

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION NO 3006534 BY HARISH  
RAMCHANDANI

AND IN THE MATTER OF OPPOSITION NO 400857 BY AXYS CONSULTANTS,  
SOCIÉTÉ ANONYME À CONSEIL D'ADMINISTR

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DECISION

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**Introduction**

1. This is an appeal from the decision of Mr Mark King, acting for the Registrar, dated 25 February 2015, (O-091-15), in which he allowed Opposition No. 400857 brought by Axys Consultants, société anonyme à conseil d'administr ("*the Respondent*") to Trade Mark Application No. 3006534 made by Mr Harish Ramchandani ("*the Appellant*").
2. On 18 May 2013 an application for registration under No. 3006534 was made for the trade mark, AXIS ACCOUNTANTS and axisaccountants as a series of two marks. The application was accepted and published in the Trade Marks Journal on 14 June 2013 in respect of the following services:

Class 35: Business management; business administration;  
office functions; accountancy; provision of business  
information; taxation services; business consultancy.
3. The Respondent opposed the application under Opposition No. 400857 on the basis of Section 5(2) and Section 5(3) of the 1994 Act ("*the Act*"). For those purposes the Respondent relied upon two earlier Community trade mark registrations namely:
  - (1) Community trade mark number 2220473 for the mark AXYS CONSULTANTS filed on 16 May 2001. The registration was completed on 27 September 2002. The mark was registered in respect of a variety of goods and services in Classes 9, 35, 38, 41 and 42 which are set out in Annex 1 hereto;
  - (2) Community trade mark number 2220739 for the mark:



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filed on 16 May 2001. The registration was completed on 1 July 2004. The mark was registered in respect of a variety of goods and services in Classes 9, 35, 38, 41 and 42 which are set out in Annex 2 hereto.

4. The Appellant filed a Counterstatement denying the Grounds of Opposition relied upon and putting the Respondent to proof of certain of the goods/services specified in the earlier marks relied upon pursuant to section 6A of the Act. The relevant five year period for the purposes of the proof of use requirement was 15 June 2008 to 14 June 2013.
5. Both sides filed evidence.
6. On 29 January 2015 the matter came on to be heard. At that hearing Mr Harish Ramchandani represented himself. Rather than attend the hearing the Respondent filed written submissions via their trade mark representatives Field Fisher Waterhouse LLP.

### **The Hearing Officer's Decision**

7. The Hearing Officer first considered the issue of proof of use. Proof of use under section 6A of the Act had been requested in the Counterstatement for the following services:

Mark	Class 35 services
	Business management; business administration; office functions.
AXYS CONSULTANTS	Commercial or industrial management assistance, business information or inquiries; business management; business investigations; collection and systematic ordering of data in a central file; computerised file management; management of electronic mail; electronic processing of data and information; processing and use of computerised messages; data searches in computerised files for others; business management consultancy; project management with respect to information systems design, specification, procurement, installation, and implementation; organisation consulting, consultancy in strategy.

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8. Having reviewed the relevant law and assessed the evidence the Hearing Officer found at paragraph 25 of his Decision that:

Assessing the evidence as a whole, the opponent has provided high turnover figures, corroborating invoices, website extracts which show frequent use of each mark and press articles. Therefore, on the balance of probabilities, I conclude that the opponent has provided sufficient evidence to discharge the burden placed upon them under section 100 of the Act. Therefore, the opponent may rely upon all of the services for which proof of use was requested.

9. There is no appeal against this finding.
10. The Hearing Officer then went on to consider the Grounds of Opposition under Sections 5(2)(b) and 5(3) of the Act.
11. With regard to Section 5(2)(b) having set out the relevant case law to be applied to the issue that he had to determine the Hearing Officer first considered the average consumers and the purchasing act and made the following finding:

30. The respective services will be used and sought by businesses, including organisations in the tax and accountancy fields. Whether it is business consultancy or taxation/accountancy services, these will be initially chosen from advertising (e.g. magazines or on the internet), or by a word of mouth recommendation. Subsequently a meeting would likely be required in order to finalise details. Therefore, the purchasing act would be made from following a visual perusal of advertisements or aural recommendations from business colleagues, associates, etc.

