extreme Networks Limited (“the opponent”) based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is directed at the applicant’s class 41 and 43 services only. The opponent relies upon the following trade mark:<sup>1</sup>



EUTM no. 017994806<sup>2</sup>

Filing date 30 November 2018; registration date 22 May 2019

Relying upon all services for which the earlier mark is registered, namely:

Class 41      Booking of seats for shows; gambling; games equipment rental; production of music; rental of sports equipment, except vehicles; observation wheels, observation decks and platforms.

Class 43      Hotel services; hotel and accommodation reservation services; arranging of holiday accommodation; catering, bar, cafe and restaurant services; services for providing food and drink;

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<sup>1</sup> Although the opponent originally relied upon additional trade marks, the opposition based upon those marks was withdrawn during the evidence rounds.

<sup>2</sup> Although the earlier mark is an EUTM, it can still be relied upon for the purposes of this opposition. This is because the application was filed before IP Completion Day (31 December 2020). Further information can be found in Tribunal Practice Notice 2/2020.

catering services; restaurant and café services; bar services; provision of temporary accommodation; resort hotel services; fast-food restaurants; self-service restaurant services; snack-bars; restaurant services incorporating licensed bar facilities; provision of holiday accommodation; booking and reservation services for restaurants and holiday accommodation; providing facilities for conventions, conferences, exhibitions and seminars; provision of exhibition facilities; information, advisory and consultancy services relating to all of the aforesaid services.

3. The opponent claims that the marks are similar, and the services are identical or similar, with the result that there is a likelihood of confusion.

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

5. Neither party filed evidence, but both filed written submissions during the evidence rounds. A hearing took place before me on 31 May 2023, by video conference. The applicant was represented by Ms Charlotte Blythe, of Counsel, instructed by Bird & Bird LLP. The opponent was represented by Mr Aaron Wood of Brandsmiths SL Limited.

## **RELEVANCE OF EU LAW**

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

## **DECISION**

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

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

(a)...

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

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

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

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

9. By virtue of its earlier filing date, the trade mark upon which the opponent relies qualifies as an earlier trade mark pursuant to section 6 of the Act. As the earlier mark had not completed its registration process more than 5 years before the date of the application in question, it is not subject to proof of use pursuant to section 6A of the Act.

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

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

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

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

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

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

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

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

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

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

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

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

### Comparison of services

11. The competing services are as follows:

Opponent's services	Applicant's services
<p><u>Class 41</u>            Booking of seats for shows; gambling; games equipment rental; production of music; rental of sports equipment, except vehicles; observation wheels, observation decks and platforms.</p>	<p><u>Class 41</u>            Education; training; entertainment; sporting and cultural activities; televised sporting and cultural entertainment; organization of motor vehicle races; organization of sporting and cultural events and activities; organization of exhibitions for cultural and educational purposes; organization of lotteries and competitions; betting and gambling services in connection with or relating to sports; entertainment in the form of live motorsport races; entertainment in the form of live shows and events relating to motoring or motor vehicles; entertainment services provided during sporting events or concerning sporting events; organization of real or virtual sports competitions, particularly mechanical sports competitions; provision of sports facilities; provision of</p>
<p><u>Class 43</u>            Hotel services; hotel and accommodation reservation services; arranging of holiday accommodation; catering, bar, cafe and restaurant services; services for providing food and drink; catering services; restaurant and café services; bar services; provision of temporary accommodation; resort hotel services; fast-food restaurants; self-service restaurant services; snack-bars; restaurant services incorporating licensed bar facilities; provision of holiday accommodation; booking and</p>	<p>entertainment in the form of live motorsport races; entertainment in the form of live shows and events relating to motoring or motor vehicles; entertainment services provided during sporting events or concerning sporting events; organization of real or virtual sports competitions, particularly mechanical sports competitions; provision of sports facilities; provision of</p>

<p>reservation services for restaurants and holiday accommodation; providing facilities for conventions, conferences, exhibitions and seminars; provision of exhibition facilities; information, advisory and consultancy services relating to all of the aforesaid services.</p>	<p>motor racing circuits; hospitality services (entertainment); rental of audio and video equipment, production of films, other than advertising films; production of sound and video recordings; presentation and distribution of films and of sound and video recordings; rental of sound and video recordings; rental and/or provision via a computer network of interactive education and entertainment products, namely interactive compact discs, CD-ROMs, computer games; entertainment, namely presentation of interactive education and entertainment products, namely interactive compact discs, CD-ROMs, computer games; coverage of radio broadcast and televised sports events; production of television and radio programs and of videotapes; reservation of tickets for sporting events and shows; timing of sports events; interactive entertainment; on-line betting services; provision of games on the Internet; information concerning entertainment or education, provided on line from a data bank or the Internet; electronic game services provided by means of the Internet; virtual reality game services provided on-line from a computer network; provision of electronic publications on line; publication of books, magazines, texts (other than advertising</p>
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	<p>texts) and periodicals; publication of texts (other than advertising texts), including regulations, norms and standards relating to automotive transport and mechanical sports; provision of sporting results; information services concerning sports and sporting events; rental of recorded sounds and images; audio production services; information services concerning sporting events provided on line from a computer database or the Internet; editing and publishing services; publication of statistics regarding sporting results and audience ratings for sporting competitions; driving courses; design, conducting and hosting of courses, seminars and all training activities in the field of vehicle driving; education and training services, namely, training program design, training and proficiency examination relating to driving of motor vehicles with a view to providing certification of aptitude or an internationally recognized driving license; entertainment information; organization and conducting of award ceremonies and gala ceremonies for entertainment purposes.</p> <p><u>Class 43</u> Services for providing food and drink; temporary accommodation; cafeteria</p>
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	<p>and restaurant services; welcoming and hospitality services, namely providing food and drink; providing information in the field of tourism, namely accommodation information; providing information in the field of tourism, namely information on provision of food and meal.</p>
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12. When making the comparison, all relevant factors relating to the services in the specifications should be taken into account. In the judgment of the Court of Justice of the European Union (“CJEU”) in *Canon*, Case C-39/97, the court stated at paragraph 23 that:

