

O-697-18

TRADE MARKS ACT 1994

IN THE MATTER OF APPLICATION NUMBER 3235214

BY CLOCH SOLICITORS LIMITED

TO REGISTER THE FOLLOWING TRADE MARK IN CLASSES 9, 16, 25, 35, 41, and 42:

Legal Engineer

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45:**

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Background

1. On 5 June 2017, Cloch Solicitors Limited ('the applicant') applied to register the above trade mark for the following goods and services:

Class 09: *Software; computer software; computer programs; computer software programs; application software; computer application software; computer databases; recorded tapes, discs, cassettes, cinematographic films; information stored on electronic, magnetic and/or by optical means; memory sticks; compact discs, DVDs and other digital recording media; electronic publications; downloadable electronic publications and documentation; electronically distributing advertising materials; computer software including packaged software; software provided from a computer network; computer software supplied from the Internet; interactive software; music, sound, images, text, signals, software, information, data and code provided by telecommunications networks, by online delivery and by way of the Internet and the worldwide web; computer game software; computer programs and software for image processing; computer software for mobile phones; software for mobile phones; GPS software; multi-media recordings; event recognition software; computer hardware for the collection of data; computer software for the collection of data; data collection apparatus; communication software; software drivers; education software; interface software; decoder software; data communications software; interactive computer software; data compression software; virtual reality software; computer software packages; data processing software; Process controlling software; Interactive video software; Computer interface software; Recorded computer software; Pre-recorded software; computer game software; computer games software; electronic game software; gesture recognition software; software for online messaging; computer games entertainment software; children's educational software; computer screen saver software; computer software for document management; computer software for database management; computer software for analysing market, contractual and legal information; computer software for processing market, contractual and legal information; data processing software for graphic representations; computer software relating to legal and financial history; computer software*

programs for spreadsheet management; computer software for creating dynamic images and websites; computer software for producing financial and process models; computer software designed to estimate costs; computer software for processing digital images; computer application software for mobile telephones and devices; computer software programs for database management; computer software to automate data warehousing; computer software to enable searching of data; computer software for application and database integration; computer software for communicating purposes between microcomputers; software for facilitating secure credit card transactions; computer software for processing digital sound files; software for processing images, graphics and text; computer software for use in remote meter monitoring; computer software to enable the searching of data; computer software for authorising access to data bases; computer software for use in computer access control; software to control building environmental, access and security systems; computer software for creating searchable databases of information and data; computer software for online databases (information) containing data, text, information, documents, bibles (being bundles of information), precedents (being prior examples of documents) and legal decisions; computer software for organizing and viewing digital images and photographs; Computer game software for use on mobile and cellular phones; computer software for controlling the operation of audio and video devices; computer software to enable the transmission of photographs to mobile telephones; computer software for biometric systems for the identification and authentication of persons; computer programmes for interactive television and for interactive games and/or quizzes; cards encoded to access computer software; character recognition hardware, apparatus, systems and software; image recognition hardware, apparatus, systems and software; optical character recognition hardware, apparatus and systems; apparatus for data processing; apparatus for the processing of data; central processing units for processing information, data, sound or images; computer programmes for data processing; computer software for the processing of positioning data; data-processing apparatus; data processing equipment and accessories (electrical and mechanical); data processing equipment; data processing programs; data processing programs recorded on machine-readable data carriers; data processing software; data processing software for word processing; data processing software for graphic representations; data processing systems; data processing terminals; electronic data processing equipment; interface cards for data processing apparatus; interface cards for data processing equipment in the form of printed circuits; memories for data processing equipment; memory devices for use with data processing apparatus; mouse; readers; real-time data processing apparatus; scanners; analytical plotters; data

analytics software; application software for wireless devices; computer software for wireless network communications; computer software for wireless content delivery; devices for streaming media content over local wireless networks; wireless communication apparatus, instruments and devices; wireless communication devices for voice, data, or image transmission; wireless controllers to remotely monitor and control the function and status of legal and administrative processes and procedures; wireless controllers to remotely monitor and control the function and status of other electrical, electronic, and mechanical devices or systems; wireless transmitters and receivers; parts and fittings for all the aforesaid goods.

