

BL O/0830/23

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NO. UK3771291

BY FAMA INC LIMITED

TO REGISTER THE SERIES OF TRADE MARKS:

FAMA

Fama

IN CLASSES 9, 35, 36, 38, 41, 42 & 45

AND

IN THE MATTER OF OPPOSITION THERETO

UNDER NO. 435853

BY FAMA ENGINEERING S.R.L.

Background and pleadings

1. On 29 March 2022, Fama Inc Limited (“the applicant”) applied to register the series of two trade marks shown on the cover page of this decision in the UK. The application was published for opposition purposes on 27 May 2022. The goods and services applied for are shown in Annex 1.

2. The application was opposed on 26 August 2022 by FAMA ENGINEERING S.r.l. (the opponent). The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”) and is brought against classes 9 and 42 of the specification. The opponent relies upon the following trade mark:

UK917869166



Filing date: 06 March 2018

Registration date: 24 August 2018

Relying upon the goods and services as shown in Annex 2.

3. The opponent claims that the marks have an extremely high degree of similarity. They also claim that the goods and services at issue are identical or similar.

4. The applicant filed a counterstatement in which they denied the opponent’s grounds and said the marks and the goods and services are dissimilar.

5. The applicant is represented by Trade Mark Wizards Limited and the opponent is represented by J P Mitchell Solicitors.

6. Neither party filed evidence nor requested a hearing and neither party provided submissions in lieu. This decision is therefore taken following careful consideration of the papers.

7. 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 on in these proceedings are derived from an EU Directive. This is why this decision continues to make reference to the trade mark case-law of EU courts.

DECISION

8. Section 5(2)(b) is being relied upon and is as follows:

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

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark”.

9. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

“6. (1) In this Act an “earlier trade mark” means -

(a) a registered trade mark or international trade mark (UK) which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks,

10. In these proceedings, the opponent is relying upon the trade mark shown in paragraph 3, above, which qualifies as an earlier trade mark under the above provisions. As this trade mark had not completed its registration process more than 5 years before the filing date of the application in suit, it is not subject to proof of use, as

per section 6A of the Act. The opponent can, as a consequence, rely upon all of the goods and services it has identified.

Case law

11. 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 Office for Harmonisation in the Internal Market (Trade Marks and Designs) (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 great degree of similarity between the marks, and vice versa;

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

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

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

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

Comparison of goods and services

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

(a) The respective uses of the respective goods or services;

(b) The respective users of the respective goods or services;

(c) The physical nature of the goods or acts of service;

(d) The respective trade channels through which the goods or services reach the market;

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

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

14. In *Gérard Meric v OHIM* ('Meric'), Case T-133/05, the General Court ("the 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. For the purposes of considering the issue of similarity of goods, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38).

16. In *Boston Scientific Ltd v 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.”

17. The goods and services at issue are shown in Annex 3.

Class 9

Apparatus for recording, transmission or reproduction of sound or images;

18. I consider that the opponent’s ‘Camcorders; Portable video cameras with built-in videocassette recorders; microphones; radios for vehicles’ fall within the wider category of the above goods from the applicant’s specification and therefore find them to be identical using the *Meric* principles.

Computer software;

19. ‘Computer software’ is found identically in both specifications.

Downloadable computer software for blockchain technology; downloadable computer software for trading digital tokens; Downloadable software namely, non fungible tokens; software for use in software licensing, software license management and controlling access to software; software for tracking, organizing and reporting on usage of and access to licensed software, and providing software license models;

computer software which enables users to exchange crypto-currency; computer software for use in collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis; computer software for use in collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; computer software for tracking changes and modifications to software; computer software for managing software development projects; educational computer software; communication software; communication

software for use in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency;

20. I find that the above goods from the applicant's specification all fall within the wider category of 'computer software' found in the opponent's specification and therefore, they can be considered identical under the *Meric* principles.

Computer software packages; computer software packages in relation to analysing market data, market modelling, performing market simulations, price forecasting, price back casting, market forecasting, prediction of consumption determination of asset revenues, summaries, cost-benefit analysis, instruments, indicators, trading strategies in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency;

21. I consider that computer software packages as found in the applicant's specification to mean a group of computer programs that are designed to work together to perform some tasks or functions. I therefore find them to be identical using the *Meric* principles to the opponent's 'computer software'.

Software applications in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; software applications for communication, networking, social networking, recruitment and careers;

22. Applications are simply a type of software and therefore, I find the above goods from the applicant's specification to fall within the wider category of 'computer software' in the opponent's goods and consequently I find them to be identical under the *Meric* principles.

Databases; electronic databases recorded for computer media, database server software in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency;

23. The applicant's goods are not identical to the opponent's goods "computer software" per se. A database is a collection of information usually held on computer

hardware, such as, hard drives and accessed through the use of computer software. As such, the nature and method of use differ from computer software. Computer software is broad enough to include database software which clearly overlap in purpose. The goods are also complementary as database software is essential to computer databases. Furthermore, consumers may believe that the responsibility for both the databases and the software lies with the same undertaking. Trade channels will overlap as companies that offer database software may also provide computer databases. Users will also overlap. However, the goods are not competitive in nature as databases cannot replace the function of computer software. Overall, I find that the goods are similar to between a medium and high degree.

Data and database management;

24. Where the disputed term is not sufficiently clear or precise, it is appropriate for me to take into account the class headings as an aid to interpret their meanings.¹ Without any submissions or evidence to the contrary from the parties, I consider that 'data and database management' from the applicant's specification (and being in class 9 which means it is a good and not a service) is likely to be a type of software. In that event, I consider that these goods fall within the wider category of 'computer software' as found in the opponent's specification. I find them to be identical under the *Meric* principles.

Database engines;

25. It is my understanding that a database engine as found in the applicant's specification is the software that runs the database itself. Therefore, I consider that these goods fall within the wider category of 'computer software' as found in the opponent's specification. I find them to be identical under the *Meric* principles.

Mobile applications; mobile application which enables users to exchange cryptocurrency for currency; mobile application for the provision of news, articles, journals in relation to communication, networking, social networking, social media and the trading

¹ *Pathway IP Sarl (formerly Regus No. 2 Sarl) v Easygroup Ltd (formerly Easygroup IP Licensing Limited)*, [2018] EWHC 3608 (Ch)

and promotion of cryptocurrency; downloadable mobile application for the management of communication, networking, social networking, recruitment and careers; downloadable mobile application for the transmission of in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable mobile application for the management in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable mobile application in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; educational mobile applications;

26. There will be an overlap in use, user and trade channels with the above goods from the applicant's specification and the opponent's 'computer software' as all the goods are software related and involve a set of instructions that enable a computer or smartphone to perform a task. They differ in that one is used on a computer or laptop and the other is designed for use on the go on a mobile phone. They could be in competition as the user might decide between which type of software is more useful to them. They are not complementary. I therefore find them to be similar to a high degree.

Computers and computer peripheral devices; computer hardware; computer hardware for use in network hardware, memory hardware, telecommunications, communication servers, computer assisted software engineering, transmission of data, collection of data, remotely accessing data, remotely transmitting data, computer network attached storage (nas), central processing unit, central processing unit boards, central processing unit coolers, computer central processing units in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency;

27. Whilst I acknowledge that services are not the same as goods, I consider that the above goods from the applicant's specification would be the end result of 'design of computer hardware' as found in the opponent's specification as without the initial designs of the goods, there would be no end product. However, the method of use and nature of the goods and services would be different. Overall, I consider there to

be no more than a medium degree of similarity between the contested goods and the opponent's services.

Downloadable multimedia files containing artwork, text, audio and video files and non-fungible tokens

28. I consider that the above goods from the applicant's specification will have some similarity with the opponent's 'computer software' as the latter will include software for viewing and listening to the media listed within the applicant's specification. The nature, method of use and intended purpose differ as the multimedia files are usually viewed or listened to for enjoyment or entertainment purposes whereas computer software is used to process, store and display data. I do not believe that the average consumer will assume that the multimedia files will be produced by the same undertakings as the software itself and so they would not be complementary. Trade channels will differ however, the users will be the same. Taking all of the above factors into account, I find the goods to be similar to a low degree.