31. These types of services may be required by an array of businesses as well as individuals who may be self employed. The cost of the services is likely to be higher than many other services sought by businesses and, therefore, more time and analysis will be taken prior to purchase. In view of this, there is likely to be a higher than average degree of care and attention taken when deciding who provides these services.

32. To summarise, the average consumer of the services are businesses (including self employed individuals), who will pay a higher than average degree of care and attention.

12. The Hearing Officer then went on to compare the goods and services in issue. In making that comparison the Hearing Officer, for reasons of procedural economy, focussed on a comparison of the Class 35 goods which he considered represented the

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Appellant’s strongest case. It has not been suggested that the Hearing Officer was not correct in adopting this approach.

13. The relevant comparison of the services in Class 35 was identified by the Hearing Officer in paragraph [35] of the Decision:

Respondent’s services CTM 2220473	Respondent’s services CTM 2220739	Appellant’s services
Advertising; advertising via the Internet; on-line advertising on a computer network; commercial or industrial management assistance, business information or inquiries; business management; business investigations; organization of exhibitions for commercial or advertising purposes; collection and systematic ordering of data in a central file; computerised file management; management of electronic mail; market surveys; electronic processing of data and information; processing and use of computerised messages; data searches in computerised files for others; electronic mail processing; business management consultancy; project management with respect to information systems design, specification, procurement, installation, and implementation; organisation consulting, consultancy in strategy.	Advertising; business management; business administration; office functions.	Business management; business administration; office functions; accountancy; provision of business information; taxation services; business consultancy

14. Having identified the relevant comparison that needed to be made the Hearing Officer went on to make the following findings:

*Business management*

36. ach[sic] of the opponent’s earlier registrations covers “business management”. Therefore, these services are identical.

*Business administration*

37. The opponent’s registration no. ‘739 includes the identical term.

38. The opponent’s registration no. ‘473 includes various business related services, including “business management,

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investigations, information, enquiries”. Given the nature, purpose, uses and users of the aforementioned, I find that these services are highly similar to “business administration”.

### *Office functions*

39. Registration no. ‘739 covers the identical term.

40. In the opponent’s submissions they state that the term “office functions” should be defined as: “the functions that an office manager would typically perform, namely administrative handling, controlling, and maintaining a balanced process of work inside the office of an organisation”. I agree. It was clear during the hearing that the applicant also believes this to be the case. However, the opponent also claims that “budget development/implementation, book keeping, accounting, payroll” are also covered by “office functions”. The applicant disagrees, and so I do. Therefore, for the avoidance of doubt, when assessing the services covered by “office functions” I take this to mean the day to day tasks involved with running an office, i.e. the office manager. These include, inter alia, purchasing, human resources, records management, forms management, facilities management, space management and risk management.

41. The opponent’s registration no. ‘473 includes “business management”. The term “office functions” is broad but for the reasons set out above, they generally cover all services relating to the running of an office. This includes “business management”. Therefore, they are (at least) highly similar services.

### *Provision of business information*

42. Registration ‘739 does not include the identical term, but does include “business management and business information” which are identical.

43. Registration ‘473 does include the term “business information”.

### *Business consultancy*

44. The opponent’s registration no. ‘473 covers “business management consultancy” which, in essence, is identical to the applicant’s “business consultancy”.

45. Registration no. ‘739 covers “business management” which must be considered to be very similar to “business management consultancy”.

*Accountancy*

46. The term “accountancy services” is very wide ranging and I bear in mind the comments of Jacob J. In *Avnet Incorporated v. Isoact ltd* [1998] FSR 16 where he said:

“In my view, specifications for services should be scrutinised carefully and they should not be given a wide construction covering a vast range of activities. They should be confined to the substance, as it were, the core of the possible meanings attributable to the rather general phrase.”