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

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

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;

(e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and, in particular, whether they are or are likely to be found on the same or different shelves;

(f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance, whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

14. In *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05, the General Court (“GC”) stated that:

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

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

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

16. In *Sanco SA v OHIM*, Case T-249/11, the GC indicated that goods and services may be regarded as ‘complementary’ and therefore similar to a degree in circumstances where the nature and purpose of the respective goods and services are very different, i.e. *chicken* against *transport services for chickens*. The purpose of

examining whether there is a complementary relationship between goods/services is to assess whether the relevant public are liable to believe that responsibility for the goods/services lies with the same undertaking or with economically connected undertakings. As Mr Daniel Alexander Q.C. noted as the Appointed Person in *Sandra Amelia Mary Elliot v LRC Holdings Limited* BL-0-255-13:

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

Whilst on the other hand:

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

#### Class 41

*Education; training; information concerning [...] education, provided on line from a data bank or the Internet.*

17. Mr Wood submitted that there is similarity between these services and those within the opponent’s specification because the subject matter of the applicant’s services might be the same as the field within which the opponent operates. Mr Wood submitted that this results in an overlap in user and trade channels. I accept that there may be some overlap in users, where both sets of services are used by members of the general public. However, the nature, method of use and purpose of the services differ. I have no evidence before me to suggest that there would be any overlap in trade channels, and I see no reason why there would be. There is no competition or complementarity. Consequently, the services are dissimilar.

*Entertainment; interactive entertainment.*

18. Mr Wood submitted that these services are identical to the opponent’s “gambling” because gambling is a form of entertainment. Ms Blythe submitted that this is giving

“entertainment” too broad an interpretation. I agree with Mr Wood, that gambling is a form of entertainment. Consequently, these services are identical on the principle outlined in *Meric*. Even if I am wrong in that finding, there will be an overlap in purpose, method of use, trade channels, user and nature and the services will be highly similar.

*Entertainment services provided during sporting events or concerning sporting event.*

19. Ms Blythe submitted that, even if I find gambling to be a type of entertainment service, that I should not find this term to be identical to the opponent’s “gambling” because it refers to a distinct subset of entertainment services more generally. However, in my view, this is likely to include gambling services provided at, for example, a horse racing event (being a sporting event). Consequently, I consider this term to also be identical on the principle outlined in *Meric* to “gambling” in the opponent’s specification.

*Sporting [...] activities.*

20. The applicant admits that these services are complementary to the opponent’s “rental of sports equipment, except vehicles”. I agree. There is an important connection between the services and the average consumer may think that they come from the same undertaking. There is also an overlap in user and trade channels. The method of use, nature and purpose of the services differ. In my view, these services are similar to a medium degree.

*[...] cultural activities; organization of sporting and cultural events and activities; organization of exhibitions for cultural and educational purposes.*

21. Mr Wood submitted that these terms could include the provision of theatre shows and that there is, therefore, some similarity with “booking of seats for shows” in the opponent’s specification. I agree. The same businesses that provide and organize shows are also likely to provide services for the booking of seats. There is an overlap in user. I also consider the services to be complementary. The nature, purpose and method of use differ. Consequently, I consider the services to be similar to a medium degree.

*Organization of motor vehicle races; entertainment in the form of live motorsport races; entertainment in the form of live shows and events relating to motoring or motor vehicles; organization of real or virtual sports competitions, particularly mechanical sports competitions.*

22. I accept that the organization of different types of events would also involve the provision of a booking service for seats at that event. Consequently, there would be some overlap in nature, user, method of use and purpose with the opponent's "booking of seats for shows". I do not consider it likely that the trade channels would overlap significantly, nor do I consider there to be complementarity or competition. Consequently, I consider there to be a medium degree of similarity.

