

**BL O/1140/23**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF APPLICATION NO. UK3740101**

**BY ABUBAKR MALIK**

**TO REGISTER THE SERIES OF TRADE MARKS:**

**Sugar Daddy**

**Sugardaddy**

**(SERIES OF 2)**

**IN CLASSES 9, 14, 18, 25, 33 & 35**

**AND**

**IN THE MATTER OF OPPOSITION THERETO**

**UNDER NO. 433815**

**BY SDC VENTURES GMBH**

## **Background and pleadings**

1. On 6 January 2022, Abubakr Malik (“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 25 February 2022. Registration is sought for the goods and services outlined in Annex 1.

2. The application was opposed by SDC Ventures GmbH (“the opponent”) on 25 May 2022. The opposition is based upon section 5(2)(b) of the Trade Marks Act 1994 (“the Act”) and is directed against all of the goods and services applied for. The opponent was initially also relying on sections 5(3) and 5(4)(a) of the Act, however, these were subsequently withdrawn.

3. The opponent relies on the following trade mark:

*UK801390098*

MySugardaddy

Filing date: 26 June 2017

Registration date: 24 July 2018

Relying upon the following services:

Class 38: Providing user access to global computer networks; providing telecommunications connections to a global computer network; providing internet chatrooms; providing online forums; communications by computer terminals; communications by telephone; computer aided transmission of messages and images; transmission of telegrams; teleconferencing services; transmission of digital files; transmission of greeting cards online; message sending; providing access to databases; videoconferencing services; electronic exchange of messages via chat lines, chatrooms and internet forums; electronic bulletin board services [telecommunications services]; transmission of electronic mail.

Class 41: Videotaping; recreation information; providing online videos, not downloadable; discotheque services; club services [entertainment or education]; coaching [training]; practical training [demonstration]; electronic desktop publishing; entertainer services; providing recreation facilities; songwriting; disc jockey services; health club services [health and fitness training]; personal trainer services [fitness training]; conducting fitness classes; presentation of live performances; ticket agency services [entertainment]; photographic reporting; academies [education]; teaching; television entertainment; correspondence courses; film production, other than advertising films; movie studio services; production of films in studios; cinema presentations; photography; gymnastic instruction; publication of texts, other than publicity texts; layout services, other than for advertising purposes; videotape editing; providing online electronic publications, not downloadable; online publication of electronic books and journals; publication of electronic books and journals online; arranging and conducting of conferences; arranging and conducting of congresses; arranging and conducting of concerts; arranging and conducting of symposiums; organization of fashion shows for entertainment purposes; party planning [entertainment]; booking of seats for shows; presentation of variety shows; tutoring; theater productions; arranging of beauty contests; organization of shows [impresario services]; organization of competitions [education or entertainment]; scriptwriting, other than for advertising purposes; screenplay writing; writing of texts; publishing and reporting; education, entertainment and sport services; consultancy and information in relation to the aforesaid services, included in this class.

Class 45: Chaperoning; personal wardrobe styling consultancy; online social networking services; dating agency services; consultancy and information in relation to the aforesaid services, included in this class.

4. The opponent claims that the marks are very similar as they all contain the words 'sugar daddy'. The opponent further states that the applicant's goods and services are similar to their own resulting in a likelihood of confusion.

5. The applicant filed a counterstatement denying all the claims.

6. The applicant is represented by Maguire Boss and the opponent is represented by Harrison IP Limited.

7. Neither party filed evidence or requested a hearing. Both parties filed submissions in lieu. This decision is therefore taken following careful consideration of the papers.

8. 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**

9. 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”.

10. 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,

[...]"

11. In these proceedings, the opponent is relying upon the trade mark shown in paragraph 3, 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 services it has identified.

### **Case law**

12. 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

13. 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”.

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

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be, found in supermarkets and in particular whether they are, or are likely to be, found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance whether market research companies, who of course act for industry, put the goods or services in the same or different sectors.

15. In *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”.

16. 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).

17. The goods and services at issue are located in Annex 2.

#### Class 9

*Online payment software; Software for arranging online transactions; Software for operating an online shop; Software for evaluating customer behaviour in online shops;*

18. The opponent put forward in their submissions that the class 9 goods of the applicant’s specification above are similar to their class 38 services as these services will all incorporate software to enable those services to function. However, the above goods are related to payments and online shops whereas the earlier registration focuses on messaging and connections to networks. Therefore, their purpose and use are different. There may be an overlap in user as both can be used by the general public but this on its own is not enough to find the goods and services similar. By virtue of the fact this is a good vs a service, the nature will differ. I do not believe the trade channels will overlap. The opponent has claimed that they are complementary, as set out above, this is a two-step test. The first is that the goods and services are indispensable or important to one another. It may be the case that software is needed in order to provide the opponent’s class 38 services but the applicant does not have

software generally, the above goods are shopping or payment related and therefore, I do not believe they are indispensable/important to the opponent's services which in turn means they are not complimentary, I also do not believe that the average consumer would reasonably expect the goods to come from the same undertakings. They are also not in competition. I therefore find these goods to be dissimilar to the opponent's services.

*Software for online messaging;*

19. In contrast to the above goods, this good from the applicant's specification can be said to be complimentary to the opponent's 'message sending; computer aided transmission of messages and images' as it is software dedicated to messaging online which is likely to be important or indispensable to the opponent's service and it would be reasonable for the average consumer to believe that both came from the same undertaking. There could also be an overlap in user, purpose and in trade channels in this instance. The nature still differs. They are not in competition. I therefore find them to be similar to a medium degree.

*Software for embedding online advertising on websites; Software for designing online advertising on websites;*

20. Although the goods in paragraph 20 are payment related, and these goods relate to embedding/designing advertising, I consider that the same findings apply and find these goods to be dissimilar to the opponent's services.

*Computer programs for accessing, browsing and searching online databases.*

21. I consider that the above goods could be complementary to the opponent's 'providing access to databases'. As above, the software can be intrinsic in providing the service of accessing databases and it would be reasonable for the average consumer to believe the same undertaking provides both. The user and use can overlap as can the trade channels. The nature differs. They are not in competition. I therefore find them to be similar to a medium degree.

#### Class 14

22. I consider that the opponent's best case for consideration against the applicant's class 14 specification is 'organisation of fashion shows for entertainment purposes' as jewellery can be considered to be an item of fashionwear. Fashion and jewellery houses might present and promote their creations at fashion shows, however, fashion/jewellery houses do not offer the services of organising shows for others. The opponent's service is a professional service directed at organising fashion shows on behalf of third parties, which would include handling the logistics of booking a venue and hiring of models and makes the trade channels different. The users of these services would be those interested in showing their goods i.e. designers whereas the class 14 goods would target the general public and so the consumers are different. This also means that they cannot be complementary as whilst you cannot have a fashion show without the items to display, different consumers are targeted and the average consumer would not expect the provider of jewellery to organise shows on behalf of others. The opponent already concedes that the use and nature are different. I therefore find these goods to be dissimilar to the opponent's services.

#### Class 18

23. As I have been provided with no helpful submissions or evidence, on application of the *Treat* criteria I can see no overlap between the applicant's class 18 goods and the opponent's services and therefore I find these goods to be dissimilar.

#### Class 25

24. Although this class related to clothing goods and not jewellery, I consider that the same finding applies to the applicant's class 25 goods as the class 14 goods in paragraph 24 above and therefore find these goods to be dissimilar to the opponent's services.

### Class 33

25. As I have been provided with no helpful submissions or evidence, on application of the *Treat* criteria I can see no overlap between the applicant's class 33 goods and the opponent's services and therefore I find these goods to be dissimilar.

### Class 35

*Advertising; marketing; Business management; business administration; office functions; promotional services; organisation, operation and supervision of loyalty programmes and of sales and promotional incentive schemes;*

26. As I have been provided with no helpful submissions or evidence, on application of the *Treat* criteria I can see no overlap between the above services from the applicant's class 35 specification and the opponent's services and therefore I find these goods to be dissimilar.

*Fashion show exhibitions for commercial purposes;*

27. I consider that there could be an overlap of use and trade channels for the above service from the applicant's specification and the opponent's 'organization of fashion shows for entertainment purposes'. There could be an overlap in user but their purpose also differs as one is stated to be for commercial purposes and the other for entertainment purposes although I do not discount that there is a wider purpose of showing off items which is shared. They are not complementary nor do I believe them to be in competition. I therefore find them to be similar to a medium degree.