47. The contested accountancy is a specialist service whereby the financial records of a company or an individual are kept, audited and otherwise managed. This term could also encompass payroll services and it is reasonably common for accountancy companies to offer administration functions relating to finance. Therefore, I find that the term “accountancy services” could include “business management” and “business administration” (‘739 only) which are covered by each of the earlier registrations. Accordingly, the services are similar to a moderate/high degree.

*Taxation services*

48. Taxation services are specialist services relating to the management, processing and advice relating to tax. All businesses have an obligation with regard to tax and many require advice relating thereto so the end users of the respective services are the same. The services under comparison do differ slightly in purpose since one is focussed on tax, and the other to manage the business. Whilst taxation services are specific, they could be covered by the broad term “business management”. Further, the services are predominantly aimed at businesses, including self employed individuals but not the general public.

49. In view of the above, I am of the opinion that the “business management” could include taxation related services. Therefore, there is a high degree of similarity between “business management” and “taxation services”.

15. With regard to the assessment of the similarity of marks the Hearing Officer found as follows:

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54. The first word of the contested mark is AXIS and the earlier registration is AXYS. The word AXIS means the line above

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which a rotating body such as the earth turns. This is a word that the average consumer would a) generally know what it means and, b) a word that they will have previously encountered. With regard to AXYS, this is an invented word which has no meaning.

55. The second words of the respective marks are CONSULTANTS and ACCOUNTANTS. Both of these merely describe the services being offered and the words AXIS and AXYS have greater overall weight and distinctiveness.

### *Aural*

56. During the hearing the applicant agreed that AXIS and AXYS “sound the same”. I agree with the applicant. With regard to ACCOUNTANTS and CONSULTANTS, the opponent claims that “Phonetically, the words CONSULTANTS and ACCOUNTANTS are similar”. This was contested by the applicant during the hearing and, once again, I agree with him. Since the dominant and distinctive element of each mark is AXIS and AXYS, whilst I do not discount the descriptors ACCOUNTANTS and CONSULTANTS, greater emphasis is placed on the first words. In view of this, I am of the opinion that the respective marks are aurally similar.

### *Visual*

57. Visually, except for the third letter of each first word being different, AXIS and AXYS are visually similar. The opponent claims that “Visually, the words CONSULTANTS and ACCOUNTANTS are similar, both containing the same number of letters and a number of common letters, not least the – TANTS suffix.”. The applicant disagreed, and so do I. Whilst the respective marks end with the same suffix, there is no doubt that overall CONSULTANTS and ACCOUNTANTS have no visual similarity. However, once again I must be mindful not to artificially dissect the marks but assess the visual similarity based on the overall impression. In this instance, whilst I conclude that the words CONSULTANTS and ACCOUNTANTS are not visually similar, they are completely descriptive. As the dominant and distinctive element of each mark is AXIS and AXYS, overall there is an high degree of visual similarity.

### *Conceptual*

58. Conceptually, the word AXYS has no English meaning, whereas AXIS means a line about which a rotating body, such

as the earth, turns. I am satisfied that the average consumer for these services will know and understand its meaning.



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60. The opponent’s ‘739 registration consists of a number of elements, namely the invented word “axys”, the descriptive word “CONSULTANTS” and a device of a dolphin. The word “axys” is in lower case, above the descriptor “CONSULTANTS” and is in larger font. It is certainly more dominant and distinctive than “CONSULTANTS”. To the right of the words is a fanciful drawing of the outline of a dolphin. It is independently distinctive but not as dominant as “axys”.

61. The application contains the words AXIS ACCOUNTANTS. For the reasons set out in paragraphs 54 to 59, I consider the words alone are similar. The question is whether the inclusion of a dolphin device changes this view.

62. In my view, the dolphin device contributes less to the overall distinctive character of the mark than “axys”. Therefore, the overall impression created by the earlier registration is, notwithstanding the presence of the dolphin device, likely to revolve around the words (in particular “axys”), rather than the device.