*Televised sporting and cultural entertainment; coverage of radio broadcast and televised sports events.*

23. Whilst this term also refers to cultural entertainment, this is televised/radio broadcast and so would not involve the booking of seats. I can see no obvious point of overlap in nature, method of use, purpose or trade channels. There is no competition or complementarity. I recognise that there may be an overlap in user, but that is not enough on its own for a finding of similarity. Mr Wood also submitted that if the applicant accepts that there is similarity between sporting activities and the rental of sporting equipment then it is illogical to find no similarity in relation to the televised equivalents. I disagree. The reason that there is similarity with sporting activities is because someone who is engaging in a sporting activity themselves might rent sports equipment from the same undertaking that is providing the activity, resulting in an overlap in trade channels, user and complementarity. Where there is televised sporting entertainment, the user is not engaging in the activity themselves and would not expect a business providing televised entertainment to also engage in the provision of sporting equipment. Consequently, I consider the services to be dissimilar.

*Organization of lotteries and competitions; betting and gambling services in connection with or relating to sports; on-line betting services.*

24. The applicant admits that these services are identical to “gambling” in the opponent’s specification.

*Provision of sports facilities.*

25. The applicant admits that there is a “moderate” degree of similarity between these services and the opponent’s “rental of sports equipment, except vehicles”. In my view, there is a clear overlap in trade channels and user. The same businesses are likely to offer both the facilities and the equipment necessary to engage in a particular sporting activity. They are also complementary. Consequently, I consider there to be a medium degree of similarity.

*Provision of motor racing circuits.*

26. Ms Blythe submits that the same argument cannot apply to this term because the opponent’s “rental of sports equipment, except vehicles” specifically excludes vehicles. Mr Wood submitted that there are other sporting equipment goods which could be rented by a provider of motor racing circuits, other than the vehicles themselves, resulting in similarity of trade channels and user. However, Mr Wood was unable to identify any specific goods that might fall within this term that would be applicable to motor racing. In my view, there is unlikely to be an overlap in trade channels, given the exclusion to the opponent’s specification and I do not consider there to be complementarity. I accept that there may be an overlap in user, but the method of use, purpose and nature of the services differ. There is no competition. Consequently, I consider them to be dissimilar.

*Hospitality services (entertainment).*

27. The applicant admits that these services share a low degree of similarity with the opponent’s “services for providing food and drink”. Mr Wood submits that the level of similarity is higher. I agree. There is clearly an overlap in trade channels as it is

common for hospitality businesses to provide both the entertainment and the catering. The users will clearly overlap. In my view, the services are complementary. Consequently, they are similar to a medium degree.

*Rental of audio and video equipment, [...].*

28. The applicant accepts that there is a moderate degree of similarity between these services and the opponent's "production of music". I can see no other point of similarity that puts the opponent in any stronger position and so I will proceed on this basis.

*Production of sound [...] recordings; Audio production services.*

29. The applicant accepts that these services are identical to "production of music" in the opponent's specification. I agree.

*Presentation and distribution [...] of sound [...] recordings; rental of sound [...] recordings; rental of recorded sounds [...].*

30. These services will overlap in user and trade channels with the opponent's "production of music". There will also be complementarity. There is also a degree of overlap in nature and purpose. Consequently, I consider them to be similar to a high degree.

*[...] production of films, other than advertising films; production of [...] video recordings; presentation and distribution of films and of [...] video recordings; rental of [...] video recordings; rental of recorded [...] images; production of [...] videotapes.*

31. Mr Wood submitted that these services are similar to "production of music" because the same businesses that produce music are also likely to produce other types of audio/visual material. I agree. I also consider there to be an overlap in user. I do not consider there to be complementarity, as one is not important or indispensable for the other. The method of use and nature may overlap to a degree, although the purpose will be different. In my view, these services are similar to a medium degree.

*Rental and/or provision via a computer network of interactive education and entertainment products, namely interactive compact discs, CD-ROMs, computer games; entertainment, namely presentation of interactive education and entertainment products, namely interactive compact discs, CD-ROMs, computer games; provision of games on the Internet; electronic game services provided by means of the Internet; virtual reality game services provided on-line from a computer network.*

32. Mr Wood submitted that these services would include the provision of computer-based gambling games. I agree. Consequently, Mr Wood submits that this is identical to “gambling” in the opponent’s specification. Ms Blythe submitted that they cannot be identical, because the natural meaning of “gambling” would cover things like bookmakers services etc. However, even if I accept Ms Blythe’s position, I still consider it entirely likely that there will be an overlap in trade channels, with the same businesses providing both online gambling games and in-person gambling services or more traditional gambling services provided via an app. The user will clearly overlap. There will also be an overlap in purpose and there may also be an element of competition. Consequently, they are similar to at least a medium degree.

*Production of [...] radio programs [...].*

33. The applicant accepts that there is a moderate degree of similarity with the opponent’s “production of music”. I can see no other point of overlap which puts the opponent in any stronger position and, consequently, I will proceed on this basis.

*Production of television [...] programs [...].*

34. These are services involved in the production of programs (in this case, television programs). In my view, any overlap in nature, method of use and purpose will be the same for these services as it is for the services in the preceding paragraph in relation to “production of music”. In my view, the same applies and they are similar to a moderate degree.

