

O-321-17

SUPPLEMENTARY DECISION

TRADE MARKS ACT 1994

**IN THE MATTER OF TRADE MARK APPLICATION NO. 3128564
BY KARMA COMMUNICATIONS GROUP LIMITED
TO REGISTER THE FOLLOWING TRADE MARK IN CLASSES 9, 35, 38, 41 & 42:**

KREAM

AND

OPPOSITION THERETO (NO. 405844) BY CREAM HOLDINGS LIMITED

Supplementary decision

1. On 5 June 2017, I issued a decision in these proceedings in which I partially upheld the opposition. However, for reasons given in my earlier decision, the grounds of opposition did not extend to the following goods and services:

Class 9: Teaching apparatus; all of the aforesaid only for use in, or in relation to, advertising and the production of digital advertising.

Class 35: Advertising agency services; advertising research services; the design of digital advertising and marketing materials; design of marketing and advertising materials; brand and name creation services; design of publicity and advertising materials; marketing agency services; business advice relating to strategic marketing and advertising; strategic business consultancy; strategic business planning; business strategic planning; brand consultancy and brand creation services; marketing and public relations services; production of advertisements [but not including the production of film/radio and television advertisements]; production for advertisements [but not including the production for film/radio and television advertisements]; advisory and information services relating to the aforesaid.

Class 38: Computerised on-line services for business professionals namely providing access via global and non-global computer networks to computer software for use in storing, managing, tracking and analysing data in the fields of marketing, promotion, sales, customer information management, customer support and service and employee efficiency, collaborative intra-company and inter-company exchange of such data, maintaining statistics and generating reports concerning such data, providing customised on-line information and resources relevant to the customers business, namely strategies for improving customer relations, marketing strategies, job performance training, credit reports, stock market reports, general business news, sales and marketing news, and providing on-line interactive communications with peer professionals; providing of access to on-line chat rooms and bulletin boards; telecommunication of information including web pages, computer programs,

text and any other data; transmission of messages, data and content via the Internet and other computer and communications networks; online forums, chat rooms, journals, blogs, and listservers for the transmission of messages, comments and multimedia content among users; providing on-line chat rooms for social networking; chat room services for social networking; Chat room services for social networking; Forums [chat rooms] for social networking; operation of chat rooms; provision of on-line forums; advisory and consultancy services relating to the aforesaid; all of the aforesaid services provided by a digital content agency to businesses.

Class 41: Education, instruction, tuition and training; education and instruction by means of or relating to radio and television; production and rental of educational and instructional materials; including all of the aforesaid services provided online from a computer network or via the internet or extranets; all of the aforesaid services provided by a digital content agency to businesses.

Class 42: Design services, but not including computer software design services; design research; graphic design services; design of products; design of packaging and custom consultancy relating thereto; research and development of packaging; corporate identity development services; brand design services; corporate identity design services; design of web pages and other electronic marketing media; design of corporate material; signage design services; graphic design for the compilation of web pages on the Internet; creating and maintaining websites; hosting the websites of others; provision of websites relating to any of the aforesaid services; design, drawing and commissioned writing, all for the compilation of web pages on the Internet; creation of web content and web pages; design of online media; development of online media; consultancy services in relation to online media content on websites; website design services; creation, editing and updating of website content; computer services, namely, designing and implementing banner advertisements; graphic design services.

2. The applicant was set a period of time in which to confirm its acceptance of the above specifications, if it wished to do so. A response was duly received in which the

specifications were largely accepted, but, in addition, some of the class 35 services were to be deleted. Deleting services for which I was prepared to accept the registration of the mark is perfectly permissible and within the ambit of my decision, consequently, there is no need to seek any comment from the opponent. Consequent upon all this, the application may now proceed to registration, subject to appeal, in respect of:

Class 9: Teaching apparatus; all of the aforesaid only for use in, or in relation to, advertising and the production of digital advertising.

Class 35: Advertising agency services; advertising research services; the design of digital advertising and marketing materials; design of marketing and advertising materials; brand and name creation services; design of publicity and advertising materials; marketing agency services; business advice relating to strategic marketing and advertising; strategic business consultancy; strategic business planning; business strategic planning; brand consultancy and brand creation services; marketing and public relations services.

Class 38: Computerised on-line services for business professionals namely providing access via global and non-global computer networks to computer software for use in storing, managing, tracking and analysing data in the fields of marketing, promotion, sales, customer information management, customer support and service and employee efficiency, collaborative intra-company and inter-company exchange of such data, maintaining statistics and generating reports concerning such data, providing customised on-line information and resources relevant to the customers business, namely strategies for improving customer relations, marketing strategies, job performance training, credit reports, stock market reports, general business news, sales and marketing news, and providing on-line interactive communications with peer professionals; providing of access to on-line chat rooms and bulletin boards; telecommunication of information including web pages, computer programs, text and any other data; transmission of messages, data and content via the Internet and other computer and communications networks; online forums, chat rooms, journals, blogs, and listservers for the transmission of messages,

comments and multimedia content among users; providing on-line chat rooms for social networking; chat room services for social networking; Chat room services for social networking; Forums [chat rooms] for social networking; operation of chat rooms; provision of on-line forums; advisory and consultancy services relating to the aforesaid; all of the aforesaid services provided by a digital content agency to businesses.

Class 41: Education, instruction, tuition and training; education and instruction by means of or relating to radio and television; production and rental of educational and instructional materials; including all of the aforesaid services provided online from a computer network or via the internet or extranets; all of the aforesaid services provided by a digital content agency to businesses.

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Appeal and costs

3. The date of this supplementary decision shall be the start of the period for the purposes of appeal. In terms of costs, and as indicated in my previous decision, each party shall bear its own.

Dated this 12th day of July 2017

**Oliver Morris
For the Registrar,
The Comptroller-General**