*Aural*

63. With regard to aural similarity, it is well established that when a trade mark consists of a combination of words and devices, it is by the word elements that the average consumer is most likely to refer to the trade mark. That is the case here. The opponent’s trade mark will be referred to as AXYS CONSULTANTS and the application as AXIS ACCOUNTANTS (AXYS being pronounced in the same way as AXIS and vice versa). Therefore, the respective marks are aurally similar.

64. For the avoidance of doubt, whether AXYS is in upper or lower case will have no bearing on aural similarity. They will be pronounced in the same way.

*Visual*

65. Visually, for the reasons set out in paragraph 56, I concluded that the respective words are similar. However, when you also take into account the distinctive dolphin device,

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the overall degree of visual similarity lessens. Notwithstanding this, there is an average degree of visual similarity.

### *Conceptual*

66. I have already found that the respective word elements of the marks are not conceptually similar. The inclusion of a dolphin cannot assist the opponent's claim to there being conceptual similarity.

16. Finally, before turning to the assessment of the likelihood of confusion the Hearing Officer assessed the distinctive character of the earlier trade mark. Having found that the Respondent had not provided evidence showing that the distinctiveness of the earlier trade marks had been enhanced through use (paragraph [69] of the Decision), the Hearing Officer found that both the earlier registrations had '*a high degree of distinctive character*' from an inherent perspective (paragraph [70] and [71] of the Decision). There is no challenge to this finding.
17. Having identified the relevant law which he was to apply in making his assessment of the likelihood of confusion the Hearing Officer found as follows:

76. Earlier in this decision I concluded that:

- The services will be acquired via a visual inspection of advertisements or aural referral.
- The average consumer will pay a higher than average degree of care and attention when choosing the respective services on offer.
- The registrations cover the identical "usiness [sic] management" services. Business administration and office functions are identical to '739 services and highly similar to '473. Provision of business information and business consultancy are highly similar to '739 services and identical to '473. Accountancy and taxation services are similar to a moderate/high degree.
- Registration no. '473 is aurally and visually similar, but not conceptually. I reached the same conclusion for '739 but visually the marks are slightly less similar than '473. Overall, registration no. '473 is similar to a high degree and '739 to an-average degree.
- The earlier registrations both have a high degree of inherent distinctive character.

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77. Whilst I bear in mind that there is a higher than average degree of care and attention when acquiring the services, this does not overcome the distinctiveness of the earlier registrations and the similarity between the marks and services. Therefore, I find that there is a likelihood of confusion.

18. It was on this basis that the Hearing Officer found that the Opposition succeeded under Section 5(2)(b) of the Act and refused the trade mark application.
19. The Hearing Officer then went on to consider the position under Section 5(3) of the Act. Having identified the relevant law and the relevant facts the Hearing Officer concluded at paragraph 85 of his Decision that:

I have no hesitation in concluding that the opponent's section 5(3) claim falls at the first hurdle. Whilst evidence of use has been provided, it all relates to France. Therefore, there is no evidence to support the claim that the earlier marks have a reputation in a substantial part of the relevant territory (i.e. the UK).

This finding is not the subject of any appeal and therefore I do not address Section 5(3) of the Act further in this Decision.

### **The appeal**

20. Mr Harish Ramchandani appealed to the Appointed Person under Section 76 of the Act. The Grounds of Appeal contend in substance that:
  - (1) The Hearing Officer erred in his assessment of the similarity of the services in issue and in particular in his finding that accountancy and taxation services are within the scope of a specification for 'business management' or 'business administration';
  - (2) The Hearing Officer erred in his assessment of the similarity of the marks in issue and in particular that the mark "Axis Accountants" and "Axys Consultants" *'should be considered in their entirety without dissecting any mark or attaching any dominance to any word'*; and
  - (3) Had the Hearing Officer not made the aforesaid errors he would not have gone on to find a likelihood of confusion within Section 5(2)(b) of the Act.
21. No Respondent's Notice was served.
22. By email dated 15 June 2015 it was confirmed by Field Fisher Waterhouse LLP, on behalf of the Respondent, that the Respondent did not intend to attend the hearing of

the appeal or to submit a skeleton argument. At the hearing of the appeal Mr Ramchandani represented himself. Mr Ramchandani made clear, concise and helpful submissions for which I am grateful.