*Reservation of tickets for sporting events and shows.*

35. The applicant accepts that these services are identical to the opponent's "booking of seats for shows". I agree.

*Timing of sports events.*

36. At the hearing, Mr Wood accepted that there was no point of similarity with the opponent's specification that he could identify in relation to this term. I agree.

*Information concerning entertainment [...], provided on line from a data bank or the Internet; entertainment information.*

37. In my view, businesses that provide the opponent's service of "booking of seats for shows" are also likely to provide information about the entertainment being offered. Consequently, I accept that there is an overlap in trade channels and user. The method of use may overlap. However, the purpose and nature of the services will differ. I do not consider them to be in competition or complementary. Consequently, I consider them to be similar to a moderate degree.

*Provision of electronic publications on line; publication of books, magazines, texts (other than advertising texts) and periodicals; publication of texts (other than advertising texts), including regulations, norms and standards relating to automotive transport and mechanical sports.*

38. Mr Wood submitted that these services may be similar to the opponent's services because they may relate to the field within which the opponent operates i.e. it could be publication of texts relating to gambling or the production of music, for example. However, in my view, these are services that would be provided by specialist undertakings, and I have no evidence before me to suggest that there would be any overlap in trade channels. There may be an overlap in user, but the method of use, purpose and nature of the services differ. There is no competition or complementarity. I consider the services to be dissimilar.

*Provision of sporting results; information services concerning sports and sporting events; information services concerning sporting events provided on line from a computer database or the Internet.*

39. Mr Wood submitted that there is an overlap in trade channels between these services and “gambling” in the opponent’s specification because businesses that provide sports betting are also likely to be involved in the provision of information about sporting results. The users will clearly overlap. I also consider them to be complementary. The nature, purpose and method of use of the services will differ. I consider them to be similar to a medium degree.

*Publication of statistics regarding sporting results and audience ratings for sporting competitions.*

40. This seems to me to be different to the provision of sporting results; it relates to the provision of statistics in the field of sporting results and audience ratings for sporting competitions. In my view, this is likely to be provided by a specialist statistics business and there is no overlap in trade channels with the opponent’s services. I consider it unlikely that there will be an overlap in nature, method of use or purpose. There is no competition or complementarity. I accept that there may be some overlap in user, but that is insufficient on its own for a finding of similarity. Consequently, I consider the services to be dissimilar.

*Editing and publishing services.*

41. Mr Wood submitted that this would include editing and publishing in relation to music. I am not convinced by this; I agree with Ms Blythe that the ordinary meaning of this term is publishing/editing of texts/publications (whether they be physical or online). I am fortified in this finding by the fact that the *Collins* online dictionary refers to “publishing” as the profession of publishing books.<sup>3</sup> Consequently, I consider that the same applies as set out in paragraph 38 above and they are dissimilar.

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<sup>3</sup> Publishing definition and meaning | Collins English Dictionary (collinsdictionary.com)

*Driving courses; design, conducting and hosting of courses, seminars and all training activities in the field of vehicle driving; education and training services, namely, training program design, training and proficiency examination relating to driving of motor vehicles with a view to providing certification of aptitude or an internationally recognized driving license.*

42. At the hearing, Mr Wood accepted that these are dissimilar to the opponent's services. I agree.

*Organization and conducting of award ceremonies and gala ceremonies for entertainment purposes.*

43. I consider that the same reasoning applies to these services as set out in paragraph 22 above. Consequently, these services are similar to a medium degree.

#### Class 43

*Services for providing food and drink; temporary accommodation; cafeteria and restaurant services; providing information in the field of tourism, namely accommodation information; providing information in the field of tourism, namely information on provision of food and meal.*

44. The applicant accepts that these services are identical to the opponent's services. I agree.

*Welcoming and hospitality services, namely providing food and drink.*

45. Ms Blythe submits that these services are similar to a moderate degree to the opponent's services because hospitality services involve more than just the simple provision of food and drink. However, the inclusion of the word "namely" in the applicant's specification means that it is only what follows that word that is actually covered by the term. Consequently, I consider this to be identical to "services for providing food and drink" in the opponent's specification.

46. As some degree of similarity of services is required for there to be a likelihood of confusion, the opposition must fail in relation to those services that I have found to be dissimilar.<sup>4</sup>

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

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

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

48. Ms Blythe and Mr Wood were in agreement that the average consumer is a member of the general public. The level of attention and cost of the services will vary, but they are unlikely to be at the highest end of the scale. Nonetheless, factors such as the quality of the services provided, the reputation of the service provider and the user's particular requirements are likely to be taken into account during the selection process. Consequently, I consider that a medium degree of attention will be paid during the purchasing process.

49. Ms Blythe submitted that visual considerations are likely to be most important for the majority of the services in the specification. In my view, all of the services are likely to be selected following perusal of signage on advertisements, physical premises

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<sup>4</sup> *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA

and/or websites. Consequently, visual considerations are likely to dominate the selection process. However, I do not discount an aural component to the purchase of the services given that word-of-mouth recommendations may play a part.