Class 42

Scientific and technological services and research and design relating thereto;

29. The above goods from the applicant's specification encompasses "science and technology services" from the opponent's specification and therefore consider the services to be identical using the *Meric* principles.

Industrial analysis, industrial research and industrial design services;

30. Industrial analysis is used to examine the past trends in an industry, the current demand and supply mechanics, and the future outlook of the industry. I believe these will form part of the process of the industrial design process as it is assessing requirements and the design then follows to meet those requirements. The above goods from the applicant's specification encompasses "industrial design services" from the opponent's specification and therefore consider the services to be identical using the *Meric* principles.

Quality control and authentication services; Testing, authentication and quality control;

31. The above services are found identically within the opponent's specification either as is or using the *Meric* principles.

Advisory services relating to material testing; advisory services relating to product testing;

32. I find that the above services will have the same use and users as the opponent's 'testing, authentication and quality control'. The nature differs as one is an advisory service and the other is the testing itself however, they could be complementary as giving advice about the testing and doing the testing would be indispensable without the other and it would not be unreasonable for the average consumer to believe the same undertaking offered both services. The trade channels will likely overlap but they will not be in competition. I therefore find these services to be similar to between a medium and high degree.

Analysis and evaluation of product design; analysis and evaluation of product development; analysis of product design; analysis of product development;

33. I believe that the use of the above services from the applicant's specification will overlap with the opponent's 'Product design and development' as they will be used in the same process. However, the users may differ as the applicant's service might be used to check and evaluate the users' own product designs and developments to see if they are suitable for market, whereas the opponent's services are more focused on the design and development itself. The purpose and nature of them overlaps but is not identical. The services could be in competition with one another as the consumer might decide between developing new products themselves or getting a third party to undertake it for them. They are not complementary as per the case law but there could be an overlap in trade channels. I therefore find these services to be similar to a medium degree.

Analysis and testing services relating to electrical engineering apparatus;

34. I find that the above services will overlap in use and users with the opponent's 'testing, authentication and quality control'. The nature overlaps but is not identical as the applicant's services offers analysis as well as testing. The trade channels will likely overlap and they could be in competition. I do not believe them to be complementary. I therefore find these services to be similar to between a medium and high degree.

Design and development of computer hardware and software;

35. The opponent has 'design of computer hardware' and 'software design and development' which both fall within the above service from the applicant's specification and therefore find them to be identical using the *Meric* principles.

Software as a service [SaaS]; software as a service [SaaS] featuring software platforms for digital tokens, cryptocurrencies, NFTs and social networking; platform as a service (PAAS) featuring computer software platforms for creating, promoting, selling, and exchanging non-fungible tokens (NFTs); providing online non-downloadable software for use in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency installation, maintenance and repair of computer software and hardware;

36. 'Scientific and technology services' from the opponent's services is a very wide term and I consider it to include software as a service and providing online downloadable software and installation and maintenance also. Therefore, I find these services to be identical using the *Meric* principles.

Provision of a website featuring in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency computer programming; creating, designing, developing, maintaining and hosting websites; scientific and technological services, namely, providing a website featuring non-downloadable software in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency research services;

provision of a website; provision of a website for the design, hosting, consulting, analysing, forecasting, advisory services in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency providing an internet website portal in the field sports, fitness, athletics, games, and fitness meet-ups; computer services, namely, providing and operating a website featuring technology that enables users to purchase and trade digital arts and graphics in the form of non-fungible tokens (NFTs) and creating and providing custom digital art drawings, animations, and illustrations for others in the form of non-fungible tokens (NFTs); providing a website featuring an online marketplace where users can buy and sell non-fungible tokens (nfts);

37. I also consider 'scientific and technological services' to include the provision and design and creation of different types of websites which is the focus of the above services from the applicant's specification (especially as one of those services is 'scientific and technological services, namely, providing a website...'). Therefore, I find these services to be identical using the *Meric* principles.

Design and development of computer software, hardware, programs and mobile apps for use in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency data storage, authentication, and certification via blockchain; design and development of computer hardware and software for the purpose of collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics,

graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis; design and development of computer hardware and software for the purpose of collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency quality control and authentication services;

38. As I have already explained above, I have found that mobile applications and 'programs' are types of software. For the parts of the above services from the applicant's specification that refer to design and development of software (including mobile applications and programs) I find that these fall within the wider category of 'software design and development' from the opponent's specification which covers all types and purposes of software and therefore, these services are identical under the *Meric* principles.

39. Regarding the remaining design and development of hardware, I consider there to be an overlap in nature and purpose with the opponent's 'design of computer hardware' save that the opponent does not undertake the development of what they have designed. The users will also overlap and they could be in competition- a consumer may choose between developing the design they have commissioned or having that undertaking also develop it for them. The trade channels will also overlap. I therefore find the services to be similar to between a medium and high degree.

Research relating to sports, fitness, athletics, games, and fitness meet-ups; research in relation to fitness market data, fitness meet-up app modelling, performing sports, fitness and fitness meet-up market simulations;

40. I consider that the above terms relate to research pertaining to meet up apps (that have a focus on health and fitness). Therefore, I consider that there is an overlap in purpose, user and trade channels with the opponent's 'software design and development' as I believe that undertakings looking to develop software for sport/fitness meet ups will undertake research regarding those areas before the design and development. The nature will likely be different and they are not in competition nor are they complementary. I therefore find these services to be similar to a medium degree.

Certification services of data transmitted via telecommunications; certification services of messages transmitted via telecommunications;

41. Given I have no evidence or submissions from the parties, I consider that certification is a type of authentication service and therefore find the above services from the applicant's specification to fall within the wider category of the opponent's 'testing, authentication and quality control' services and these services are therefore identical under the *Meric* principles.

Website usability testing services; website load testing services;

42. I find the above services fall within the wider category of the opponent's 'testing, authentication and quality control' services and are therefore identical under the *Meric* principles.

Scientific and technological services...relating to communication, networking, social networking, social media and the trading and promotion of cryptocurrency;

43. The above services fall within the wider category of 'science and technology services' from the opponent's specification and therefore they are identical under the *Meric* principles.

Research and design relating to communication, networking, social networking, social media and the trading and promotion of cryptocurrency

44. For the most part, the above services from the applicant's specification fall within the opponent's 'design services' save for the additional research services. Therefore, there will be some overlap in use, user, nature, trade channels and purpose although there will be those differing points where the research is concerned. These services could be in competition as the consumer could choose to undertake their own research first in order to pass on for the design to be done by the third party or they could choose an undertaking that offers both parts. They are not complementary. I therefore find these services to be similar to between a medium and a high degree.

Average consumer and the purchasing act

45. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question: *Lloyd Schuhfabrik Meyer*, Case C-342/97.

46. 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 word

“average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

47. I consider that the average consumer of the class 9 goods and 42 services at issue will most likely be businesses and professionals although I do not discount the possibility that members of the public could also be consumers. The costs of these goods and services are likely to vary greatly between low and high cost and between one off purchases and ongoing contractual agreements. I would consider that these goods and services will be purchased relatively infrequently although there is potential for the purchase of the class 9 goods to be more frequent. The average consumer will need to take into consideration the cost and suitability of these goods and services in accordance with their needs. I therefore consider that the average consumer would pay an above medium (but not the highest) level of attention during the purchasing process.

48. The above goods and services are likely to be selected from various retailers, websites, advertisements and signs on a physical property. I therefore believe that visual considerations will dominate the selection process. However, I do not discount the possibility that there could be aural considerations from word-of-mouth recommendations or advice from a sales assistant or other advisor.

Comparison of the marks


49. It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural, and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The 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.”

50. 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.