**Standard of review**

23. The appeal is by way of review. Neither surprise at a Hearing Officer's conclusion, nor a belief that he has reached the wrong decision suffice to justify interference in this sort of appeal. Before that is warranted, it is necessary for me to be satisfied that there was a distinct and material error of principle in the decision in question or that the Hearing Officer was clearly wrong. See Reef Trade Mark [2003] RPC 5, and BUD Trade Mark [2003] RPC 25.
24. More recently in Fine & Country Ltd v Okotoks Ltd (formerly Spicerhaart Ltd) [2013] EWCA Civ 672; [2014] FSR 11 Lewison LJ said:

50. The Court of Appeal is not here to retry the case. Our function is to review the judgment and order of the trial judge to see if it is wrong. If the judge has applied the wrong legal test, then it is our duty to say so. But in many cases the appellant's complaint is not that the judge has misdirected himself in law, but that he has incorrectly applied the right test. In the case of many of the grounds of appeal this is the position here. Many of the points which the judge was called upon to decide were essentially value judgments, or what in the current jargon are called multi-factorial assessments. An appeal court must be especially cautious about interfering with a trial judge's decisions of this kind. There are many examples of statements to this effect. I take as representative Lord Hoffmann's statement in *Designers Guild Ltd v Russell Williams (Textiles) Ltd* [2000] 1 WLR 2416 , 2423:

‘Secondly, because the decision involves the application of a not altogether precise legal standard to a combination of features of varying importance, I think that this falls within the class of case in which an appellate court should not reverse a judge's decision unless he has erred in principle.’

25. It is necessary to bear these principles in mind on this appeal.

**Decision**

26. The first point to be made on this appeal is that it is not suggested, quite properly in my view, that the Hearing Officer did not identify the correct legal test that should be applied to the issues. Instead it is maintained that the test was incorrectly applied by the Hearing Officer to the matters that were before him.

*Similarity of services*

27. On this appeal Mr Ramchandani maintained that the Hearing Officer ‘*applied too broad a definition*’ to ‘business management’ or ‘business administration’ when assessing the similarity of such services to ‘accountancy services’.
28. In this connection Mr Ramchandani drew to my attention three cases that were decided in France in what would appear to be opposition proceedings. On the basis of those cases Mr Ramchandani submitted:
- (1) that business management and business administration were vague terms which are not closely related to accounting;
  - (2) that the target market of the mark applied for was small and UK based only; and
  - (3) that in those circumstances, the services in issue have a different nature and purpose and are therefore dissimilar.
29. I do not agree. As stated by Mr Geoffrey Hobbs QC sitting as the Appointed Person in Cranleys Trade Mark at paragraphs 7(2) and 7(3):
- (2) Both as between marks and as between goods and services, the evaluation of ‘*similarity*’ is a means to an end. It serves as a way of enabling the decision taker to gauge whether there is ‘*similarity*’ of a kind and to a degree which is liable to give rise to perceptions of relatedness in the mind of the average consumer of the goods or services concerned. This calls for a realistic appraisal [sic] of the net effect of the similarities and differences between the marks and the goods or services in issue, giving the similarities and differences as much or as little significance as the average consumer (who is taken to be reasonably well-informed and reasonably observant and circumspect) would have attached to them at the relevant point in time.
  - (3) The factors conventionally taken to have a particular bearing on the question of ‘*similarity*’ between goods and services are: uses, users and the nature of the relevant goods or services; channels of distribution, position in retail outlets, competitive leanings and market segmentation: see Case C-39/97 *Canon KK v. Metro Goldwyn Mayer Inc.* [1998] ECR I-5507 at paragraph [23] and paragraphs [44] to [47] of the Opinion of Advocate General Jacobs in that case. More

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than just the physical attributes of the goods and services in issue must be taken into account when forming a view on whether there is a degree of relatedness between the consumer needs and requirements fulfilled by the goods or services on one side of the issue and those fulfilled by the goods or services on the other.