### **Comparison of trade marks**

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

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

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

52. The respective trade marks are shown below:

Opponent's trade mark	Applicant's trade mark
	

53. The opponent's mark consists of the word EXTREME presented in a standard title case font. Above that word is an oval device, containing the letter E (in lower case) and either the letter X or a cross-device, depending on how it is perceived. The eye is naturally drawn to the word EXTREME, but given the size of the device, I consider that they play a roughly equal role in the overall impression.

54. The applicant's mark consists of the word EXTREME.E, presented vertically. This is presented alongside a square device, with a cross (or letter X) within it. The colours appear in greyscale and there is a vertical line down the centre of the device, along which the colours are inverted. Again, the eye is naturally drawn to the element that can be read, but given the size of the device, I consider them to play a roughly equal role in the overall impression.

55. Visually, the marks overlap in that they both contain the word EXTREME, the letter E (albeit it is within the device in the opponent's mark) and a device which contain a cross (or the letter X). They differ in the presentation of the device, the orientation of the text and the addition of the 'dot' in the applicant's mark. Taking all of this into account, I consider the marks to be visually similar to a medium degree.

56. Aurally, because the letters E and X (if the latter is perceived as a letter) in the opponent's mark are presented within the device, I consider it unlikely that they will be articulated. In my view, the only element of the opponent's mark which is likely to be pronounced is the word EXTREME. The applicant's mark is most likely to be pronounced EXTREME-EEE. Again, I do not consider the X (if it is perceived as such)

will be articulated due to its incorporation into the device. Consequently, I consider the marks to be aurally highly similar. Even if I am wrong and all of the letters are articulated, this will result in the opponent's mark being pronounced EEE-EXX-EXTREME or EXX-EXTREME (if the letters E and X are pronounced as one 'word'). The applicant's mark will be pronounced EXX-EXTREME-EEE. In my view, in either case, there is a high degree of aural similarity.

57. Conceptually, the word EXTREME will be given its ordinary dictionary meaning which will be identical for both marks. In my view, the marks are conceptually identical. If I am wrong in this, and the letter E in the applicant's mark is taken to mean electronic as the applicant suggests, and this acts as a point of conceptual difference, then they are conceptually highly similar.

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

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

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

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as

originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

59. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic of the services, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctive character of a mark can be enhanced by virtue of the use that has been made of it.

60. The opponent has not pleaded that the distinctiveness of its mark has been enhanced through use, nor has it filed any evidence to support such a finding. Consequently, I have only the inherent position to consider. The word EXTREME in the opponent’s mark will be given its ordinary dictionary meaning i.e. very great in degree or intensity. This may be seen as descriptive for some of the services (such as those relating to sport). Otherwise, I do not consider it to have any particular meaning in relation to the services. Consequently, I consider it to be inherently distinctive to a low degree, or to a medium degree, depending on the services. I accept that the device increases the distinctiveness of the mark overall to either between a low and medium degree or to a slightly higher than medium degree (depending upon the starting point).

### **Likelihood of confusion**

61. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the services down to the responsible undertaking being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective services may be offset by a greater degree of similarity between the respective marks and vice versa. As I mentioned above, it is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the services and the nature of the purchasing act. In doing so,

I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

62. I have found as follows:

- a. The services vary from being identical to similar to a moderate degree, except where I have found them to be dissimilar.
- b. The average consumer is a member of the general public, who will pay a medium degree of attention during the purchasing process.
- c. The purchasing process for the services will be predominantly visual, although I do not discount an aural component.
- d. The marks are visually similar to a medium degree, aurally similar to a high degree and conceptually identical or highly similar.
- e. The word EXTREME is inherently distinctive to a low or medium degree, depending upon the services. The mark as a whole is inherently distinctive to either between a low and medium degree or to a slightly higher than medium degree, depending upon the starting point.

63. I will carry out my assessment on the basis that the earlier mark is inherently distinctive to between a low and medium degree, as that represents the applicant's best case. In my view, even in those circumstances, the marks are likely to be mistakenly recalled or misremembered as each other. Notwithstanding the relatively low distinctiveness of the common word, EXTREME, the common word, combined with devices which incorporate a cross (or the letter X) and the addition of the letter E to both marks, is likely to result in them being misremembered when taking into account imperfect recollection. Even if the differences between them are identified, I consider it likely that they will be viewed as an alternative mark being used by the same undertaking. There is direct and indirect confusion for all services that I have found to be identical or similar.

## CONCLUSION

64. The opposition succeeds in relation to the following services for which the application is refused:

Class 41 Entertainment; sporting and cultural activities; organization of motor vehicle races; organization of sporting and cultural events and activities; organization of exhibitions for cultural and educational purposes; organization of lotteries and competitions; betting and gambling services in connection with or relating to sports; entertainment in the form of live motorsport races; entertainment in the form of live shows and events relating to motoring or motor vehicles; entertainment services provided during sporting events or concerning sporting events; organization of real or virtual sports competitions, particularly mechanical sports competitions; provision of sports facilities; hospitality services (entertainment); rental of audio and video equipment, production of films, other than advertising films; production of sound and video recordings; presentation and distribution of films and of sound and video recordings; rental of sound and video recordings; rental and/or provision via a computer network of interactive education and entertainment products, namely interactive compact discs, CD-ROMs, computer games; entertainment, namely presentation of interactive education and entertainment products, namely interactive compact discs, CD-ROMs, computer games; production of television and radio programs and of videotapes; reservation of tickets for sporting events and shows; interactive entertainment; on-line betting services; provision of games on the Internet; information concerning entertainment, provided on line from a data bank or the Internet; electronic game services provided by means of the Internet; virtual reality game services provided on-line from a computer network; provision of sporting results; information services concerning sports and sporting events; rental of recorded sounds and images; audio production services; information services concerning sporting events provided on line from a computer database or the

Internet; organization and conducting of award ceremonies and gala ceremonies for entertainment purposes.