51. The parties respective marks are shown below:

Earlier mark	Contested marks
	<p data-bbox="1031 965 1166 1010">FAMA</p> <p data-bbox="932 1178 1267 1285">Fama</p>

52. The contested marks are word marks containing one word and therefore the overall impression lies in the word itself.

53. The earlier mark comprises of the word ‘FAMA’ in a stylised typeface which features curved lines and no overlapping areas. The letter F is broken down into two curved lines, the larger black one being above the lower, smaller grey one. At the beginning of the mark there is a device element which is an outline of an upside down triangle in grey with break lines on the top, sides and bottom point. There is a black

horizontal line which runs through the middle of the triangle. As per established caselaw, I consider the word element to be the most dominant and distinctive element.² The device element does play a small role but is still a relatively ordinary shape which has been stylised. The typeface and stylisation again plays a small role but is not significant to the overall impression.

54. Visually, the contested marks both comprise of one word made up of four letters, with one version having all capital letters and the other having the first letter as a capital and the following three letters in lower case. The earlier mark also has one word containing four letters which are identical to the contested marks. I note that due to the typeface and the lighter colour of the inner line on the beginning letter 'F' that it is possible some consumers might view it as not part of the letter and therefore see it as a lower case 'r' instead. However, I believe that a significant proportion will view it as an 'F'. The earlier mark does have the triangle device at the beginning of the mark which is not replicated in any way in the contested marks and the typeface is more heavily stylised. I therefore find the marks to be visually similar to a medium degree.

55. Next, I will turn to the aural comparison. I consider that the earlier mark will be pronounced as *fah/mah* by the significant proportion of consumers who view the beginning letter as an 'F'. The contested marks will also be pronounced *fah/mah* and therefore I consider the marks to be aurally identical.

56. Conceptually, I believe that 'Fama' has no ordinary dictionary meaning and nothing that would spring to the consumer's mind. The device mark does not add any meaning and is merely a stylised geometric shape. As both marks contain the word identically and there is no meaning attributed and it is not allusive to the goods, there is no conceptual comparison to be made.

Distinctive Character of the Earlier Mark

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

² *Wassen International Ltd v OHIM (SELENIUM-ACE)*, Case T-312/03, paragraph 37.

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Attenberger* [1999] ECR I-0000, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered; the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

58. The opponent did not file any evidence and has made no claim of an enhanced level of distinctiveness in its earlier mark so I will base my decision on the inherent distinctiveness of the earlier mark.

59. As I have mentioned above, the earlier mark contains an invented term which has no meaning or concept that is immediately apparent. It also does not appear to have any link to the goods and services it is applied for. I therefore find the earlier mark inherently distinctive to a high degree.

Likelihood of Confusion

60. There are two ways in which confusion between trade marks may arise. The first is direct confusion i.e., where one mark is mistaken for the other. The second is indirect

confusion i.e. where the consumer appreciates that the marks are different, but the similarities between the marks lead the consumer to believe that the respective goods or services originate from the same or a related source.

61. In *L.A. Sugar Limited v Back Beat Inc*, Case BL O/375/10, Mr Iain Purvis Q.C., as the Appointed Person, explained that:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

62. I have reached the following conclusions above regarding the marks:

- For the contested marks the overall impression lies in the word itself. For the earlier marks I consider the word element to be the dominant component and that the device and stylisation will play lesser roles.
- The marks are visually similar to a medium degree.
- The marks are aurally identical.
- The earlier mark is inherently distinctive to a high degree.
- The goods and services in question are similar to between a low degree and identical.
- The average consumer is likely to be a professional or business (but could still be a member of the public) and will be paying an above medium (but not the

highest) degree of attention. The purchasing process is likely to be dominated by visual considerations.

63. Given I have found that the earlier mark is wholly replicated within the contested mark, they are aurally identical and that the earlier mark is inherently distinctive to a high degree, I am satisfied that the average consumer (even when paying a higher than medium degree of attention) is unlikely to recall the marks accurately and may not remember that one of them includes a device. They are likely to mistake one mark for the other. Consequently, I find there to be a likelihood of direct confusion between the marks.

64. In the event that I am wrong in finding there to be a likelihood of direct confusion, I will now go on to consider whether there could be indirect confusion. Mr Iain Purvis Q.C. said further in *L.A. Sugar Limited v Back Beat Inc*:

“Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (“26 RED TESCO” would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).”

65. These examples are not exhaustive but provide helpful focus, as was confirmed by Arnold LJ in *Liverpool Gin Distillery Limited & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207:

“This is a helpful explanation of the concept of indirect confusion, which has frequently been cited subsequently, but as Mr Purvis made clear it was not intended to be an exhaustive definition.”³

66. In the case of indirect confusion, the average consumer has noticed the differences between the marks but still believes them to be linked. The differences that the average consumer might notice are the presentation of the word in a different typeface and the addition of the triangle device. As previously mentioned, I have found the device elements to not be a highly distinctive element of the mark. The average consumer, seeing that the extraneous matter in the mark as being of lower distinctiveness and a slight change in the presentation of the word element, will then see the contested marks as simply another way of using the earlier mark. Therefore, I find that indirect confusion is likely to occur.

Conclusion

67. The opposition succeeds in its entirety and the application is refused for those goods and services that were opposed, namely all goods in class 9 and all services in class 42.

68. The application may proceed to registration for the goods and services not opposed, namely all services in classes 35, 36, 38, 41, & 45.

COSTS

69. The opponent has been successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. I award the opponent the sum of **£350**, calculated as follows:

³ Paragraph 12

Official fee	£100
Preparing a Notice of opposition and considering the applicant's counterstatement	£250
Total	£350

70. I therefore order Fama Inc Limited to pay FAMA ENGINEERING S.r.l. the sum of £350. 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 31st day of August 2023

L Nicholas
For the Registrar

Annex 1:

Class 9: Apparatus for recording, transmission or reproduction of sound or images; computer software; downloadable computer software for blockchain technology; downloadable computer software for trading digital tokens; Downloadable software namely, non fungible tokens; software for use in software licensing, software license management and controlling access to software; software for tracking, organizing and reporting on usage of and access to licensed software, and providing software license models; computer software which enables users to exchange crypto-currency; computer software for use in collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis; computer software for use in collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching,

planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; computer software packages; computer software packages in relation to analysing market data, market modelling, performing market simulations, price forecasting, price back casting, market forecasting, prediction of consumption determination of asset revenues, summaries, cost-benefit analysis, instruments, indicators, trading strategies in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; communication software; communication software for use in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; computer software for tracking changes and modifications to software; computer software for managing software development projects; educational computer software; software applications in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; software applications for communication, networking, social networking, recruitment and careers; databases; data and database management; database engines; electronic databases recorded for computer media, database server software in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; mobile applications; mobile application which enables users to exchange crypto-currency for currency; mobile application for the provision of news, articles, journals in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable mobile application for the management of communication, networking, social networking, recruitment and careers; downloadable mobile application for the transmission of in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable mobile application for the management in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable mobile application in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; educational mobile applications; computers and computer peripheral devices; computer hardware; computer hardware for use in

network hardware, memory hardware, telecommunications, communication servers, computer assisted software engineering, transmission of data, collection of data, remotely accessing data, remotely transmitting data, computer network attached storage (nas), central processing unit, central processing unit boards, central processing unit coolers, computer central processing units in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable multimedia files containing artwork, text, audio and video files and non-fungible tokens.