*Presentation of goods on communication media, for retail purposes; retail and wholesale services and online retail and wholesale services, all relating to cosmetics [...]cocktails;*

28. Whilst the opponent's class 38 services allow access to computer networks and databases, this has no relation to retail service and therefore, on application of the *Treat* criteria and without any submissions or evidence from the parties to assist, I can

see no overlap between the above services and the opponent's services and therefore I find these goods to be dissimilar.

*Information, advisory and consultancy services in relation to all of the aforesaid.*

29. With regard to the above term in this class, to the extent that the information, advice and consultancy relates to services where I have found similarity then there will be a degree of similarity here also as it would be fair to expect a person providing a service will be able to give information or advice in relation to it. I consider the level of similarity to be slightly lower than between the services themselves.

30. In *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, Lady Justice Arden stated that:

“49..... I do not find any threshold condition in the jurisprudence of the Court of Justice cited to us. Moreover I consider that no useful purpose is served by holding that there is some minimum threshold level of similarity that has to be shown. If there is no similarity at all, there is no likelihood of confusion to be considered. If there is some similarity, then the likelihood of confusion has to be considered but it is unnecessary to interpose a need to find a minimum level of similarity.”

31. I have found all of the goods and services in classes 14, 18, 25 and 33 to be dissimilar to the opponent's services, together with the following goods and services in classes 9 and 35, and therefore the opposition fails in relation to them:

Class 9: Online payment software; Software for arranging online transactions; Software for operating an online shop; Software for evaluating customer behaviour in online shops; Software for embedding online advertising on websites; Software for designing online advertising on websites;

Class 35: Advertising; marketing; Business management; business administration; office functions; promotional services; organisation, operation

and supervision of loyalty programmes and of sales and promotional incentive schemes; presentation of goods on communication media, for retail purposes; retail and wholesale services and online retail and wholesale services, all relating to cosmetics [...]cocktails.

32. The opposition may continue in relation to the following goods and services, in respect of which I found there to be at least some similarity with the opponent's services:

Class 9: Software for online messaging; Computer programs for accessing, browsing and searching online databases.

Class 35: Fashion show exhibitions for commercial purposes; Information, advisory and consultancy services in relation to all of the aforesaid.

### **Average consumer and the purchasing act**

33. 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 services in question: *Lloyd Schuhfabrik Meyer, Case C-342/97*.

34. 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.”

35. I consider that the average consumer of the class 9 goods will most likely be members of the public but do not discount there could be professionals/business users. The costs of these goods and services I find are to be relatively inexpensive overall but could be part of an ongoing contractual obligation. I would consider that these goods will be purchased relatively infrequently. The average consumer will need to take into consideration the cost, compatibility, functionality and suitability of these goods in accordance with their needs. I therefore consider that the average consumer would pay a medium level of attention during the purchasing process. The above goods are likely to be selected from various retailers, websites, advertisements and displayed on shelves in technology retailers. 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.

36. For the class 35 and 41 services, I consider the most likely consumers to be professionals and businesses. I consider the costs could be fairly high and that the services will be purchased fairly infrequently but perhaps on a recurring basis. The average consumer will likely consider cost, suitability and the level of interest or reach to potential consumers. I therefore find they will pay between a medium and high degree of attention. Once again, I consider that the visual considerations will dominate the selection process likely on websites or viewing the information in brochures but don't discount aural word of mouth recommendations or sales advice.

### **Comparison of marks**

37. 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 relevant 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.”

38. 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 trade 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.

39. The marks to be compared are as follows:

| <b>Contested marks</b>        | <b>Earlier mark</b> |
|-------------------------------|---------------------|
| Sugar Daddy<br><br>Sugardaddy | MySugardaddy        |

40. The earlier mark is a word mark which consists of three words that are all joined together. I consider that the consumers will break down the elements into ‘my’ and ‘sugardaddy’ as they will break the mark down into verbal elements which suggest a concrete meaning or which resemble words known to them.<sup>1</sup> I believe that Sugardaddy

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<sup>1</sup> *Usinor SA v OHIM*, Case T-189/05, para 62

has more impact as 'my' is simply a possessive pronoun. However, the three words will be seen as a unit and the overall impression lies in that combination.

41. The marks which comprise the contested series are also both word marks. They both contain two words, in one of the marks they are separated by a space and in the other they are conjoined. I consider that the overall impression of these marks also lies in the combination of the words.

42. Visually, the words forming the contested marks are wholly contained within the earlier mark. The only difference is the addition of the word 'My' in the earlier mark. I note the space and the different capitalisation in the first mark in the applicant's series however, they do not create any significant visual difference. I therefore find the marks to be highly visually similar.

43. Turning to the aural comparison, I consider that the contested marks feature two terms which will be given their ordinary pronunciations. The same will apply to the three words in the earlier mark. I consider that the four syllables which make up the contested marks will be replicated identically within the earlier mark which only features one additional syllable at the beginning. I therefore find the marks to be aurally similar to a high degree.

44. Conceptually, the term 'Sugar Daddy' has an ordinary dictionary meaning of a man who gives a woman money and presents in return for a relationship.<sup>2</sup> I consider that a significant proportion of UK consumers will know that meaning. The earlier mark has the additional word 'my' at the beginning which gives the implication of ownership or belonging to the user of the 'Sugar Daddy' and so does not change the concept of the mark drastically. I therefore find the marks to be conceptually similar to a high degree.

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

45. The distinctive character of a trade mark can be appraised only, first, by reference to the goods in respect of which registration is sought and, secondly, by reference to

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the way it is perceived by the relevant public – *Rewe Zentral AG v OHIM (LITE)* [2002] ETMR 91.

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

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

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

47. Registered trade marks possess varying degrees of inherent distinctive character, being lower where they are allusive or suggestive of a characteristic of the goods and/or services, ranging up to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use made of it however, I have not been provided with any evidence so I only have the inherent position to consider.

48. The earlier mark comprises the words 'MySugardaddy' which have ordinary dictionary meanings as explained above. I do not believe it to be allusive or descriptive for the opponent's services that are similar to the applicant's goods and, therefore, I consider the mark to be inherently distinctive to a medium degree.

### **Likelihood of confusion**

49. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other, while indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective trade marks may be offset by a greater degree of similarity between the respective goods and services and vice versa. It is necessary for me to keep in mind the distinctive character of the earlier mark, the average consumer for the goods and services and the nature of the purchasing process. In doing so, I must be alive to the fact that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

50. The following factors must be considered to determine if a likelihood of confusion can be established:

- I have found the overall impressions of all of the marks lies in the combination of their composite words. However, the term 'Sugardaddy' in the earlier mark is the more distinctive element.
- I have found the marks to be visually, aurally and conceptually similar to a high degree.
- I have found the opponent's mark to be inherently distinctive to a medium degree.

- I have identified the average consumer for the goods to be a combination of members of the general public as well as professional/business users. The purchasing process is likely to be predominantly visual.
- I have concluded that a medium or between a medium and high degree of attention will be paid during the purchasing process.
- I have found the goods and services to be similar to a medium degree.

51. Taking all of the above factors into account, in particular that the contested marks are wholly encompassed within the earlier mark, and that the additional word 'My' in the earlier mark is the less distinctive element and only has the effect on the concept of the mark to show ownership, I find that direct confusion is possible even where a higher level of attention has been paid due to the high level of similarities and imperfect recollection.

## **Conclusion**

52. The opposition has been partially successful. As a result, the application will be refused in relation to the following goods and services:

Class 9: Software for online messaging; Computer programs for accessing, browsing and searching online databases.

Class 35: Fashion show exhibitions for commercial purposes; Information, advisory and consultancy services in relation to all of the aforesaid.