Class 43 Services for providing food and drink; temporary accommodation; cafeteria and restaurant services; welcoming and hospitality services, namely providing food and drink; providing information in the field of tourism, namely accommodation information; providing information in the field of tourism, namely information on provision of food and meal.

65. The opposition fails in relation to the following services for which the application may proceed to registration:

Class 41 Education; training; televised sporting and cultural entertainment; provision of motor racing circuits; coverage of radio broadcast and televised sports events; timing of sports events; information concerning education, provided on line from a data bank or the Internet; provision of electronic publications on line; publication of books, magazines, texts (other than advertising texts) and periodicals; publication of texts (other than advertising texts), including regulations, norms and standards relating to automotive transport and mechanical sports; editing and publishing services; publication of statistics regarding sporting results and audience ratings for sporting competitions; entertainment information; driving courses; design, conducting and hosting of courses, seminars and all training activities in the field of vehicle driving; education and training services, namely, training program design, training and proficiency examination relating to driving of motor vehicles with a view to providing certification of aptitude or an internationally recognized driving license.

## **COSTS**

66. The opponent has enjoyed the greater degree of success and, consequently, is entitled to a contribution towards its costs based upon the scale published in Tribunal Practice Notice 2/2016. I have made an appropriate reduction for the only partial

success. With that in mind, I award the opponent the sum of **£1,175**, calculated as follows:

Preparing a Notice of opposition and considering the applicant's counterstatement	£175
Written submissions	£250
Preparing for and attending hearing	£650
Official fee	£100
<b>Total</b>	<b>£1,175</b>

67. I therefore order EXTREME E LTD to pay Extreme Networks Limited the sum of £1,175. This sum should be paid within 21 days of the expiry of the appeal period or, if there is an appeal, within 21 days of the conclusion of the appeal proceedings.

**Dated this 21st day of August 2023**

**S WILSON**

**For the Registrar**

## ANNEX

### Class 4

Industrial oils and greases, wax; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.

### Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software, application software; computer application software for mobile phones; fire-extinguishing apparatus; fire-extinguishing apparatus; alcoholmeters; downloadable electronic publications; protective helmets for sports; helmets for motorracing drivers; glasses, sunglasses, sports goggles; clothing, footwear, headgear, driver's suit, helmets, gloves, belts, goggles, all these goods used for protection against accidents, irradiation and fire; speedometers; apparatus for recording, display boards and timing apparatus; signs and luminous and mechanical signs (boards); anti-dazzle screens; computer game software; computer game software for mobile telephone receivers; portable computers; tablet computer; fire, heat and smoke alarms and detectors; video cameras; video devices for vehicle recognition; video devices for traffic detection; apparatus for shooting and filming; portable digital electronic apparatus and software related thereto; portable electronic devices for voice, video, data and image communications; batteries, dry cells and batteries, rechargeable batteries, battery chargers, storage batteries, solar cells and batteries, fuel cells; electric batteries for vehicles; audio cables, video cables; communication apparatus and machines, cellular mobile telephones, cases for cellular mobile telephones, global positioning system receivers, navigation systems for cars (road guidance systems), electronic systems for road toll collection, GPS (global positioning system) antennas; checking (supervision) apparatus and instruments,

communication and surveillance systems for apartment buildings, intruder detection systems, automated systems for surveillance and control of functions within buildings, electric multi-layer security apparatus.

#### Class 12

Vehicles, including their components and equipment included in this class; apparatus for locomotion by land, air or water; all-terrain vehicles; racing cars, including their components and equipment included in this class; motors and engines for land vehicles, diesel and electric motors for land vehicles; electric and hybrid automobiles and their component parts and their equipment included in this class; electric racing cars; go-karts, electric go-karts; vehicle chassis; transmissions for land vehicles; brakes for vehicles; vehicle seats; safety harnesses for car racing; safety seats for children, for vehicles; safety seats for cars; safety belts for vehicle seats; pushchairs.

#### Class 14

Coins, ingots and medals in precious metals or in their alloys, commemorative or not; precious metals and their alloys; jewellery, precious and semi-precious stones; key rings.

#### Class 16

Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks.

#### Class 18

Leather and imitations of leather, not included in other classes, leather vanity cases (not fitted), leather bags for mountain-climbing, leather rucksacks (backpacks), leather wallets (purses), briefcases (leather goods), leather attaché-cases, leather suitcases, leather school bags, leather handbags, key cases (leatherware), leather straps; trunks and travelling bags; bags; rucksacks; all-purpose sports bags; umbrellas and parasols and walking sticks; whips, harness and saddlery.