Class 35: Advertising; business management, organization and administration; office functions; business networking; business networking services; online business networking services; business networking; business networking services; career networking services; online business networking services; advertising and marketing services for social networking; event marketing; internet marketing; dissemination of advertisements via the Internet; public relations; online digital marketing services; market research and information services; publication of advertising texts; promoting the goods and services of others via computer and communication networks; online business networking services; dissemination of advertising for others via an on-line electronic communications network; business data analysis; providing statistical business information; business networking; business information services, all provided via an online electronic database on a global computer network; business monitoring and consulting services, namely, providing strategy, insight and marketing guidance; computerised database management services; online and offline retail and wholesale services in relation to apparatus for recording, transmission or reproduction of sound or images, computer software, downloadable computer software for blockchain technology, software for use in software licensing, software license management and controlling access to software, software for tracking, organizing and reporting on usage of and access to licensed software, and providing software license models, computer software which enables users to exchange crypto-currency, computer software for use in collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing,

visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis, computer software for use in collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency, computer software packages, computer software packages in relation to analysing market data, market modelling, performing market simulations, price forecasting, price back casting, market forecasting, prediction of consumption determination of asset revenues, summaries, cost-benefit analysis, instruments, indicators, trading strategies in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency, communication software, communication software for use in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency, computer software for tracking changes and modifications to software, computer software for managing software development

projects, educational computer software, software applications in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency, software applications for communication, networking, social networking, recruitment and careers, databases, data and database management, database engines, electronic databases recorded for computer media, database server software in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency, mobile applications, mobile application which enables users to exchange crypto-currency for currency, mobile application for the provision of news, articles, journals in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency, downloadable mobile application for the management of communication, networking, social networking, recruitment and careers, downloadable mobile application for the transmission of in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency, downloadable mobile application for the management in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency, downloadable mobile application in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency, educational mobile applications, computers and computer peripheral devices, computer hardware, computer hardware for use in network hardware, memory hardware, telecommunications, communication servers, computer assisted software engineering, transmission of data, collection of data, remotely accessing data, remotely transmitting data, computer network attached storage (nas), central processing unit, central processing unit boards, central processing unit coolers and computer central processing units in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; operating on-line marketplaces featuring non-fungible tokens (nfts); online retail store services in relation to non-fungible tokens (nfts), clothing, footwear, headwear and fashion accessories; online retail services in relation to virtual goods; rental of cash registers; auctioneering provided on the internet; arranging and conducting of internet auctions; conducting of auction sales; organisation of internet auctions; auctioneering of digital tokens and NFTs.

Class 36: Financial, monetary and banking services; insurance services; real estate affairs; fundraising and financial sponsorship; insurance services; provision of prepaid cards and tokens; safe deposit services; valuation services; insurance underwriting; debt recovery and factoring services; financial information, data, advice and consultancy services; financial transfers and transactions, and payment services; financing and funding services; investment services; loan and credit, and lease-finance services; securities and commodities trading services; transfer agency services rendered to issuers of investment securities; trading of securities options for others; trading of securities options; trading of securities index futures for others; trading of securities index futures; trading of securities and securities index futures in overseas markets; trading of overseas market securities futures for others; trading of overseas market securities futures; swaps of interest rates; traded options brokerage; trading in bonds; trading in contracts on stocks; trading in futures; stock trading; stockbroking agency services; stocks and bonds brokerage; stocks and shares information services; stock brokerage services; cryptocurrency information provided on-line from a computer database or the internet; cryptocurrency information services; cryptocurrency price quotations; cryptocurrency quotation and listing services; cryptocurrency services; cryptocurrency quotations; cryptocurrencies for dealing in shares and other financial securities; stock investment management; securities exchange services; securities investment services; securities investment services for personal investors; securities settlement; securities trading services; issuance and trading of cryptocurrencies and digital tokens; share exchange schemes; share management; share portfolio management; securities and assets brokerage; securities and commodities brokerage; securities brokerage; securities brokerage account services; securities brokerage and trading services; providing information relating to the trading of overseas market securities futures; providing information relating to the trading of securities and securities index futures in overseas markets; providing information relating to the trading of securities index futures; providing on-line cryptocurrency information from a computer database or the internet; provision of information and data concerning cryptocurrency; provision of information relating to cryptocurrency; provision of information relating to cryptocurrency prices; provision of cryptocurrency quotations; providing stock market information; precious metals brokerage; preparation and quotation of cryptocurrency prices and indices; providing information on trading in securities; providing information relating to domestic and

overseas market securities futures; providing information relating to the trading of commodity futures; management of securities; management of transferable securities; nominee company services for investment; organisation of trading markets for financial services; organisation of trading markets for derivative instruments; investment services in the field of treasury bonds; investment services relating to transferable securities; management of listed securities; management of portfolios comprising securities; management of portfolios of transferable securities; financial services relating to securities; financial services relating to stocks; financial services relating to the issuance and sale of mortgage-backed securities; futures brokerage services relating to freight; futures contracts; futures exchange services; investment brokerage; forward interest rate agreements; financial securities; financial services in the nature of an investment security; financial services related to dealing in shares; financial services related to the sale and purchase of securities; financial services relating to bonds; financial services relating to buying and trading of commodities; financial services relating to international securities; financial investment brokerage; financial investment in the field of securities; financial management of share accounts; financial management of stocks; financial nominee services; financial nominees services for the holding of securities; financial clearing and settlement services; financial database services relating to commodities; financial database services relating to stocks; financial exchange; electronic cryptocurrency services; electronic stock transfer initiation services; services for the establishment of portfolios of securities; exchange market services relating to commodity futures contracts; equity investment in international companies; agencies for the exchange of financial operations; exchange services relating to the trading of futures; exchange services relating to the trading of options; exchange services relating to the trading of commodities; commodity trading for others; computer analyses of cryptocurrency information; computerised information services for stocks; computerised securities brokerage services; corporate holding of share capital services; custodian services for stocks; derivatives trading services; bullion brokerage services; capital investment brokerage; clearing, financial; commodity exchange; commodity quotations; commodity trading [financial services]; brokerage services relating to debt instruments; brokerage services relating to municipal bonds; brokerage services relating to securities offering; brokerage of shares and other securities; brokerage services for bonds; brokerage services for stocks and bonds; brokerage services for

the purchase and sale of obligations; brokerage services on the financial markets; brokerage services relating to corporate bonds; brokerage services relating to financial instruments; brokerage services relating to the securities markets; bankers clearing house services; brokerage for securities liquidation; brokerage house services; brokerage of commodities; brokerage of financial derivatives; brokerage of futures contracts; brokerage of share subscriptions; brokerage of futures; advisory services relating to international securities; agencies for commodity futures trading; agencies in the field of bonds and other securities; agency services for securities; automated clearing house services; automated securities trade execution services; automated securities brokerage; administration of shares; advisory services relating to futures; factoring agencies; factoring; export factoring; duty drawback services; debt settlement negotiation services; debt restructuring; debt recovery and collection agencies; debt recovery; credit recovery and collection; credit risk insurance [factoring]; debt collection; debt collection agency services; debt collection and debt factoring services; debt counselling services; debt management services; arranging the sale of loans; bailiff services (debt collection); banking services relating to the acceptance of fixed interval instalment payments; collection of credit sales; collection of payments for goods and services; computerised legal debt collection services; consultancy for clients with regard to the organisation of debt recovery; agencies for collecting electric power utility payments; agencies for collecting gas or electric power utility payments; agencies for collecting gas utility payments; invoice discounting services; national debt collection; organising of debt collections; providing advice relating to the arranging of mortgages; provision of information relating to debt factoring; reclamation of import duties for others; reclamation of outstanding debts; repossession services; factoring of debts; factoring of financial undertakings; factoring services for invoices; financial advisory services relating to insolvency; financial services, namely, debt settlement; insolvency services; factoring agency services; financial appraisal services; financial planning services; financial rating and provision of credit reports; financial advice relating to wills; financial advice relating to investment; financial advice relating to employee share schemes; financial advice in the field of franchising; financial advice and consultancy services; financial advice; computerised financial analysis; computerised financial data services; computerised financial information services; computerised information services relating to banking matters; financial consultancy for lottery winners; financial consultancy and