53. The application may proceed to registration in the UK for all goods in classes 14, 18, 25 and 33 and the following goods and services in classes 9 and 35, against which the opposition has failed:

Class 9: Online payment software; Software for arranging online transactions; Software for operating an online shop; Software for evaluating customer behaviour in online shops; Software for embedding online advertising on websites; Software for designing online advertising on websites;

Class 35: Advertising; marketing; Business management; business administration; office functions; promotional services; organisation, operation and supervision of loyalty programmes and of sales and promotional incentive schemes; presentation of goods on communication media, for retail purposes; retail and wholesale services and online retail and wholesale services, all relating to cosmetics, make-up, face, lip and cheek make-up, cosmetic kits, compacts, foundations, concealers, make-up primers, blushers, rouges, face powder, face glitter, lipstick, lip gloss, lip liner, non-medicated lip balm, pencils for cosmetic purposes, lip pencils, eye pencils, eye make-up, eye shadow, mascaras, eyeliners, eye creams, eye gels, eye balms, eyebrow cosmetics, highlighter, make-up remover, non-medicated soaps, toiletries, body cleaning and body care preparations, shower and bath preparations, shower and bath gels, bath foams, bath oils, bubble baths, talcum powder, hand washes, facial washes, non-medicated oils, creams, lotions, gels and powders for the skin and body, cosmetic preparations for skin care, beauty creams, face creams, moisturisers, cleansers, toners, clarifiers, exfoliators, beauty serums, night creams, anti-ageing creams, perfumery, fragrances and fragrance products for personal use, perfumes, body sprays, personal deodorants, antiperspirants, essential oils, scented oils, non-medicated massage oils and creams, aromatherapy preparations, hair lotions, hair care products, shampoo, hair conditioners, hair styling products, styling lotions, hair spray, dry shampoo, hair dyes, hair masks, hair creams, nail care preparations, nail polish, nail strengtheners, nail polish remover, nail art stickers, nail glitter, artificial nails, adhesives for artificial nails, false eyelashes, adhesives for affixing false eyelashes, eyelash tint, shaving preparations, shaving creams, foams, lotions and gels, after-shave preparations, depilatory preparations, sun tanning and sun protection preparations, cosmetic preparations for skin tanning, artificial tanning preparations, self-tanning preparations, toothpaste, potpourri, fragrance sachets, room fragrances, candles and wicks for lighting, scented candles, razors, eyewear and parts and fittings therefor, spectacles, sunglasses, frames for spectacles and sunglasses, chains for sunglasses and spectacles, straps and cords for sunglasses and spectacles, protective bags and cases for eyewear, cases for sunglasses and spectacles, covers and cases

for mobile phones, covers and cases for computers and tablets, computer software, application software, audio and/or video recordings, publications in electronic format, downloadable electronic publications, vehicles and parts and fittings therefor, apparatus for locomotion by land, air or water, motor vehicles, electric vehicles, cycles, scooters, prams, pushchairs, car seats for babies or children, jewellery, costume jewellery, precious and semi-precious stones, rings, earrings, bracelets, brooches, necklaces, chains, jewellery charms, pendants, jewellery boxes, horological and chronometric instruments, clocks and watches, watch straps, watch boxes, key rings, key fobs, key holders, ornamental pins, badges of precious metals, printed matter, paper, cardboard, photographs, stationery, artists' materials, paint brushes, plastic materials for packaging, printed publications, books, periodical publications, printed publicity and promotional material, catalogues, brochures, photograph albums, posters, pictures, prints, diaries, calendars, address books, stickers, transfers, decalcomanias, stencils, cards, greeting cards, postcards, wrapping paper, gift bags, gift tags, carrier bags, bags and articles for packaging, bags and articles for wrapping and storage, boxes of cardboard, hat boxes of cardboard, book covers, bookmarks, writing pads, notebooks, envelopes, labels, paperweights, book ends, writing instruments, pen and pencil cases, pen and pencil holders, gift vouchers, clothing patterns, embroidery patterns, paper flags and pennants, paper banners, advertising signs of paper or cardboard, paper table linen, paper tablecloths, paper and cardboard place mats, paper and cardboard coasters, paper napkins, paper towels, tissues, paper tissues for cosmetic use, cases for passports, luggage and carrying bags, travelling bags and cases, suitcases, garment bags for travel, luggage label holders, luggage tags, luggage straps, leather straps, bags, bags of leather or imitation leather, bags of skin or hide, textile bags, canvas bags, cloth bags, knitted bags not of precious metals, mesh bags, towelling bags, handbags, shoulder bags, tote bags, shopping bags, satchels, back packs, holdalls, sports bags, shoe bags, toilet bags, wallets, purses, card wallets, credit card cases and holders, key cases, umbrellas, furniture, furniture fittings, mirrors, picture frames, picture stands, photograph frames, plaques, statuettes, figurines, works of art and ornaments, curtain tie backs, curtain rails, curtain poles, curtain rings, curtain hooks, cushions, pillows, bolsters, mattress cushions, seat pads, chair pads,

blinds, bedding, airbeds, bean bags, coat hangers, non-metallic clothes hooks, hat and coat stands, clothes covers, baskets, non-metallic bins, magazine racks, book shelves, non-metallic name plates, non-metallic boards and panels for keys, trays, not of metal, display stands and boards, signboards of wood or plastics, containers, casks, chests, cases and boxes of wood or plastics, plastic packing containers, beds for animals, decorative mobiles, decorations of plastic for foodstuffs, non-electric fans for personal use, household or kitchen utensils and containers, combs, sponges, brushes, glassware, porcelain, pottery, earthenware, chinaware, cookware, tableware, crockery, plates, saucers, dishes, bowls, pots, jugs, egg cups, tea pots, coffee pots, cooking pots, non-metallic cookery moulds, storage jars, rolling pins, drinking vessels, cups, mugs, drinking glasses, tankards, bottles, drinking bottles, sports bottles, bottle openers, corkscrews, decanters, drinking flasks, vacuum flasks, bottle covers, food and drink containers, insulated food and drink containers, lunchboxes, non-electric coolers for food and drinks, ice cube moulds, bottle buckets, glass stoppers, cocktail shakers, drinking straws, juice squeezers, strainers, siphons for carbonated water, stands for bottles, napkin holders, cutlery holders, condiment holders, salt cellars, serving trays, coasters not of paper or textiles, fitted picnic baskets, picnic ware, decorative objects made of glass, decorative objects made of ceramic, decorative objects made of china, decorative objects made of earthenware or porcelain, enamelled glass, vases, perfume bottles, perfume sprayers, candlesticks, candle holders, non-metallic money boxes and piggy banks, toothbrushes, holders for toothbrushes, soap boxes and holders, fitted vanity cases, hair brushes, nail brushes, cosmetic utensils, cosmetic powder compacts, household gloves, ironing boards, shaped ironing board covers, clothes drying racks, clothes pegs, shoe horns, shoe brushes and shoe trees, refuse bins, litter bins, flower pots, non-metallic watering cans, baskets for domestic use, storage boxes for household use, textiles, fabrics, textile piece goods, textiles for making articles of clothing, textile handkerchiefs, household textile articles, household linen, soft furnishings, textiles for furnishings, unfitted covers for furniture, textile goods for use as bedding, bed covers, bed linen, sheets, pillow cases, duvet covers, valances, bedspreads, duvets, quilts, mattress covers, blankets, lap rugs, throws, bed throws, sleeping bags, travelling rugs, textile materials for making curtains and blinds, curtains,

curtain tie-backs of textile, shower curtains, cushion covers, cushion pads, furniture covers, chair covers, table covers, table linen, table cloths, table runners, napkins, serviettes, place mats of textile, table mats, not of paper, textile coasters, kitchen linen, tea towels, cloths, bath linen, towels, flannels, face cloths, beach towels, banners, flags of textile, bunting, textile wall hangings, wall decorations of textile, clothing, footwear, headgear, clothing accessories, badges for wear, patches, belt clasps, buckles, hat ornaments, hair ornaments, shoe ornaments, lanyards for wear, floor coverings, rugs, mats, wall coverings, wallpaper, games, toys and playthings, gymnastic and sporting articles, exercise and fitness apparatus, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked vegetables, jellies, jams, compotes, eggs, milk and milk products, oils and fats for food, fresh meat, frozen meat and meat products, prepared meat and meat products, prepared meat dishes, prepared meals consisting primarily of meat, frozen meals consisting primarily of meat, fresh fish, frozen fish and fish products, prepared fish and fish products, prepared fish dishes, prepared meals consisting primarily of fish, frozen meals consisting primarily of fish, seafood, frozen seafood and seafood products, prepared seafood and seafood products, prepared seafood dishes, prepared meals consisting primarily of seafood, frozen meals consisting primarily of seafood, fresh game, frozen game and game products, prepared game and game products, prepared game dishes, prepared meals consisting primarily of game, frozen meals consisting primarily of game, fresh poultry, frozen poultry and poultry products, prepared poultry and poultry products, prepared poultry dishes, prepared meals consisting primarily of poultry, frozen meals consisting primarily of poultry, protein for food for human consumption, food products made primarily from protein, meat substitutes, food products made primarily from meat substitutes, cooked meats, cured meats, sausages, burgers, prepared vegetables, prepared vegetable products, frozen vegetable products, vegetable oils, prepared vegetable dishes, prepared meals consisting primarily of vegetables, frozen meals consisting primarily of vegetables, vegetable-based snack foods, dairy products and dairy substitutes, cream, cheeses, cheese products, dairy spreads, butter, dairy desserts and puddings, dairy-based drinks, yoghurts, yoghurt desserts, yoghurt-based drinks, egg products, prepared meals consisting primarily of eggs, desserts, crisps, potato