30. In the present case the Hearing Officer correctly identified the comparison between the specifications that he was required to make by reference to the Respondent's strongest case.
31. The assessment of similarity as indicated above is from the perspective of the average consumer in the United Kingdom and therefore whilst I note the references to the French case law they do not seem to me to be of assistance in the present case.
32. Moreover the submission that the target market of the mark applied for was small (in the sense that the business conducted under the mark was small) and limited to the UK rather than based in France as with the Respondent's business do not assist Mr Ramchandani as that is to illegitimately to introduce into the issue of similarity the 'real life' circumstances of the use that is said to be made of the marks in suit.
33. This is not permissible when making the assessment under Section 5(2)(b) of the Act which must be done by reference to the wording of the specification of the relevant marks from the perspective of the average consumer of such goods and services in the United Kingdom. The characteristics of such average consumer were set out in detail in paragraphs [30] to [32] of the Decision and, quite rightly in my view, are not the subject of any appeal.
34. It seems to me that the trading activities clearly and naturally comprehended by the reference to the specification for 'business management' and 'business management' are from the perspective of the average consumer sufficiently related to both 'accountancy services' and 'taxation services' such that the Hearing Officer was entitled to find they were similar for the reasons he gave.

### *Similarity of marks*

35. Mr Ramchandani is entirely correct to submit as he does that the assessment of the similarity of the marks requires the decision taker to take into account the marks as a whole and not to 'salami slice' the marks. That is to say it is necessary to take into account the overall impression that the marks will make on the average consumer or the goods and services in issue.
36. However, it is also correct that it is necessary to take into account any distinctive or dominant components of the marks and to give such components due weight when

considering the overall impression of the marks. That requires the person making the assessment to conduct an analysis of the components of the mark and assess their relevant weight on the perception of the relevant public: see Case C-591/12P Bimbo SA v. OHIM.

37. The Hearing Officer carefully explained in paragraphs [54] to [66] his reasoning for his finding of similarity in accordance with the approach set out in Case C-591/12P Bimbo SA v. OHIM.
38. Moreover, it is clear to me that the Hearing Officer had clearly in mind that he must not dissect the trade marks when determining this issue. Indeed he specifically recognised the need for care in this regard in paragraphs [51] and [57] of his Decision.
39. In the circumstances, I have not been persuaded that there is any error of principle or serious error in the findings that the Hearing Officer made in his analysis of the marks and on that basis it seems to me that he was entitled to come to the view that he did.

#### ***Likelihood of confusion***

40. There is no suggestion that the Hearing Officer did not identify the correct approach in law to the question of the likelihood of confusion. Given my earlier findings on this appeal it seems to me that the Hearing Officer was entitled to find for the reasons that he gave to find that there was a likelihood of confusion and that the series of marks applied for should be refused. That is all the more the case given that there was no appeal against the finding that the marks that formed the basis of the Opposition have a high degree of inherent distinctive character; and that the Hearing Officer had correctly identified the relevant average consumer.

#### **Conclusion**

41. In the circumstances, it does not seem to me that the Appellant has identified any material error of principle in the Hearing Officer's analysis or that the Hearing Officer was plainly wrong. In the result I have decided that the Hearing Officer was entitled to make the findings that he did and therefore the appeal fails.
42. As indicated above, the Respondent has taken no part in the Appeal process. Nor did the Respondent request any order for costs in respect of the appeal. In the circumstances I shall make no order as to the costs on the appeal.
43. Given that I have dismissed the appeal the costs of the proceedings below which were assessed by the Hearing Officer at £1200 fall to be paid by Mr Harish Ramchandani to Axys Consultants, société anonyme à conseil d'adminstr within seven days of this decision in accordance with paragraph [88] of the Decision of the Hearing Officer below.