information services; financial consultancy; financial appraisals in responding to calls for tenders; financial and investment consultancy services; financial analysis services relating to investments; financial analysis and research services; financial analysis and consultancy; financial advisory services for individuals; financial advisory services provided for bankers; financial advisory services provided for controllers; financial advisory services relating to assets management; financial advisory services relating to retirement plans; financial advisory services relating to securities; financial advisory services relating to tax; financial analysis; financial advice relating to settlements; financial advice relating to share option schemes; financial advice relating to tax planning; financial advisory and management services; financial advisory services; financial advice relating to trusts; financial advisory services for companies; financial advice relating to inheritance; financial advice relating to pensions; financial information services for financial institutions provided via computer networks and satellite transmissions; financial information services provided by access to a computer database; financial information services relating to financial bond markets; financial information services relating to financial stock markets; financial information services relating to individuals; financial information services relating to stolen credit cards; financial investment advisory services; financial information services relating to lost credit cards; financial information for investors; financial information management and analysis services; financial information processing; financial information provided by electronic means; financial information provided by means of a computer database; financial information services for banks provided via computer networks and satellite transmissions; financial information retrieval services; financial economic advisory services; financial economic analysis; financial evaluation and analysis; financial forecasting; financial information; financial information and advisory services; financial data base services; financial information and evaluations; financial consultancy in relation to the buying and selling of businesses; financial consultancy in the energy sector; information services relating to stocks; information services relating to the automated payment of accounts; information services relating to the automated transfer of funds; investment analysis; fund investment consultation; income tax advice [financial]; information services relating to banking; information services relating to bonds; information services relating to finance, provided on-line from a computer database or the internet; information services relating to financial business appraisals; information services relating to securities; financial investment research services;

financial market information services; financial planning and investment advisory services; financial planning for retirement; financial planning relating to school fees; financial investment analysis and stock research; financial rating and credit reports; financial strategy consultancy services; providing financial information; providing financial information on-line; providing financial information via a web site; provision of advice [financial] to accident investigators; providing investors with financial information; providing information, consultancy and advice in the field of investment banking; providing information regarding the administration of trust accounts; providing information regarding publicly traded investments; securities advisory services; tax returns consultancy [not accounting]; tax planning [not accounting]; card services; cash, check (cheque) and money order services; tax and duty payment services; acceptance of bill payments; acceptance of bills of exchange; account debiting services; accounts payable debiting services; arranging monetary transfers; automated banking services relating to charge card transactions; automated funds transfer services; automated payment of accounts; banking services provided for paying bills by telephone; banking services relating to the transfer of funds from accounts; bill consolidation services; bill payment services; bill payment services provided through a website; clearing services for payment transactions; conducting cashless payment transactions; collection of payments; conducting of capital market transactions; banking services in relation to the electronic transfer of funds; automated payment services; conducting of financial transactions; conducting of financial transactions on-line; contactless payment services; transfer of funds via electronic communication networks; transfer of funds for the purchase of goods, via electronic communication networks; retirement payment services; remote payment services; providing multiple payment options by means of customer-operated electronic terminals available on-site in retail stores; providing information relating to the rental of cash dispensers or automated teller machines; processing payments made by charge cards; processing payments for the purchase of goods and services via an electronic communications network; processing of payments for banks; processing of payments for building societies; issuing letters of credit and certificates of deposit; monetary transfer; money exchange and transfer; money transfer; money transfer services utilising electronic cards; national money transfer services; negotiation for the collection of cheques and bills of payment; on-line bill payment services; online financial transactions; home collection of financial payments; issuance of credit and

debit cards; processing of payment transactions via the internet; processing of electronic payments; processing of electronic check payments; processing of credit card payments; processing electronic payments made through prepaid cards; processing debit card transactions for others; processing charge card transactions for others; processing credit card transactions for others; payment and receipt of money as agents; payment processing; payment services provided via wireless telecommunications apparatus and devices; payment transaction card services; preparation of pension payments; payment administration services; financial and monetary transaction services; financial payment services; financial pre-payment services; financial services relating to bank cards; financial services relating to the withdrawal and depositing of cash; financial transaction services; funds transfer services; financial consultancy relating to the execution of cashless payment transactions; electronic funds transfer for travel agents; electronic payment services; electronic processing of payments; electronic processing of payments via a global computer network; electronic toll collection services; electronic wallet services (payment services); services for the execution of financial transactions; domestic remittance services provided on-line; electronic commerce payment services; electronic credit card transactions; electronic debit transactions; electronic funds transfer; electronic funds transfer by telecommunications; credit and cash card services; domestic remittance services; direct debit services; credit card transaction processing services; provision of cash dispenser facilities for money withdrawal; processing of cheques; money ordering services; issuing of cheques; issuing of bank cheques; financial services relating to cash disbursement; dispensing of cash; current account facilities; cheque guarantee services; cashing of personal cheques; cheque account services for the cashing of cheques; cheque account services for the receiving of cheques; cheque authorization services; cheque clearing services; cheque encashment services; cheque evaluation services; cheque guarantee card services; cash disbursement services; cash dispensing being customer-operated; cash management; cash processing; banking services relating to travellers' cheques; automated telling machine services; automatic banking services for change giving; automated banking services; provision of cash dispenser facilities for money deposit; provision of emergency cash; redemption of travellers' cheques; rental of cash dispensers or automated-teller machines; verification of euro-cheques; credit card verification; debit card payment services; debit card services; debit card validation

services; discount card services provided to young people for cultural purposes; discount card services provided to young people for leisure purposes; discount card services provided to young people for travel; credit card validation services; credit card and debit card services; credit card and payment card services; credit card payment processing; credit card payment services; credit card protection and registry services; bank cheque card services; card accessed banking services; card operated financial services; cash card services; cash replacement rendered by credit card; credit card advisory services; processing of debit card payments; provision of credit cards; provision of information relating to credit card transactions; rental, hire and lease of equipment for processing financial cards; financial services relating to credit cards; issuance of credit cards; issuing electronic payment cards in connection with bonus and reward schemes; management of credit card services; financial services for the management of credit cards; financial services related to the issuance of bank cards and debit cards; buying and issuing of travellers' cheques; financial services relating to the provision of vouchers for the purchase of goods; issuance of tokens of value; issuance of travellers' cheques; issue and redemption of tokens of value; issue of phone card services; issue of tokens, coupons and vouchers of value; issuing gift certificates which may then be redeemed for goods or services; issuing of discount coupons; issuing of payment gift cards; issuing of payment gift vouchers; issuing of tokens of value in relation to customer loyalty schemes; issuing of cash vouchers; issuing of tokens of value in relation to incentive schemes; issuing of travel vouchers; issuing of travellers' cheques and currency vouchers; issuing of travellers' cheques and letters of credit; issuing of vouchers for meals; issuing of vouchers for use as money; issuing stored value cards; issuing stored value cards for use as electronic travel tickets; issuing tokens of value as a reward for customer loyalty; issuing tokens of value as part of a customer membership scheme; issuing tokens of value in the nature of gift vouchers; issuing traveller's checks by travel agencies; providing information relating to the issue of tokens of value.

Class 38: Telecommunications services; providing telecommunications connections to a global computer network; computer communication and Internet access; transmission of digital files and electronic mail; providing user access to global computer networks; providing access to databases; communication by cellular phones; communication by computer terminals; computer aided transmission of

messages and images; wireless transfer of data via wireless application protocols; electronic bulletin board services; geolocation services; transmission of digital files; video-on-demand transmission; providing internet chatrooms and online forums; telephone and voice mail services; teleconferencing and videoconferencing services; providing access to internet platform for the purpose of networking, communication and trading of cryptocurrency; chat room services for social networking; chatroom services for social networking; forums [chat rooms] for social networking; providing on-line chat rooms for social networking; provision of access to internet platforms for the purpose of exchanging digital currency, digital tokens and NFTs; television broadcasting.