crisps, vegetable crisps, processed nuts, prepared nuts, processed seeds, prepared seeds, soups and stocks, meat extracts, extracts for soups, preparations for making soups, prepared and frozen meals, snack foods, coffee, tea, cocoa and artificial coffee, rice, tapioca and sago, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, sugar, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice (frozen water), bakery products, bread products, pies, sandwiches, sandwich wraps, pizzas, prepared pizza meals, garlic bread, pasta, pasta sauces, pasta dishes, prepared pasta meals, noodles, prepared meals consisting primarily of noodles, rice-based snack foods, prepared meals consisting primarily of rice, rice cakes, popcorn, pastry products, cakes, muffins, biscuits, puddings, desserts, custards, mousses, pancakes, waffles, ice cream, ice cream products, frozen confections, frozen yoghurt, sweets, chocolate, chocolate products, chocolate and cocoa beverages, breakfast cereals, muesli, cooking sauces, dressings for food, salad dressings, mayonnaise, relish, cereal-based snack foods, cereal bars, beers, mineral and aerated waters and other non-alcoholic beverages, syrups and other preparations for making beverages, vegetable juices, soft drinks, flavoured water, energy drinks, alcoholic beverages, wines, sparkling wines, fortified wines, distilled beverages, spirits, liqueurs, cider, perry, cocktails.

## **Costs**

54. The applicant has been largely successful and is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 2/2016. I note that the opponent has also had some success and I have therefore slightly reduced the award to account for this. I award the opponent the sum of **£500**, calculated as follows:

|   |      |
|---|------|
| Considering the Notice of opposition and preparing the counterstatement | £200 |
| Preparation of submissions  | £300 |

**Total**

**£500**

55. I therefore order SDC VENTURES GMBH to pay ABUBAKR MALIK the sum of £500. 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 30<sup>th</sup> day of November 2023**

**L Nicholas**

**For the Registrar**

## Annex 1

Class 9: Online payment software; Software for online messaging; Software for arranging online transactions; Software for operating an online shop; Software for embedding online advertising on websites; Software for designing online advertising on websites; Software for evaluating customer behaviour in online shops; Computer programs for accessing, browsing and searching online databases.

Class 14: Jewellery; Jewellery, including imitation jewellery and plastic jewellery; Ornaments [jewellery]; Enamelled jewellery; Wristlets [jewellery]; Bracelets [jewellery]; Pearls [jewellery]; Shoe jewellery; Imitation jewellery; Fashion jewellery; Costume jewellery; Facial jewellery; Jade [jewellery]; Necklaces [jewellery]; Precious jewellery; Cloisonné jewellery; Paste jewellery; Artificial jewellery; Charms [jewellery]; Pendants [jewellery]; Jewellery items; Jewellery chains; Chains [jewellery]; Body jewellery; Pewter jewellery; Locketts [jewellery]; Jewellery findings; Crosses [jewellery]; Rings [jewellery]; Jewellery (Paste -); Amulets [jewellery]; Brooches [jewellery]; Jewellery brooches; Jewellery cases; Jewellery caskets; Jewellery articles; Jewellery stones; Personal jewellery; Cloisonne jewellery; Gold jewellery; Hat jewellery; Ivory jewellery; Fake jewellery; Trinkets [jewellery]; Jewellery charms; Pins [jewellery]; Jewellery boxes; Jewellery products; Jewellery chain; Jewellery rolls; Lapel pins [jewellery]; Jewellery incorporating pearls; Agate as jewellery; Amulets being jewellery; Articles of jewellery; Decorative brooches [jewellery]; Jewellery incorporating diamonds Jewellery cases [fitted]; Wooden jewellery boxes; Rings being jewellery; Charms for jewellery; Items of jewellery; Plastic costume jewellery; Crucifixes as jewellery; Jewellery hat pins; Jewellery foot chains; Decorative pins [jewellery]; Imitation jewellery ornaments; Jewellery boxes [fitted]; Ring bands [jewellery]; Clasps for jewellery; Jewellery cases [caskets]; Body costume jewellery; Synthetic stones [jewellery]; Gold thread [jewellery]; Jewellery containing gold; Sterling silver jewellery; Pins being jewellery; Silver thread [jewellery]; Ornaments [jewellery, jewelry (Am.)]; Jewellery of precious metals; Beads for making jewellery; Clips of silver [jewellery]; Locketts [jewellery, jewelry (Am.)]; Articles of imitation jewellery; Amberoid pendants being jewellery; Jewellery fashioned from bronze; Cloisonné jewellery [jewelry (Am.)]; Jewellery made from gold; Ivory [jewellery, jewelry (Am.)]; Jewellery incorporating precious stones; Brooches [jewellery, jewelry (Am.)]; Amber pendants being jewellery;

Gold plated brooches [jewellery]; Jewellery of yellow amber Bracelets [jewellery, jewelry (Am.)]; Amulets [jewellery, jewelry (Am.)]; Trinkets [jewellery, jewelry (Am.)]; Chains [jewellery, jewelry (Am.)]; Jewellery for personal wear; Jewellery made from silver; Jewellery in precious metals; Necklaces [jewellery, jewelry (Am.)]; Jewellery made of bronze; Jewellery for personal adornment; Jewellery made of plastics; Medallions [jewellery, jewelry (Am.)]; Jewellery made of crystal; Pearls [jewellery, jewelry (Am.)]; Jewellery made of glass; Rings [jewellery, jewelry (Am.)]; Charms [jewellery, jewelry (Am.)]; Pins [jewellery, jewelry (Am.)]; Cabochons for making jewellery; Presentation boxes for jewellery; Jewellery fashioned of precious metals; Wire of precious metal [jewellery]; Paste jewellery [costume jewelry (Am.)]; Jewellery boxes of precious metals; Parts and fittings for jewellery; Jewellery in non-precious metals; Jewellery made of precious metals; Jewellery rope chain for anklets; Threads of precious metal [jewellery]; Jewellery rope chain for bracelets; Collets being parts of jewellery; Jewellery fashioned of cultured pearls; Jewellery caskets of precious metal.

Class 18: Luggage; Luggage labels; Travel luggage; Luggage tags; Luggage trunks; Luggage straps; Wheeled luggage; Trunks [luggage]; Luggage bags; Luggage covers; Luggage label holders; Luggage tags [leatherware]; Trunks being luggage; Articles of luggage; Plastic luggage tags; Rubber luggage tags; Labels for luggage; Leather luggage tags; Leather luggage straps; Tags for luggage; Straps for luggage; Lockable luggage straps; Metal luggage tags; Fitted belts for luggage; Compression cubes adapted for luggage; Fitted protective covers for luggage suitcase packing organizers / luggage organizers set; Suitcase packing organizers / Luggage organizers set; Luggage, bags, wallets and other carriers; Inserts for luggage in the form of compression cubes.

Class 25: Parts of clothing, footwear and headgear; Headgear; Thermal headgear; Footwear; Headgear for wear; Footwear [excluding orthopedic footwear]; Golf footwear; Athletics footwear; Athletic footwear; Footwear uppers; Casual footwear; Footwear soles; Fishing footwear; Pumps [footwear]; Infants' footwear; Children's footwear; Sneakers [footwear]; Rubbers [footwear]; Ladies' footwear; Beach footwear; Climbing footwear; Sports footwear; Trainers [footwear]; Uppers (Footwear -); Leisure footwear; Tips for footwear; Wooden shoes[footwear]; Footwear for women; Soles for footwear; Footwear (Tips for -); Footwear for sport; Footwear for sports; Heelpieces for footwear; Insoles for footwear; Sports headgear [other than helmets]; Footwear for

snowboarding; Welts for footwear; Footwear (Welts for -); Footwear for men; Clothing; Clothes; Footwear made of wood; Traction attachments for footwear; Inner socks for footwear; Footwear made of vinyl; Footwear not for sports; Footwear for use in sport; Fittings of metal for footwear; Footwear for men and women; Non-slipping devices for footwear; Footwear (Non-slipping devices for -); Footwear (Fittings of metal for -); Wristbands [clothing]; Tops [clothing]; Knitted clothing; Oilskins [clothing] Motorcyclists' clothing; Hoods [clothing]; Leisure clothing; Infant clothing; Children's clothing; Childrens' clothing; Sports clothing; Leather clothing; Gloves [clothing]; Waterproof clothing; Plush clothing; Girls' clothing; Swaddling clothes.