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Emma Himsworth Q.C.

Appointed Person

3 August 2015

Mr Harish Ramchandani, the Appellant, appeared in person.

Axys Consultants, société anonyme à conseil d'adminstr was not represented at the hearing and took no part in the Appeal.

The Registrar was not represented at the hearing and took no part in the Appeal.

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## ANNEX 1

Goods and services specified in CTM No. 2220473:

Class 9: Communications systems; apparatus and media for recording, transmission or reproduction of sound, images or signals; magnetic recording media; media readable by computers and audio-visual apparatus; data-processing apparatus; computers; computer peripheral devices; computer terminals for access to worldwide communications networks (such as the Internet) or private access networks (such as an intranet); computer database servers; computer software; computer software packages; recorded computer programs; computer programs and computer software of all kinds, regardless of the media used for the recording or distribution thereof, software recorded on magnetic media or downloaded from an external computer network; electronic publications (downloadable).

Class 35: Advertising; advertising via the Internet; on-line advertising on a computer network; commercial or industrial management assistance, business information or inquiries; business management; business investigations; organization of exhibitions for commercial or advertising purposes; collection and systematic ordering of data in a central file; computerised file management; management of electronic mail; market surveys; electronic processing of data and information; processing and use of computerised messages; data searches in computerised files for others; electronic mail processing; business management consultancy; project management with respect to information systems design, specification, procurement, installation, and implementation; organisation consulting, consultancy in strategy

Class 38: Communication services; telecommunications; communications via national or international networks; receipt and dissemination of messages, documents and other information by electronic transmission; communications by and/or between computers and computer terminals; connection to telecommunications networks by computer and dissemination of information on networks; transmission of information by data transmission; transmission and exchange of data contained in data banks; information services, consultancy and information about telecommunication; electronic mail via the Internet; transmission of data contained in databases; transmission of information contained in computer servers; electronic advertising (telecommunications); connection by telecommunications to a computer network; routing and connecting services for telecommunications; teleconferencing services; providing of data networks; all the aforesaid services relating to the field of computing, telecommunications, the Internet/Intranet and all present or future means of communication.

Class 41: Education and training; provision of recorded data carriers for teaching or entertainment purposes; publication of books, magazines, brochures, forms and programmes (other than advertising texts); arranging and conducting of colloquiums, conferences, congresses, forums, exhibitions, seminars, symposiums and conventions; electronic online publication of periodicals and books; micro-publishing; games offered on-line on a computer network; digital imaging services; operation of online non-downloadable electronic publications; educational services; conducting of classes, seminars, workshops and lessons in the fields of development and implementation of computer software, and of the use of computer software and information systems; developing educational materials for others in the fields of the development and implementation of computer software, and of the use of

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computer software and information systems; developing educational materials for others in the fields of the development and implementation of computer software, and of the use of computer software and information systems.

Class 42: Computer programming; services relating to design and advance studies; conversion of data and computer programs (other than physical conversion); design of computer systems; duplication of computer programs; conversion of data or documents from a physical storage medium to an electronic medium; creating and maintaining web sites of others; hosting of computer sites (web sites); installation of computer software; providing information in the fields of technology, information, computers, and computer systems; consultancy in the field of computers; computers services, namely, providing databases in the fields of business consulting, technology and information, computers and computer systems; information technology consulting; computer software design (designing) and software packages; computer site design; installation, implementation, maintenance and repair services with respect to computer software; leasing of access time to a computer data base server centre; rental of computers and computer peripheral devices; consultancy relating to the installation and choice of information systems.

### ANNEX 2

Goods and services specified in CTM No. 220739:

Class 9: Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Class 35: Advertising; business management; business administration; office functions.

Class 38: Telecommunications.

Class 41: Education; providing of training; entertainment; sporting and cultural activities.

Class 42: Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be classified in other classes.