Class 41: Publication services; publication of printed matter; publication of books; publication of excerpts from books; publishing services, in particular publishing of books and media content in digital format; providing pre-recorded audio, audio-visual, and multimedia works featuring entertainment, movies, television, audiovisual works, music, audio works, books, theatre, literary works, sporting events, recreational activities, leisure activities, tournaments, art, dance, musicals, exhibitions, sports instruction, clubs, radio, comedy, contests, visual works, games, gaming, festivals, museums, parks, cultural events, concerts, publishing, animation, current events, fashion shows, and multimedia presentations via the internet or other computer or communications networks; organisation of events, conferences, competitions and seminars; organization of exhibitions for cultural and social purposes; organising, arranging, planning, co-ordinating, running, composing, scheduling, managing, hosting and conducting events, special events, annual events, conferences, assemblies, auditions, interviews, gatherings, webinars, seminars, on-line seminars, teleseminars, symposiums, meetings, meet-ups, workshops, speaking platforms; organising events in relation to social networking and cryptocurrency; organising events in relation to enhancing social networking skills; education in relation to social networking and cryptocurrency; organisation of events relating to crypto and blockchain technology; education in relation to skills training; providing of training in relation to social networking and cryptocurrency; arranging and conducting job fairs; education and training services including provision of seminars and workshops; entertainment; photography; photography services; photography services in relation to magazines and books; special event planning; organising events for entertainment

purposes; organising of business, cultural and arts events; conferences, conventions, expositions and events; organisation, arranging and conducting of exhibitions, conferences, conventions, expositions and events; provision and dissemination of information relating to all the aforesaid services including materials relating to exhibitions, conferences, conventions, expositions and events; provision and dissemination of information, assistance and advice for exhibition and conference attendants, visitors and exhibitors, including all such information and advice provided electronically, including on a website; education and training services including provision of seminars and workshops; provision of information relating to education, entertainment and sport including the provision of such services electronically in relation to social networking and cryptocurrency; audio and video production; video recording services; video editing services; production of podcasts; entertainment services, namely, providing on-line actual and virtual concerts and other virtual events.

Class 42: Scientific and technological services and research and design relating thereto; industrial analysis, industrial research and industrial design services; quality control and authentication services; Testing, authentication and quality control; advisory services relating to material testing; advisory services relating to product testing; analysis and evaluation of product design; analysis and evaluation of product development; analysis and testing services relating to electrical engineering apparatus; analysis of product design; analysis of product development; design and development of computer hardware and software; software as a service [SaaS]; software as a service [SaaS] featuring software platforms for digital tokens, cryptocurrencies, NFTs and social networking; provision of a website featuring in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency computer programming; creating, designing, developing, maintaining and hosting websites; design and development of computer software, hardware, programs and mobile apps for use in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency data storage, authentication, and certification via blockchain; design and development of computer hardware and software for the purpose of collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting,

cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis; design and development of computer hardware and software for the purpose of collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency quality control and authentication services; scientific and technological services, namely, providing a website featuring non-downloadable software in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency research services; research relating to sports, fitness, athletics, games, and fitness meet-ups; research in relation to fitness market data, fitness meet-up app modelling, performing sports, fitness and fitness meet-up market simulations; provision of a website; provision of a website for the

design, hosting, consulting, analysing, forecasting, advisory services in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency providing an internet website portal in the field sports, fitness, athletics, games, and fitness meet-ups; providing online non-downloadable software for use in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency installation, maintenance and repair of computer software and hardware; scientific and technological services and research and design relating to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; Certification services of data transmitted via telecommunications; certification services of messages transmitted via telecommunications; website usability testing services; website load testing services; computer services, namely, providing and operating a website featuring technology that enables users to purchase and trade digital arts and graphics in the form of non-fungible tokens (NFTs) and creating and providing custom digital art drawings, animations, and illustrations for others in the form of non-fungible tokens (NFTs); platform as a service (PAAS) featuring computer software platforms for creating, promoting, selling, and exchanging non-fungible tokens (NFTs); providing a website featuring an online marketplace where users can buy and sell non-fungible tokens (nfts).

Class 45: Legal services; security services for the physical protection of tangible property and individuals; registration of domain names (legal services); personal background investigations; security clearance for preparation of identification cards; consulting services in the field of national security; identification of persons; providing authentication of personal identification information (identification verification services); legal research; legal administration of licenses; on-line social networking services; online social networking services accessible by means of downloadable mobile applications; security consultancy; security marking of documents; security marking of virtual and digital currencies; security inspection services for others; licensing of software, application software, artificial intelligence and machine learning software and apparatus; providing authentication of personal identification information; security clearance for preparation of identification cards; security services relating to personal identification verification; issuing of identification cards and passes, including electronic identification cards and passes; electronic monitoring of data, personal

identity information, biometric data, credit and payment card activity and computer software and systems to detect fraud, identity theft and spoofing via the internet; advise and consultancy in connection with above services.

Annex 2:

Class 9: Optical devices, enhancers and correctors; Scientific and laboratory devices for treatment using electricity; Measuring, investigating, detecting and monitoring instruments, indicators and regulators; Accelerometers; Computerized vehicle engine analyzers; Engine analyzers; Electronic colour analyzers; Checking (supervision) apparatus and instruments; Diagnostic apparatus, not for medical purposes; Transducers; Heat regulating apparatus; Wireless controllers to remotely monitor and control the function and status of other electrical, electronic, and mechanical devices or systems; Testing and quality control devices; Load indicators; Electricity indicators; Phase indicators; Heat sensing identification indicators; Digital indicators; Sensors and detectors; Software for purchasing systems; Software for production monitoring systems; Software for programmable logic controllers; Software for mechanical modelling; Software for finite element modelling; Software for thermodynamic modelling; Software for fluid dynamics modelling; Software for electric modelling; Logic probes; Monitoring instruments; Measuring, counting, alignment and calibrating instruments; Transducers; Calibrating apparatus; Rate gyros; Directional compasses; Electronic sensors; Photoelectric sensors; Electric sensors; Electro-optical sensors; Synchro sensors; Optical sensors; Piezoelectric sensors; Biochip sensors; Laser sensors; Magnetic sensors; Light sensors; Sensory software; Thermal sensors [thermostats]; Sensor switches; Ultrasonic sensors; Dewing sensors; Vibration sensors; Alarm sensors; Impact sensors; Distance sensors; Impact sensors; Pressure sensors; Proximity sensors; Humidity sensors; Measuring sensors; Timing sensors; Sensors for engines; Sensors for engines; Range sensors; Invader sensors; On-off sensors; Acceleration sensors; Sensors used in plant control; Pyroelectric infrared sensors; Optical speed sensors; Magnetic flux sensors; Optical fibre sensors; Electronic measurement sensors; Electric current sensors; Magnetic resistance sensors; Electronic pressure sensors; Touchscreen sensors; Active infra-red sensors; Liquid level sensors; Liquid level sensors; Sensors for measuring speed; Mass flow sensors; Sensors for measuring depth; Sensors for use in the control of engines; LED position sensors; Remote temperature sensors; Rotation controlling sensors; Sensor controllers; Object detecting sensors; Sensors for measuring instruments; Air temperature sensors; Ultrasonic wave type intruder sensors; Sensors for determining position; Sensors for determining velocity; Rotation measuring sensors; Sensors for

use with machine tools; Electric motor checking [monitoring or supervision] apparatus; Temperature regulators for vehicle engines; Thermostats for vehicle engines; Speed measuring apparatus for vehicles; Automatic vehicle speed control apparatus; Vehicles (Navigation apparatus for -) [on-board computers]; Temperature control apparatus [thermostats] for vehicles; Microphones; Microphone stands; Manometers; Digital potentiometers; Thermocouples; Thermocouple cables; Thermocouple wires; Thermocouple sheaths; Temperature sensitive testing apparatus for industrial use; Thermocouple blocks; Thermo-hygrometers; Thermal imaging cameras; Thermohydrometers; Thermometers; Thermostats for vehicles; Thermocouple heads; Radio-frequency identification (RFID) readers; Electronic control units; Process controlling apparatus [electronic]; Electric power controllers; Process control units [electric]; Electrical access control apparatus; Tyre monitoring apparatus; Pneumatic control apparatus; Tyre-pressure measurers; Sound cards; Printed circuit boards; Computer circuit boards; Telecommunications circuit board units; Printed circuit boards; Printed circuit boards; Encoded integrated circuit cards; Multilayer printed wiring boards; Encoded electronic chip cards; Electronic chip cards; Microprocessor cards; Smart cards [integrated circuit cards]; Microchip cards; Cards containing microprocessors; Digital boards; IC memory cards; Integrated circuit memory cards for use in playing electronic musical instruments; Memory boards; Electrical circuit boards; Graphics cards; Printed circuit boards; Electronic circuit cards; Software for card readers; Fuel regulating apparatus; Computer applications for automatic vehicle driving control; Vehicles (Navigation apparatus for -) [on-board computers]; Radios for vehicles; Integrated electronic driver assistance systems for land vehicles; Integrated electronic safety systems for land vehicles; Computer software for mobile applications that enable interaction and interface between vehicles and mobile devices; Accessories for camcorders; Video camera stands; Camcorders; Portable video cameras with built-in videocassette recorders; Measuring apparatus; Precision measuring apparatus; Digital measuring apparatus; Ultrasonic measuring apparatus; Thermal energy measuring apparatus; Laser level measuring apparatus; Ultrasonic fluid measuring apparatus; Temperature measuring apparatus for industrial use; Measuring apparatus and instruments; Measuring devices, electric; Speed measuring apparatus [photography]; Lasers for measuring purposes; Measuring apparatus; Laser measuring systems; Measuring instruments; Measuring devices, electric; Resistance measuring instruments; Scientific research and laboratory apparatus,