Class 33: Alcoholic aperitifs; Alcoholic extracts; Alcoholic punches; Alcoholic cocktails; Alcoholic jellies; Alcoholic cordials; Alcoholic essences; Rice alcohol; Alcohol (Rice -); Alcoholic bitters; Alcoholic wines; Low-alcoholic wine; Alcoholic energy drinks; Cordials [alcoholic beverages]; Alcoholic cocktail mixes; Rum [alcoholic beverage]; Fruit extracts, alcoholic; Alcoholic fruit beverages; Alcoholic egg nog; Alcoholic aperitif bitters; Alcoholic beverages of fruit; Alcoholic cocktails containing milk; Sugarcane-based alcoholic beverages; Low alcoholic drinks; Alcoholic fruit extracts; Prepared alcoholic cocktails; Beverages (Alcoholic -), except beer; Alcoholic beverages containing fruit; Pre-mixed alcoholic beverages; Alcoholic beverages, except beer; Fruit (Alcoholic beverages containing -); Alcoholic fruit cocktail drinks; Alcoholic tea-based beverage; Alcoholic coffee-based beverage; Nira [sugarcane-based alcoholic beverage]; Alcoholic carbonated beverages, except beer; Alcoholic preparations for making beverages; Preparations for making alcoholic beverages.

Class 35: Advertising; business management; business administration; office functions; marketing; promotional services; organisation, operation and supervision of loyalty programmes and of sales and promotional incentive schemes; fashion show exhibitions for commercial purposes; presentation of goods on communication media, for retail purposes; retail and wholesale services and online retail and wholesale services, all relating to cosmetics, make-up, face, lip and cheek make-up, cosmetic kits, compacts, foundations, concealers, make-up primers, blushers, rouges, face powder, face glitter, lipstick, lip gloss, lip liner, non-medicated lip balm, pencils for cosmetic purposes, lip pencils, eye pencils, eye make-up, eye shadow, mascaras, eyeliners, eye creams, eye gels, eye balms, eyebrow cosmetics, highlighter, make-up

remover, non-medicated soaps, toiletries, body cleaning and body care preparations, shower and bath preparations, shower and bath gels, bath foams, bath oils, bubble baths, talcum powder, hand washes, facial washes, non-medicated oils, creams, lotions, gels and powders for the skin and body, cosmetic preparations for skin care, beauty creams, face creams, moisturisers, cleansers, toners, clarifiers, exfoliators, beauty serums, night creams, anti-ageing creams, perfumery, fragrances and fragrance products for personal use, perfumes, body sprays, personal deodorants, antiperspirants, essential oils, scented oils, non-medicated massage oils and creams, aromatherapy preparations, hair lotions, hair care products, shampoo, hair conditioners, hair styling products, styling lotions, hair spray, dry shampoo, hair dyes, hair masks, hair creams, nail care preparations, nail polish, nail strengtheners, nail polish remover, nail art stickers, nail glitter, artificial nails, adhesives for artificial nails, false eyelashes, adhesives for affixing false eyelashes, eyelash tint, shaving preparations, shaving creams, foams, lotions and gels, after-shave preparations, depilatory preparations, sun tanning and sun protection preparations, cosmetic preparations for skin tanning, artificial tanning preparations, self-tanning preparations, toothpaste, potpourri, fragrance sachets, room fragrances, candles and wicks for lighting, scented candles, razors, eyewear and parts and fittings therefor, spectacles, sunglasses, frames for spectacles and sunglasses, chains for sunglasses and spectacles, straps and cords for sunglasses and spectacles, protective bags and cases for eyewear, cases for sunglasses and spectacles, covers and cases for mobile phones, covers and cases for computers and tablets, computer software, application software, audio and/or video recordings, publications in electronic format, downloadable electronic publications, vehicles and parts and fittings therefor, apparatus for locomotion by land, air or water, motor vehicles, electric vehicles, cycles, scooters, prams, pushchairs, car seats for babies or children, jewellery, costume jewellery, precious and semi-precious stones, rings, earrings, bracelets, brooches, necklaces, chains, jewellery charms, pendants, jewellery boxes, horological and chronometric instruments, clocks and watches, watch straps, watch boxes, key rings, key fobs, key holders, ornamental pins, badges of precious metals, printed matter, paper, cardboard, photographs, stationery, artists' materials, paint brushes, plastic materials for packaging, printed publications, books, periodical publications, printed publicity and promotional material, catalogues, brochures, photograph albums, posters, pictures, prints, diaries, calendars, address books, stickers, transfers,

decalcomanias, stencils, cards, greeting cards, postcards, wrapping paper, gift bags, gift tags, carrier bags, bags and articles for packaging, bags and articles for wrapping and storage, boxes of cardboard, hat boxes of cardboard, book covers, bookmarks, writing pads, notebooks, envelopes, labels, paperweights, book ends, writing instruments, pen and pencil cases, pen and pencil holders, gift vouchers, clothing patterns, embroidery patterns, paper flags and pennants, paper banners, advertising signs of paper or cardboard, paper table linen, paper tablecloths, paper and cardboard place mats, paper and cardboard coasters, paper napkins, paper towels, tissues, paper tissues for cosmetic use, cases for passports, luggage and carrying bags, travelling bags and cases, suitcases, garment bags for travel, luggage label holders, luggage tags, luggage straps, leather straps, bags, bags of leather or imitation leather, bags of skin or hide, textile bags, canvas bags, cloth bags, knitted bags not of precious metals, mesh bags, towelling bags, handbags, shoulder bags, tote bags, shopping bags, satchels, back packs, holdalls, sports bags, shoe bags, toilet bags, wallets, purses, card wallets, credit card cases and holders, key cases, umbrellas, furniture, furniture fittings, mirrors, picture frames, picture stands, photograph frames, plaques, statuettes, figurines, works of art and ornaments, curtain tie backs, curtain rails, curtain poles, curtain rings, curtain hooks, cushions, pillows, bolsters, mattress cushions, seat pads, chair pads, blinds, bedding, airbeds, bean bags, coat hangers, non-metallic clothes hooks, hat and coat stands, clothes covers, baskets, non-metallic bins, magazine racks, book shelves, non-metallic name plates, non-metallic boards and panels for keys, trays, not of metal, display stands and boards, signboards of wood or plastics, containers, casks, chests, cases and boxes of wood or plastics, plastic packing containers, beds for animals, decorative mobiles, decorations of plastic for foodstuffs, non-electric fans for personal use, household or kitchen utensils and containers, combs, sponges, brushes, glassware, porcelain, pottery, earthenware, chinaware, cookware, tableware, crockery, plates, saucers, dishes, bowls, pots, jugs, egg cups, tea pots, coffee pots, cooking pots, non-metallic cookery moulds, storage jars, rolling pins, drinking vessels, cups, mugs, drinking glasses, tankards, bottles, drinking bottles, sports bottles, bottle openers, corkscrews, decanters, drinking flasks, vacuum flasks, bottle covers, food and drink containers, insulated food and drink containers, lunchboxes, non-electric coolers for food and drinks, ice cube moulds, bottle buckets, glass stoppers, cocktail shakers, drinking straws, juice squeezers, strainers, siphons for carbonated water, stands for bottles, napkin holders, cutlery