### Class 25

Clothing, footwear, headgear; suits and gloves for car racing drivers; scarves; belts (clothing); underwear; socks and stockings; pyjamas; bibs, not of paper; knitwear (clothing); wrist bands; suits for infants and children.

### Class 28

Games and playthings; video games apparatus; scale model vehicles; scale model kits (toys); slot car racing (toys); gymnastic and sporting articles not included in other classes; decorations for Christmas trees; playing cards; plush toys.

### Class 32

Beers; mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; syrups and other preparations for making beverages.

### Class 35

Advertising; dissemination of advertising matter via all media, particularly in the form of thematic messages focused on human values; advertising by sponsoring; business management; business administration; office functions; promotion of the goods and services of others, by means of contractual agreements, particularly sponsoring and licensing agreements, enabling them to gain additional notoriety and/or enhanced image and/or a surge of sympathy derived from the notoriety and/or enhanced image resulting from cultural and sporting events, particularly car races, and/or a surge of sympathy generated by them; promotion of the goods and services of others by means of what is referred to as the initial interest factor leading the public to consider, among a multitude of competitors, goods or services presented to the public by means of signs, emblems or messages aimed at capturing its attention; promotion of the goods and services of others by means of the so-called image transfer; rental of advertising space of all type and on all media, whether digital or not; commercial administration of participation of motor racing stables to motor sport competitions and promotion to the public and interested media of support for said teams; business administration consultancy; data input and processing services; organization of exhibitions for commercial or advertising purposes, particularly in the field of automobiles and motor sports; promotion of sporting events and competitions for use by others; promotion of concerts and of cultural events for others; provision of documentation, namely direct

mail advertising, distribution of advertising material, distribution of samples, reproduction of documents; loyalty, incentive and bonus programs for customers at sports venues by means of distributing loyalty and encoded member cards which may hold personal user data; compilation and recording of data and information on sports performances; maintenance of computerized databases; computer file management, namely, digital file management comprising a portfolio of images and video footage intended for one use under license in traditional advertising and in behavioural promotion (moral advertising); electronic commerce (e-commerce) services, namely making product information available via telecommunication networks for advertising and sales purposes.

#### Class 36

Insurance; insurance of motor vehicles; financial affairs; banking; monetary affairs; real estate affairs; credit card services; financing of sporting and cultural activities; implementation of financial programs for support and assistance in the field of sport.

#### Class 37

Building construction; vehicle battery charging; recharging of batteries and accumulators; recharging services for electric vehicles; installation, maintenance and repair of batteries and accumulators; repair and maintenance of motor vehicles and parts thereof; repair and maintenance of tires for automobiles; retreading of tires; replacement, overhaul and maintenance of power plants, motors and engines, turbines, wind turbines and apparatus, equipment and instruments for energy and electricity production and their parts, components and accessories; drilling and pumping of oil and gas; drilling for crude oil; construction of power plants; construction of wind power plants; construction of wave energy power plants; installation and maintenance of industrial plant and equipment; repair of biogas plants and machines; construction of nuclear power plants; repair or maintenance of nuclear power plants and providing information relating thereto; installation, maintenance and repair of solar installations for generating power, solar collectors and photovoltaic modules; installation of hardware and cables for Internet access; laying of cables.

#### Class 38

Telecommunications; television program broadcasting, broadcasting of televised programs (live or recorded); streaming of video material on the Internet; streaming of audio, visual and audiovisual material via a global computer network; cellular telephone communication; communications by electronic computer terminals, by databases and by telecommunication networks connected to the Internet; communications by telephone; cable television; radio broadcasting; news agency services; other message transmission services; dissemination of a commercial site on the Internet; radio and television broadcasting provided via the Internet; electronic messaging; providing access to computer information newsletters and to discussion forums on line; provision of access to chat lines, chat rooms and forums on the Internet, including the mobile Internet; transmission of messages and images via computers; telecommunication connections to the Internet or to databases; provision of access to digital music websites on the Internet; provision of access to MP3 web sites on the Internet; rental of access time to a central database (telecommunications); provision of access to search engines; operation of discussion forums on the Internet; rental of access time to a central server database; rental of access time to a computer database (telecommunication services); electronic transmission of data, images, documents and audio and video data, including texts, cards, letters, messages, mail, animations and electronic mail, via local or global communication networks, including the Internet, intranets, extranets, television, mobile communication networks, cellular networks and satellite networks; electronic transmission of software via local or global communication networks, including the Internet, intranets, extranets, television, mobile communication networks, cellular networks and satellite networks; provision of access to databases and to local or global communication networks, including the Internet, intranets, extranets, television, mobile communication, cellular and satellite networks; transmission and relay of messages, namely electronic transmission of messages; telecommunication services for the dissemination of information by mobile telephone, namely, transmission of data to mobile telephones; communication by mobile telephone; voice communication transmission and reception services; transmission and reception on a value-added network; rental of access time to a database server center; operation of networks for transmission of value-added data (multimedia systems, interactive videography, global computer telecommunication networks).