educational apparatus and simulators; Measuring stands; Adding machines; Downloadable graphic design templates; Downloadable computer software for designing and modelling of three dimensional printable products; Computer software; Computer-aided design (CAD) software; Computer software for assisting in the design of sports equipment.

Class 42: Testing, authentication and quality control; Design services; Science and technology services; Design of tooling for the production of land vehicle parts; Design of motor vehicle parts; Design of land vehicle parts; Design of motor vehicles; Design of vehicles and vehicle parts and components; Design of motor racing cars; Vehicle design services; Design services for parts of motor vehicles; Vehicle engine design services; Development of vehicles; Creation of control programs for automated measurement, assembly, adjustment, and related visualisation; Development of measuring and testing methods; Research in measurement technology; Technical measuring; Technical measuring and testing; Measurement services; Design of measurement systems; Design and development of computer software for evaluation and calculation of data; Programming of computer software for evaluation and calculation of data; Development and testing of computing methods, algorithms and software; Automotive design; Computer aided part and mould design services; Design of cars; Design of diagnostic apparatus and equipment; Design of data processing apparatus; Design of diagnostic apparatus; Design of mechanical, electromechanical and optoelectronic apparatus and instruments; Design services relating to integrated circuits; Design of optical components; Design of mechanical and micromechanical components; Design of computer hardware; Design of industrial plant; Design of industrial products; Product design; Design of engineering products; Designing of data processing programmes; Designing of electronic systems; Designing of electrical systems; Image processing software design; Design of graphic software systems; Design of software for embedded devices; Computer software design; Software design and development; Product design and development; Design and development of medical diagnostic apparatus; Design and development of software and hardware for signal amplification and transmission; Design and development of testing and analysis methods; Design and development of diagnostic apparatus; Design and development of data display systems; Design and development of data processing systems; Design and development of engineering products; Design and development

of new products; Design and development of industrial products; Industrial design; Engineering drawing; Visual design; Computer aided graphic design; Industrial art design; Design of hardware for digital signal processing; Custom design of electromagnetic transformers; Scientific and technological design; Design of software for digital signal processing; Custom design of electromagnetic inductors; Engineering design; Custom design services; Industrial engineering design services; Industrial design; Design services relating to data processing tools; Technical design; Computer software design; Consultancy in the field of computers; Engineering consultancy services; Computer engineering consultancy services; Computer-aided engineering design services; Computer assisted engineering design services.

Annex 3:

Applicant's goods and services	Opponent's goods and services
<p>Class 9: Apparatus for recording, transmission or reproduction of sound or images; computer software; downloadable computer software for blockchain technology; downloadable computer software for trading digital tokens; Downloadable software namely, non fungible tokens; software for use in software licensing, software license management and controlling access to software; software for tracking, organizing and reporting on usage of and access to licensed software, and providing software license models; computer software which enables users to exchange crypto-currency; computer software for use in collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping,</p>	<p>Class 9: Optical devices, enhancers and correctors; Scientific and laboratory devices for treatment using electricity; Measuring, investigating, detecting and monitoring instruments, indicators and regulators; Accelerometers; Computerized vehicle engine analyzers; Engine analyzers; Electronic colour analyzers; Checking (supervision) apparatus and instruments; Diagnostic apparatus, not for medical purposes; Transducers; Heat regulating apparatus; Wireless controllers to remotely monitor and control the function and status of other electrical, electronic, and mechanical devices or systems; Testing and quality control devices; Load indicators; Electricity indicators; Phase indicators; Heat sensing identification indicators; Digital indicators; Sensors and detectors; Software for purchasing systems; Software for production monitoring systems; Software for programmable logic controllers; Software for mechanical modelling; Software for finite element modelling; Software for thermodynamic modelling; Software for fluid dynamics modelling; Software for electric modelling; Logic probes;</p>