holders, condiment holders, salt cellars, serving trays, coasters not of paper or textiles, fitted picnic baskets, picnic ware, decorative objects made of glass, decorative objects made of ceramic, decorative objects made of china, decorative objects made of earthenware or porcelain, enamelled glass, vases, perfume bottles, perfume sprayers, candlesticks, candle holders, non-metallic money boxes and piggy banks, toothbrushes, holders for toothbrushes, soap boxes and holders, fitted vanity cases, hair brushes, nail brushes, cosmetic utensils, cosmetic powder compacts, household gloves, ironing boards, shaped ironing board covers, clothes drying racks, clothes pegs, shoe horns, shoe brushes and shoe trees, refuse bins, litter bins, flower pots, non-metallic watering cans, baskets for domestic use, storage boxes for household use, textiles, fabrics, textile piece goods, textiles for making articles of clothing, textile handkerchiefs, household textile articles, household linen, soft furnishings, textiles for furnishings, unfitted covers for furniture, textile goods for use as bedding, bed covers, bed linen, sheets, pillow cases, duvet covers, valances, bedspreads, duvets, quilts, mattress covers, blankets, lap rugs, throws, bed throws, sleeping bags, travelling rugs, textile materials for making curtains and blinds, curtains, curtain tie-backs of textile, shower curtains, cushion covers, cushion pads, furniture covers, chair covers, table covers, table linen, table cloths, table runners, napkins, serviettes, place mats of textile, table mats, not of paper, textile coasters, kitchen linen, tea towels, cloths, bath linen, towels, flannels, face cloths, beach towels, banners, flags of textile, bunting, textile wall hangings, wall decorations of textile, clothing, footwear, headgear, clothing accessories, badges for wear, patches, belt clasps, buckles, hat ornaments, hair ornaments, shoe ornaments, lanyards for wear, floor coverings, rugs, mats, wall coverings, wallpaper, games, toys and playthings, gymnastic and sporting articles, exercise and fitness apparatus, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked vegetables, jellies, jams, compotes, eggs, milk and milk products, oils and fats for food, fresh meat, frozen meat and meat products, prepared meat and meat products, prepared meat dishes, prepared meals consisting primarily of meat, frozen meals consisting primarily of meat, fresh fish, frozen fish and fish products, prepared fish and fish products, prepared fish dishes, prepared meals consisting primarily of fish, frozen meals consisting primarily of fish, seafood, frozen seafood and seafood products, prepared seafood and seafood products, prepared seafood dishes, prepared meals consisting primarily of seafood, frozen meals consisting primarily of seafood, fresh game, frozen game and game products,

prepared game and game products, prepared game dishes, prepared meals consisting primarily of game, frozen meals consisting primarily of game, fresh poultry, frozen poultry and poultry products, prepared poultry and poultry products, prepared poultry dishes, prepared meals consisting primarily of poultry, frozen meals consisting primarily of poultry, protein for food for human consumption, food products made primarily from protein, meat substitutes, food products made primarily from meat substitutes, cooked meats, cured meats, sausages, burgers, prepared vegetables, prepared vegetable products, frozen vegetable products, vegetable oils, prepared vegetable dishes, prepared meals consisting primarily of vegetables, frozen meals consisting primarily of vegetables, vegetable-based snack foods, dairy products and dairy substitutes, cream, cheeses, cheese products, dairy spreads, butter, dairy desserts and puddings, dairy-based drinks, yoghurts, yoghurt desserts, yoghurt-based drinks, egg products, prepared meals consisting primarily of eggs, desserts, crisps, potato crisps, vegetable crisps, processed nuts, prepared nuts, processed seeds, prepared seeds, soups and stocks, meat extracts, extracts for soups, preparations for making soups, prepared and frozen meals, snack foods, coffee, tea, cocoa and artificial coffee, rice, tapioca and sago, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, sugar, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice (frozen water), bakery products, bread products, pies, sandwiches, sandwich wraps, pizzas, prepared pizza meals, garlic bread, pasta, pasta sauces, pasta dishes, prepared pasta meals, noodles, prepared meals consisting primarily of noodles, rice-based snack foods, prepared meals consisting primarily of rice, rice cakes, popcorn, pastry products, cakes, muffins, biscuits, puddings, desserts, custards, mousses, pancakes, waffles, ice cream, ice cream products, frozen confections, frozen yoghurt, sweets, chocolate, chocolate products, chocolate and cocoa beverages, breakfast cereals, muesli, cooking sauces, dressings for food, salad dressings, mayonnaise, relish, cereal-based snack foods, cereal bars, beers, mineral and aerated waters and other non-alcoholic beverages, syrups and other preparations for making beverages, vegetable juices, soft drinks, flavoured water, energy drinks, alcoholic beverages, wines, sparkling wines, fortified wines, distilled beverages, spirits, liqueurs, cider, perry, cocktails; information, advisory and consultancy services in relation to all of the aforesaid.

## Annex 2

| Applicant's goods & services   | Opponent's services |
|--|---------------------|
| <p>Class 9: Online payment software; Software for online messaging; Software for arranging online transactions; Software for operating an online shop; Software for embedding online advertising on websites; Software for designing online advertising on websites; Software for evaluating customer behaviour in online shops; Computer programs for accessing, browsing and searching online databases.</p>   |                     |
| <p>Class 14: Jewellery; Jewellery, including imitation jewellery and plastic jewellery; Ornaments [jewellery]; Enamelled jewellery; Wristlets [jewellery]; Bracelets [jewellery]; Pearls [jewellery]; Shoe jewellery; Imitation jewellery; Fashion jewellery; Costume jewellery; Facial jewellery; Jade [jewellery]; Necklaces [jewellery]; Precious jewellery; Cloisonné jewellery; Paste jewellery; Artificial jewellery; Charms [jewellery]; Pendants [jewellery]; Jewellery items; Jewellery chains; Chains [jewellery]; Body jewellery; Pewter jewellery; Locketts [jewellery]; Jewellery findings; Crosses [jewellery]; Rings [jewellery]; Jewellery (Paste -); Amulets [jewellery]; Brooches [jewellery]; Jewellery brooches;</p> |                     |

Jewellery cases; Jewellery caskets; Jewellery articles; Jewellery stones; Personal jewellery; Cloisonne jewellery; Gold jewellery; Hat jewellery; Ivory jewellery; Fake jewellery; Trinkets [jewellery]; Jewellery charms; Pins [jewellery]; Jewellery boxes; Jewellery products; Jewellery chain; Jewellery rolls; Lapel pins [jewellery]; Jewellery incorporating pearls; Agate as jewellery; Amulets being jewellery; Articles of jewellery; Decorative brooches [jewellery]; Jewellery incorporating diamonds Jewellery cases [fitted]; Wooden jewellery boxes; Rings being jewellery; Charms for jewellery; Items of jewellery; Plastic costume jewellery; Crucifixes as jewellery; Jewellery hat pins; Jewellery foot chains; Decorative pins [jewellery]; Imitation jewellery ornaments; Jewellery boxes [fitted]; Ring bands [jewellery]; Clasps for jewellery; Jewellery cases [caskets]; Body costume jewellery; Synthetic stones [jewellery]; Gold thread [jewellery]; Jewellery containing gold; Sterling silver jewellery; Pins being jewellery; Silver thread [jewellery]; Ornaments [jewellery, jewelry (Am.)]; Jewellery of precious metals; Beads for making jewellery; Clips of silver [jewellery]; Locketts [jewellery, jewelry (Am.)]; Articles of imitation jewellery; Amberoid pendants being

jewellery; Jewellery fashioned from bronze; Cloisonné jewellery [jewelry (Am.)]; Jewellery made from gold; Ivory [jewellery, jewelry (Am.)]; Jewellery incorporating precious stones; Brooches [jewellery, jewelry (Am.)]; Amber pendants being jewellery; Gold plated brooches [jewellery]; Jewellery of yellow amber Bracelets [jewellery, jewelry (Am.)]; Amulets [jewellery, jewelry (Am.)]; Trinkets [jewellery, jewelry (Am.)]; Chains [jewellery, jewelry (Am.)]; Jewellery for personal wear; Jewellery made from silver; Jewellery in precious metals; Necklaces [jewellery, jewelry (Am.)]; Jewellery made of bronze; Jewellery for personal adornment; Jewellery made of plastics; Medallions [jewellery, jewelry (Am.)]; Jewellery made of crystal; Pearls [jewellery, jewelry (Am.)]; Jewellery made of glass; Rings [jewellery, jewelry (Am.)]; Charms [jewellery, jewelry (Am.)]; Pins [jewellery, jewelry (Am.)]; Cabochons for making jewellery; Presentation boxes for jewellery; Jewellery fashioned of precious metals; Wire of precious metal [jewellery]; Paste jewellery [costume jewelry (Am.)]; Jewellery boxes of precious metals; Parts and fittings for jewellery; Jewellery in non-precious metals; Jewellery made of precious metals; Jewellery rope chain for anklets;