### Class 39

Transport; packaging and storage of goods; collection, storage, distribution and delivery of letters, correspondence, magazines, packets, parcels, newspapers, freight and goods, all by messenger, road, rail, air or water; collection, transport and delivery of goods; arranging and booking of travel; reservation of transport for sporting, scientific, political and cultural events; travel ticket reservation services; storage of media containing still and moving images; rental of automobiles; advisory services relating to transportation; provision of information in relation to transportation; travel information; consultancy relating to travel, transport and storage services; storage and distribution of electricity; electricity supply services; distribution of electrical energy, gas, water and district heating; vehicle breakdown towing services; airline and shipping services.

#### Class 41

Education; training; entertainment; sporting and cultural activities; televised sporting and cultural entertainment; organization of motor vehicle races; organization of sporting and cultural events and activities; organization of exhibitions for cultural and educational purposes; organization of lotteries and competitions; betting and gambling services in connection with or relating to sports; entertainment in the form of live motorsport races; entertainment in the form of live shows and events relating to motoring or motor vehicles; entertainment services provided during sporting events or concerning sporting events; organization of real or virtual sports competitions, particularly mechanical sports competitions; provision of sports facilities; provision of motor racing circuits; hospitality services (entertainment); rental of audio and video equipment, production of films, other than advertising films; production of sound and video recordings; presentation and distribution of films and of sound and video recordings; rental of sound and video recordings; rental and/or provision via a computer network of interactive education and entertainment products, namely interactive compact discs, CD-ROMs, computer games; entertainment, namely presentation of interactive education and entertainment products, namely interactive compact discs, CD-ROMs, computer games; coverage of radio broadcast and televised sports events; production of television and radio programs and of videotapes; reservation of tickets for sporting events and shows; timing of sports events; interactive entertainment; on-line betting services; provision of games on the Internet; information concerning entertainment or education, provided on line from a data bank or the

Internet; electronic game services provided by means of the Internet; virtual reality game services provided on-line from a computer network; provision of electronic publications on line; publication of books, magazines, texts (other than advertising texts) and periodicals; publication of texts (other than advertising texts), including regulations, norms and standards relating to automotive transport and mechanical sports; provision of sporting results; information services concerning sports and sporting events; rental of recorded sounds and images; audio production services; information services concerning sporting events provided on line from a computer database or the Internet; editing and publishing services; publication of statistics regarding sporting results and audience ratings for sporting competitions; driving courses; design, conducting and hosting of courses, seminars and all training activities in the field of vehicle driving; education and training services, namely, training program design, training and proficiency examination relating to driving of motor vehicles with a view to providing certification of aptitude or an internationally recognized driving license; entertainment information; organization and conducting of award ceremonies and gala ceremonies for entertainment purposes.

#### Class 42

Scientific and technological services as well as research and design relating thereto; industrial analysis and research services; testing, analysis and evaluation of products and services of others with a view to their certification; quality control testing of products for certification purposes; testing of apparatus and products in the field of automobiles for certification, including motor vehicle testing with crash testing; testing services for the certification of quality or standards; industrial research, development and testing in the field of motorsports; scientific research in the field of motorsports; testing of materials in the field of motorsports; technical project studies in the field of motorsports; expert appraisals in the field of motorsports (engineering services); vehicle roadworthiness testing in the field of motorsports; quality control in the field of motorsports; technological advice on environmental protection in the field of motorsports; vehicle construction consultancy in the field of mechanical sports (research and design services); greenhouse gas emission measuring and analysis; research in the field of carbon emission reduction; technical consultant services relating to motor vehicle design and development in the field of motor sports; hosting of blogs; providing and hosting electronic platforms for data transmission and sharing;

provision, via an Internet platform, of interactive computer applications allowing users to rate (personal evaluation) performances of an athlete, motor racing driver or interpreter, vote for an athlete, driver, motor racing driver or interpreter, and posting their comments, and also enabling the consultation of notes, votes and reviews of other users; hosting and provision of an Internet platform enabling users to identify and vote for motor racing drivers participating in a motorsport race.

#### Class 43

Services for providing food and drink; temporary accommodation; cafeteria and restaurant services; welcoming and hospitality services, namely providing food and drink; providing information in the field of tourism, namely accommodation information; providing information in the field of tourism, namely information on provision of food and meal.

#### Class 45

On-line social networking services; arbitration, mediation and dispute resolution services in the field of motor sports; litigation services in the field of motor sports; legal consultancy in the field of motor sports; safety consultancy in the field of motor sports; road safety consultancy; legal services, including initiating legal proceedings destined to prevent or fight counterfeiting and ambush marketing; licensing of intellectual property rights; security services for the protection of property and individuals in the framework of organizing cultural and sporting events and competitions; accident prevention consultancy; accident investigations; legal services relating to the management, control and granting of driving licenses, including racing pilots driving licenses; legal assistance for reviewing and edicting standards and regulations that apply to automobiles and motoring sports; reviewing standards and practices to assure compliance with laws and regulations.