<p>operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis; computer software for use in collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling,</p>	<p>Monitoring instruments; Measuring, counting, alignment and calibrating instruments; Transducers; Calibrating apparatus; Rate gyros; Directional compasses; Electronic sensors; Photoelectric sensors; Electric sensors; Electro-optical sensors; Synchro sensors; Optical sensors; Piezoelectric sensors; Biochip sensors; Laser sensors; Magnetic sensors; Light sensors; Sensory software; Thermal sensors [thermostats]; Sensor switches; Ultrasonic sensors; Dewing sensors; Vibration sensors; Alarm sensors; Impact sensors; Distance sensors; Impact sensors; Pressure sensors; Proximity sensors; Humidity sensors; Measuring sensors; Timing sensors; Sensors for engines; Sensors for engines; Range sensors; Invader sensors; On-off sensors; Acceleration sensors; Sensors used in plant control; Pyroelectric infrared sensors; Optical speed sensors; Magnetic flux sensors; Optical fibre sensors; Electronic measurement sensors; Electric current sensors; Magnetic resistance sensors; Electronic pressure sensors; Touchscreen sensors; Active infra-red sensors; Liquid level sensors; Liquid level sensors; Sensors for measuring speed; Mass flow sensors; Sensors for measuring depth; Sensors for use in the</p>
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<p>dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; computer software packages; computer software packages in relation to analysing market data, market modelling, performing market simulations, price forecasting, price back casting, market forecasting, prediction of consumption determination of asset revenues, summaries, cost-benefit analysis, instruments, indicators, trading strategies in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; communication</p>	<p>control of engines; LED position sensors; Remote temperature sensors; Rotation controlling sensors; Sensor controllers; Object detecting sensors; Sensors for measuring instruments; Air temperature sensors; Ultrasonic wave type intruder sensors; Sensors for determining position; Sensors for determining velocity; Rotation measuring sensors; Sensors for use with machine tools; Electric motor checking [monitoring or supervision] apparatus; Temperature regulators for vehicle engines; Thermostats for vehicle engines; Speed measuring apparatus for vehicles; Automatic vehicle speed control apparatus; Vehicles (Navigation apparatus for -) [on-board computers]; Temperature control apparatus [thermostats] for vehicles; Microphones; Microphone stands; Manometers; Digital potentiometers; Thermocouples; Thermocouple cables; Thermocouple wires; Thermocouple sheaths; Temperature sensitive testing apparatus for industrial use; Thermocouple blocks; Thermo-hygrometers; Thermal imaging cameras; Thermohydrometers; Thermometers; Thermostats for vehicles; Thermocouple heads; Radio-frequency identification (RFID) readers; Electronic control units; Process controlling apparatus [electronic];</p>
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<p>software; communication software for use in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; computer software for tracking changes and modifications to software; computer software for managing software development projects; educational computer software; software applications in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; software applications for communication, networking, social networking, recruitment and careers; databases; data and database management; database engines; electronic databases recorded for computer media, database server software in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; mobile applications; mobile application which enables users to exchange cryptocurrency for currency; mobile application for the provision of news, articles, journals in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable mobile application for the management of communication, networking, social</p>	<p>Electric power controllers; Process control units [electric]; Electrical access control apparatus; Tyre monitoring apparatus; Pneumatic control apparatus; Tyre-pressure measurers; Sound cards; Printed circuit boards; Computer circuit boards; Telecommunications circuit board units; Printed circuit boards; Printed circuit boards; Encoded integrated circuit cards; Multilayer printed wiring boards; Encoded electronic chip cards; Electronic chip cards; Microprocessor cards; Smart cards [integrated circuit cards]; Microchip cards; Cards containing microprocessors; Digital boards; IC memory cards; Integrated circuit memory cards for use in playing electronic musical instruments; Memory boards; Electrical circuit boards; Graphics cards; Printed circuit boards; Electronic circuit cards; Software for card readers; Fuel regulating apparatus; Computer applications for automatic vehicle driving control; Vehicles (Navigation apparatus for -) [on-board computers]; Radios for vehicles; Integrated electronic driver assistance systems for land vehicles; Integrated electronic safety systems for land vehicles; Computer software for mobile applications that enable interaction and interface between vehicles and mobile</p>
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<p>networking, recruitment and careers; downloadable mobile application for the transmission of in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable mobile application for the management in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable mobile application in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; educational mobile applications; computers and computer peripheral devices; computer hardware; computer hardware for use in network hardware, memory hardware, telecommunications, communication servers, computer assisted software engineering, transmission of data, collection of data, remotely accessing data, remotely transmitting data, computer network attached storage (nas), central processing unit, central processing unit boards, central processing unit coolers, computer central processing units in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; downloadable multimedia files</p>	<p>devices; Accessories for camcorders; Video camera stands; Camcorders; Portable video cameras with built-in videocassette recorders; Measuring apparatus; Precision measuring apparatus; Digital measuring apparatus; Ultrasonic measuring apparatus; Thermal energy measuring apparatus; Laser level measuring apparatus; Ultrasonic fluid measuring apparatus; Temperature measuring apparatus for industrial use; Measuring apparatus and instruments; Measuring devices, electric; Speed measuring apparatus [photography]; Lasers for measuring purposes; Measuring apparatus; Laser measuring systems; Measuring instruments; Measuring devices, electric; Resistance measuring instruments; Scientific research and laboratory apparatus, educational apparatus and simulators; Measuring stands; Adding machines; Downloadable graphic design templates; Downloadable computer software for designing and modelling of three dimensional printable products; Computer software; Computer-aided design (CAD) software; Computer software for assisting in the design of sports equipment.</p>
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<p>containing artwork, text, audio and video files and non-fungible tokens.</p>	
<p>Class 42: Scientific and technological services and research and design relating thereto; industrial analysis, industrial research and industrial design services; quality control and authentication services; Testing, authentication and quality control; advisory services relating to material testing; advisory services relating to product testing; analysis and evaluation of product design; analysis and evaluation of product development; analysis and testing services relating to electrical engineering apparatus; analysis of product design; analysis of product development; design and development of computer hardware and software; software as a service [SaaS]; software as a service [SaaS] featuring software platforms for digital tokens, cryptocurrencies, NFTs and social networking; provision of a website featuring in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency computer programming; creating, designing, developing, maintaining and hosting websites; design and development of computer software, hardware, programs and mobile apps for use in relation to</p>	<p>Class 42: Testing, authentication and quality control; Design services; Science and technology services; Design of tooling for the production of land vehicle parts; Design of motor vehicle parts; Design of land vehicle parts; Design of motor vehicles; Design of vehicles and vehicle parts and components; Design of motor racing cars; Vehicle design services; Design services for parts of motor vehicles; Vehicle engine design services; Development of vehicles; Creation of control programs for automated measurement, assembly, adjustment, and related visualisation; Development of measuring and testing methods; Research in measurement technology; Technical measuring; Technical measuring and testing; Measurement services; Design of measurement systems; Design and development of computer software for evaluation and calculation of data; Programming of computer software for evaluation and calculation of data; Development and testing of computing methods, algorithms and software; Automotive design; Computer aided part and mould design services; Design of cars; Design of diagnostic apparatus and equipment;</p>

communication, networking, social networking, social media and the trading and promotion of cryptocurrency data storage, authentication, and certification via blockchain; design and development of computer hardware and software for the purpose of collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating, maintaining, displaying, and processing

Design of data processing apparatus; Design of diagnostic apparatus; Design of mechanical, electromechanical and optoelectronic apparatus and instruments; Design services relating to integrated circuits; Design of optical components; Design of mechanical and micromechanical components; Design of computer hardware; Design of industrial plant; Design of industrial products; Product design; Design of engineering products; Designing of data processing programmes; Designing of electronic systems; Designing of electrical systems; Image processing software design; Design of graphic software systems; Design of software for embedded devices; Computer software design; Software design and development; Product design and development; Design and development of medical diagnostic apparatus; Design and development of software and hardware for signal amplification and transmission; Design and development of testing and analysis methods; Design and development of diagnostic apparatus; Design and development of data display systems; Design and development of data processing systems; Design and development of engineering products; Design and development of new products; Design

<p>data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis; design and development of computer hardware and software for the purpose of collecting, compiling, storing, registering, creating, downloading, managing, summarising, sharing, collaborating, supplying, transmitting, exchanging, reading, identifying, transcribing, organising, compare, synchronise, merge, viewing, interpreting, cleansing, consolidating, engineering, calculating, projecting, performance requirements and quality compliance reports, tracking, analysing, visualising, recording, describing, modelling, researching, transforming, supporting, generating, mapping, operating, controlling, scheduling, dispatching, planning, design, development, testing, engineering, reporting, monitoring, systemising, settling, tracking changes and modifications, updating, maintaining, calculating, projecting, forecasting, tracking, assessing, visualising, recording, transforming, supporting, mapping, operating, scheduling, dispatching, planning, monitoring, systemising, settling, updating,</p>	<p>and development of industrial products; Industrial design; Engineering drawing; Visual design; Computer aided graphic design; Industrial art design; Design of hardware for digital signal processing; Custom design of electromagnetic transformers; Scientific and technological design; Design of software for digital signal processing; Custom design of electromagnetic inductors; Engineering design; Custom design services; Industrial engineering design services; Industrial design; Design services relating to data processing tools; Technical design; Computer software design; Consultancy in the field of computers; Engineering consultancy services; Computer engineering consultancy services; Computer-aided engineering design services; Computer assisted engineering design services.</p>
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maintaining, displaying, and processing data, information, analytics, displaying, processing data, information, analytics, graphics, projects, prioritizing, assigning, tracking, auditing, summaries, cost-benefit analysis in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency quality control and authentication services; scientific and technological services, namely, providing a website featuring non-downloadable software in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency research services; research relating to sports, fitness, athletics, games, and fitness meet-ups; research in relation to fitness market data, fitness meet-up app modelling, performing sports, fitness and fitness meet-up market simulations; provision of a website; provision of a website for the design, hosting, consulting, analysing, forecasting, advisory services in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency providing an internet website portal in the field sports, fitness, athletics, games, and fitness meet-ups; providing online non-downloadable software for

use in relation to communication, networking, social networking, social media and the trading and promotion of cryptocurrency installation, maintenance and repair of computer software and hardware; scientific and technological services and research and design relating to communication, networking, social networking, social media and the trading and promotion of cryptocurrency; Certification services of data transmitted via telecommunications; certification services of messages transmitted via telecommunications; website usability testing services; website load testing services; computer services, namely, providing and operating a website featuring technology that enables users to purchase and trade digital arts and graphics in the form of non-fungible tokens (NFTs) and creating and providing custom digital art drawings, animations, and illustrations for others in the form of non-fungible tokens (NFTs); platform as a service (PAAS) featuring computer software platforms for creating, promoting, selling, and exchanging non-fungible tokens (NFTs); providing a website featuring an online marketplace where users can buy and sell non-fungible tokens (nfts).