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| <p>Threads of precious metal [jewellery];<br/> Jewellery rope chain for bracelets;<br/> Collets being parts of jewellery;<br/> Jewellery fashioned of cultured pearls;<br/> Jewellery caskets of precious metal.</p>   |  |
| <p>Class 18: Luggage; Luggage labels;<br/> Travel luggage; Luggage tags; Luggage trunks; Luggage straps; Wheeled luggage; Trunks [luggage]; Luggage bags; Luggage covers; Luggage label holders; Luggage tags [leatherware]; Trunks being luggage; Articles of luggage; Plastic luggage tags; Rubber luggage tags; Labels for luggage; Leather luggage tags; Leather luggage straps; Tags for luggage; Straps for luggage; Lockable luggage straps; Metal luggage tags; Fitted belts for luggage; Compression cubes adapted for luggage; Fitted protective covers for luggage suitcase packing organizers / luggage organizers set; Suitcase packing organizers / Luggage organizers set; Luggage, bags, wallets and other carriers; Inserts for luggage in the form of compression cubes.</p> |  |
| <p>Class 25: Parts of clothing, footwear and headgear; Headgear; Thermal headgear; Footwear; Headgear for wear; Footwear [excluding orthopedic footwear]; Golf footwear; Athletics footwear; Athletic footwear; Footwear uppers; Casual footwear; Footwear</p>   |  |

soles; Fishing footwear; Pumps [footwear]; Infants' footwear; Children's footwear; Sneakers [footwear]; Rubbers [footwear]; Ladies' footwear; Beach footwear; Climbing footwear; Sports footwear; Trainers [footwear]; Uppers (Footwear -); Leisure footwear; Tips for footwear; Wooden shoes[footwear]; Footwear for women; Soles for footwear; Footwear (Tips for -); Footwear for sport; Footwear for sports; Heelpieces for footwear; Insoles for footwear; Sports headgear [other than helmets]; Footwear for snowboarding; Welts for footwear; Footwear (Welts for -); Footwear for men; Clothing; Clothes; Footwear made of wood; Traction attachments for footwear; Inner socks for footwear; Footwear made of vinyl; Footwear not for sports; Footwear for use in sport; Fittings of metal for footwear; Footwear for men and women; Non-slipping devices for footwear; Footwear (Non-slipping devices for -); Footwear (Fittings of metal for -); Wristbands [clothing]; Tops [clothing]; Knitted clothing; Oilskins [clothing] Motorcyclists' clothing; Hoods [clothing]; Leisure clothing; Infant clothing; Children's clothing; Childrens' clothing; Sports clothing; Leather clothing; Gloves [clothing]; Waterproof clothing; Plush clothing; Girls' clothing; Swaddling clothes.

Class 33: Alcoholic aperitifs; Alcoholic extracts; Alcoholic punches; Alcoholic cocktails; Alcoholic jellies; Alcoholic cordials; Alcoholic essences; Rice alcohol; Alcohol (Rice -); Alcoholic bitters; Alcoholic wines; Low-alcoholic wine; Alcoholic energy drinks; Cordials [alcoholic beverages]; Alcoholic cocktail mixes; Rum [alcoholic beverage]; Fruit extracts, alcoholic; Alcoholic fruit beverages; Alcoholic egg nog; Alcoholic aperitif bitters; Alcoholic beverages of fruit; Alcoholic cocktails containing milk; Sugarcane-based alcoholic beverages; Low alcoholic drinks; Alcoholic fruit extracts; Prepared alcoholic cocktails; Beverages (Alcoholic -), except beer; Alcoholic beverages containing fruit; Pre-mixed alcoholic beverages; Alcoholic beverages, except beer; Fruit (Alcoholic beverages containing -); Alcoholic fruit cocktail drinks; Alcoholic tea-based beverage; Alcoholic coffee-based beverage; Nira [sugarcane-based alcoholic beverage]; Alcoholic carbonated beverages, except beer; Alcoholic preparations for making beverages; Preparations for making alcoholic beverages.

Class 35: Advertising; business management; business administration; office functions; marketing; promotional services; organisation, operation and

supervision of loyalty programmes and of sales and promotional incentive schemes; fashion show exhibitions for commercial purposes; presentation of goods on communication media, for retail purposes; retail and wholesale services and online retail and wholesale services, all relating to cosmetics, make-up, face, lip and cheek make-up, cosmetic kits, compacts, foundations, concealers, make-up primers, blushers, rouges, face powder, face glitter, lipstick, lip gloss, lip liner, non-medicated lip balm, pencils for cosmetic purposes, lip pencils, eye pencils, eye make-up, eye shadow, mascaras, eyeliners, eye creams, eye gels, eye balms, eyebrow cosmetics, highlighter, make-up remover, non-medicated soaps, toiletries, body cleaning and body care preparations, shower and bath preparations, shower and bath gels, bath foams, bath oils, bubble baths, talcum powder, hand washes, facial washes, non-medicated oils, creams, lotions, gels and powders for the skin and body, cosmetic preparations for skin care, beauty creams, face creams, moisturisers, cleansers, toners, clarifiers, exfoliators, beauty serums, night creams, anti-ageing creams, perfumery, fragrances and fragrance products for personal use, perfumes,

body sprays, personal deodorants, antiperspirants, essential oils, scented oils, non-medicated massage oils and creams, aromatherapy preparations, hair lotions, hair care products, shampoo, hair conditioners, hair styling products, styling lotions, hair spray, dry shampoo, hair dyes, hair masks, hair creams, nail care preparations, nail polish, nail strengtheners, nail polish remover, nail art stickers, nail glitter, artificial nails, adhesives for artificial nails, false eyelashes, adhesives for affixing false eyelashes, eyelash tint, shaving preparations, shaving creams, foams, lotions and gels, after-shave preparations, depilatory preparations, sun tanning and sun protection preparations, cosmetic preparations for skin tanning, artificial tanning preparations, self-tanning preparations, toothpaste, potpourri, fragrance sachets, room fragrances, candles and wicks for lighting, scented candles, razors, eyewear and parts and fittings therefor, spectacles, sunglasses, frames for spectacles and sunglasses, chains for sunglasses and spectacles, straps and cords for sunglasses and spectacles, protective bags and cases for eyewear, cases for sunglasses and spectacles, covers and cases for mobile phones, covers and cases for computers and

tablets, computer software, application software, audio and/or video recordings, publications in electronic format, downloadable electronic publications, vehicles and parts and fittings therefor, apparatus for locomotion by land, air or water, motor vehicles, electric vehicles, cycles, scooters, prams, pushchairs, car seats for babies or children, jewellery, costume jewellery, precious and semi-precious stones, rings, earrings, bracelets, brooches, necklaces, chains, jewellery charms, pendants, jewellery boxes, horological and chronometric instruments, clocks and watches, watch straps, watch boxes, key rings, key fobs, key holders, ornamental pins, badges of precious metals, printed matter, paper, cardboard, photographs, stationery, artists' materials, paint brushes, plastic materials for packaging, printed publications, books, periodical publications, printed publicity and promotional material, catalogues, brochures, photograph albums, posters, pictures, prints, diaries, calendars, address books, stickers, transfers, decalcomanias, stencils, cards, greeting cards, postcards, wrapping paper, gift bags, gift tags, carrier bags, bags and articles for packaging, bags and articles for wrapping and storage, boxes of cardboard, hat boxes of cardboard, book

covers, bookmarks, writing pads, notebooks, envelopes, labels, paperweights, book ends, writing instruments, pen and pencil cases, pen and pencil holders, gift vouchers, clothing patterns, embroidery patterns, paper flags and pennants, paper banners, advertising signs of paper or cardboard, paper table linen, paper tablecloths, paper and cardboard place mats, paper and cardboard coasters, paper napkins, paper towels, tissues, paper tissues for cosmetic use, cases for passports, luggage and carrying bags, travelling bags and cases, suitcases, garment bags for travel, luggage label holders, luggage tags, luggage straps, leather straps, bags, bags of leather or imitation leather, bags of skin or hide, textile bags, canvas bags, cloth bags, knitted bags not of precious metals, mesh bags, towelling bags, handbags, shoulder bags, tote bags, shopping bags, satchels, back packs, holdalls, sports bags, shoe bags, toilet bags, wallets, purses, card wallets, credit card cases and holders, key cases, umbrellas, furniture, furniture fittings, mirrors, picture frames, picture stands, photograph frames, plaques, statuettes, figurines, works of art and ornaments, curtain tie backs, curtain rails, curtain poles, curtain rings, curtain hooks,

cushions, pillows, bolsters, mattress cushions, seat pads, chair pads, blinds, bedding, airbeds, bean bags, coat hangers, non-metallic clothes hooks, hat and coat stands, clothes covers, baskets, non-metallic bins, magazine racks, book shelves, non-metallic name plates, non-metallic boards and panels for keys, trays, not of metal, display stands and boards, signboards of wood or plastics, containers, casks, chests, cases and boxes of wood or plastics, plastic packing containers, beds for animals, decorative mobiles, decorations of plastic for foodstuffs, non-electric fans for personal use, household or kitchen utensils and containers, combs, sponges, brushes, glassware, porcelain, pottery, earthenware, chinaware, cookware, tableware, crockery, plates, saucers, dishes, bowls, pots, jugs, egg cups, tea pots, coffee pots, cooking pots, non-metallic cookery moulds, storage jars, rolling pins, drinking vessels, cups, mugs, drinking glasses, tankards, bottles, drinking bottles, sports bottles, bottle openers, corkscrews, decanters, drinking flasks, vacuum flasks, bottle covers, food and drink containers, insulated food and drink containers, lunchboxes, non-electric coolers for food and drinks, ice cube moulds, bottle buckets, glass stoppers, cocktail

shakers, drinking straws, juice squeezers, strainers, siphons for carbonated water, stands for bottles, napkin holders, cutlery holders, condiment holders, salt cellars, serving trays, coasters not of paper or textiles, fitted picnic baskets, picnic ware, decorative objects made of glass, decorative objects made of ceramic, decorative objects made of china, decorative objects made of earthenware or porcelain, enamelled glass, vases, perfume bottles, perfume sprayers, candlesticks, candle holders, non-metallic money boxes and piggy banks, toothbrushes, holders for toothbrushes, soap boxes and holders, fitted vanity cases, hair brushes, nail brushes, cosmetic utensils, cosmetic powder compacts, household gloves, ironing boards, shaped ironing board covers, clothes drying racks, clothes pegs, shoe horns, shoe brushes and shoe trees, refuse bins, litter bins, flower pots, non-metallic watering cans, baskets for domestic use, storage boxes for household use, textiles, fabrics, textile piece goods, textiles for making articles of clothing, textile handkerchiefs, household textile articles, household linen, soft furnishings, textiles for furnishings, unfitted covers for furniture, textile goods for use as bedding, bed

covers, bed linen, sheets, pillow cases, duvet covers, valances, bedspreads, duvets, quilts, mattress covers, blankets, lap rugs, throws, bed throws, sleeping bags, travelling rugs, textile materials for making curtains and blinds, curtains, curtain tie-backs of textile, shower curtains, cushion covers, cushion pads, furniture covers, chair covers, table covers, table linen, table cloths, table runners, napkins, serviettes, place mats of textile, table mats, not of paper, textile coasters, kitchen linen, tea towels, cloths, bath linen, towels, flannels, face cloths, beach towels, banners, flags of textile, bunting, textile wall hangings, wall decorations of textile, clothing, footwear, headgear, clothing accessories, badges for wear, patches, belt clasps, buckles, hat ornaments, hair ornaments, shoe ornaments, lanyards for wear, floor coverings, rugs, mats, wall coverings, wallpaper, games, toys and playthings, gymnastic and sporting articles, exercise and fitness apparatus, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked vegetables, jellies, jams, compotes, eggs, milk and milk products, oils and fats for food, fresh meat, frozen meat and meat products, prepared meat and meat products, prepared meat dishes, prepared meals consisting

primarily of meat, frozen meals consisting primarily of meat, fresh fish, frozen fish and fish products, prepared fish and fish products, prepared fish dishes, prepared meals consisting primarily of fish, frozen meals consisting primarily of fish, seafood, frozen seafood and seafood products, prepared seafood and seafood products, prepared seafood dishes, prepared meals consisting primarily of seafood, frozen meals consisting primarily of seafood, fresh game, frozen game and game products, prepared game and game products, prepared game dishes, prepared meals consisting primarily of game, frozen meals consisting primarily of game, fresh poultry, frozen poultry and poultry products, prepared poultry and poultry products, prepared poultry dishes, prepared meals consisting primarily of poultry, frozen meals consisting primarily of poultry, protein for food for human consumption, food products made primarily from protein, meat substitutes, food products made primarily from meat substitutes, cooked meats, cured meats, sausages, burgers, prepared vegetables, prepared vegetable products, frozen vegetable products, vegetable oils, prepared vegetable dishes, prepared meals consisting primarily of vegetables, frozen meals

consisting primarily of vegetables, vegetable-based snack foods, dairy products and dairy substitutes, cream, cheeses, cheese products, dairy spreads, butter, dairy desserts and puddings, dairy-based drinks, yoghurts, yoghurt desserts, yoghurt-based drinks, egg products, prepared meals consisting primarily of eggs, desserts, crisps, potato crisps, vegetable crisps, processed nuts, prepared nuts, processed seeds, prepared seeds, soups and stocks, meat extracts, extracts for soups, preparations for making soups, prepared and frozen meals, snack foods, coffee, tea, cocoa and artificial coffee, rice, tapioca and sago, flour and preparations made from cereals, bread, pastries and confectionery, edible ices, sugar, honey, treacle, yeast, baking-powder, salt, mustard, vinegar, sauces (condiments), spices, ice (frozen water), bakery products, bread products, pies, sandwiches, sandwich wraps, pizzas, prepared pizza meals, garlic bread, pasta, pasta sauces, pasta dishes, prepared pasta meals, noodles, prepared meals consisting primarily of noodles, rice-based snack foods, prepared meals consisting primarily of rice, rice cakes, popcorn, pastry products, cakes, muffins, biscuits, puddings, desserts, custards, mousses,

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| <p>pancakes, waffles, ice cream, ice cream products, frozen confections, frozen yoghurt, sweets, chocolate, chocolate products, chocolate and cocoa beverages, breakfast cereals, muesli, cooking sauces, dressings for food, salad dressings, mayonnaise, relish, cereal-based snack foods, cereal bars, beers, mineral and aerated waters and other non-alcoholic beverages, syrups and other preparations for making beverages, vegetable juices, soft drinks, flavoured water, energy drinks, alcoholic beverages, wines, sparkling wines, fortified wines, distilled beverages, spirits, liqueurs, cider, perry, cocktails; information, advisory and consultancy services in relation to all of the aforesaid.</p> |  |
|  | <p>Class 38: Providing user access to global computer networks; providing telecommunications connections to a global computer network; providing internet chatrooms; providing online forums; communications by computer terminals; communications by telephone; computer aided transmission of messages and images; transmission of telegrams; teleconferencing services; transmission of digital files; transmission of greeting cards online; message sending; providing access to databases; videoconferencing services; electronic exchange of messages via chat lines,</p> |

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|  | <p>chatrooms and internet forums;<br/>         electronic bulletin board services<br/>         [telecommunications services];<br/>         transmission of electronic mail.</p>  |
|  | <p>Class 41: Videotaping; recreation<br/>         information; providing online videos, not<br/>         downloadable; discotheque services;<br/>         club services [entertainment or<br/>         education]; coaching [training]; practical<br/>         training [demonstration]; electronic<br/>         desktop publishing; entertainer services;<br/>         providing recreation facilities;<br/>         songwriting; disc jockey services; health<br/>         club services [health and fitness<br/>         training]; personal trainer services<br/>         [fitness training]; conducting fitness<br/>         classes; presentation of live<br/>         performances; ticket agency services<br/>         [entertainment]; photographic reporting;<br/>         academies [education]; teaching;<br/>         television entertainment;<br/>         correspondence courses; film<br/>         production, other than advertising films;<br/>         movie studio services; production of films<br/>         in studios; cinema presentations;<br/>         photography; gymnastic instruction;<br/>         publication of texts, other than publicity<br/>         texts; layout services, other than for<br/>         advertising purposes; videotape editing;<br/>         providing online electronic publications,<br/>         not downloadable; online publication of<br/>         electronic books and journals;<br/>         publication of electronic books and</p> |

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|  | <p>journals online; arranging and conducting of conferences; arranging and conducting of congresses; arranging and conducting of concerts; arranging and conducting of symposiums; organization of fashion shows for entertainment purposes; party planning [entertainment]; booking of seats for shows; presentation of variety shows; tutoring; theater productions; arranging of beauty contests; organization of shows [impresario services]; organization of competitions [education or entertainment]; scriptwriting, other than for advertising purposes; screenplay writing; writing of texts; publishing and reporting; education, entertainment and sport services; consultancy and information in relation to the aforesaid services, included in this class.</p> |
|  | <p>Class 45: Chaperoning; personal wardrobe styling consultancy; online social networking services; dating agency services; consultancy and information in relation to the aforesaid services, included in this class.</p>   |