Class 16: Printed matter; printed publications; advertising and promotional materials; books; notes; notebooks; agendas; examination papers; study texts; revision notes; technical drawings; pop up stands; journals; diagrams; plans; drawings; flyers; magazines; newspapers; newsletters; periodicals; pamphlets; manuals; printed manuals; printed technical manuals, technical bulletins and technical advisories; reference guides; catalogues; periodical publications; brochures; booklets; posters and prints; stationery; bags; writing sets; writing paper; paper; marketing stands; containers made from cardboard; calendars; paper ornaments; postcards; trading cards; invitations; periodical publications; printed guides; printed programs; printed certificates; diaries; organisers; albums; boxes; greeting cards; CD covers; book jackets; pens and pencils; instructional and teaching materials; information books; promotional literature; programmes; leaflets; labels; stickers; tickets and passes (not magnetically encoded); photographs; posters; graphic drawings; graphic prints; graphic representations; graphic reproductions; reproductions (graphic -); animation cels; banners and wall hangings made of paper or cardboard; stickers; diaries; office requisites; goods made from paper and cardboard namely packing materials; packing materials; binders and folders book markers; envelopes; maps; napkins; scrap books; tokens; coasters made of paper or card; stationery and educational supplies; inkstands, pens, paint brushes, pencils; articles of stationery; articles for drawing; instructional and teaching materials (other than apparatus) relating to engineering, law, intellectual property, copyright, software, coding, education, history, trade, business, management, the provision of legal or software related services, access to justice and commercial matters, all included in Class 16; bookbinding materials; sealing devices for office use, document files and printed forms; binding materials for books and papers; writing or drawing books; instructional and teaching materials; drawing pads; colouring books; address books; manuscript books; pocket memorandum books; activity books; log books; copy books; pocket books [stationery]; signature

books; guide books; note books; writing or drawing books; writing or drawing books; parts and accessories for the aforesaid

Class 25: *Clothing; headgear; parts and fittings for all the aforesaid goods.*

Class 35: *Agency services for the arrangement of contracts; business research in databases and on the Internet; maintaining and indexing of data and processes or legal products and/or services related thereto; collection and systematisation of information into computer databases; collection and systematisation of business data; collection of data; data collection [for others]; data processing for the collection of data for business purposes; collection and systematization of data; computerised data collection services (for others); data collection [for others]; data processing for the collection of data for business purposes; market research data collection services; market research data collection services; administrative data processing; advisory services relating to electronic data processing; advisory services relating to data processing; automated data processing; business consultancy services relating to data processing; computer data processing; computerised data processing; consultancy relating to data processing; data entry and data processing; data processing; data processing for businesses; data processing for the collection of data for business purposes; data processing management; data processing services; data processing services in the fields of law, engineering, business, intellectual property and justice; data processing services in the field of transportation; data processing services in the field of legal processes; data processing verification; electronic data processing; employment consultancy services relating to data processing personnel; information services relating to data processing; on-line data processing services; provision of information relating to data processing; subscriptions (arranging -) to a telephone or computer service [internet]; outsourcing services in the field of business analytics; comparison services; provision of online comparison services; provision and retrieval of business and commercial information; public relations services; publicity services; customer loyalty services and customer club services, for commercial, promotional and/or advertising purposes; conducting customer loyalty, reward, affinity and incentive programs for commercial promotion and for advertising purposes; compilation of statistics; commercial information and advice for consumers (consumer advice shop); commercial information agencies; statistical information; information in business matters; information services relating to data processing; marketing research; marketing, including on digital networks; market research; opinion polling; incentive schemes; news clipping services; systemization of information into computer databases; loyalty schemes; business consulting and management services in the field of law; advice for consumers; dissemination of*

advertisements; sales promotion, for others; advertising matter (dissemination of -); distribution of samples; advertising services, namely, promoting and marketing the goods and services of others via electronic communication networks; advertising services relating to the recording, transmission, processing, controlling, management, interaction and analysis of data, and products and services related thereto; compilation of information into computer databases; digital data processing; management of data; advertising; office functions; business research; business inquiries; business management; business assistance; provision of business advice and information; business appraisals; business investigations and enquiries; business administration; commercial advice; compilation and provision of company information; statistical information, data processing, document reproduction; preparation of reports; advisory services relating to business management, business organisation and franchising; provision of information relating to commercial business and the preparation of reports; compilation and provision of business information; business analysis, research and information services; market research; collection and systemisation of business data; business management; business assistance; provision of business advice and information; business appraisals; business investigations and enquiries; business administration; commercial advice; compilation and provision of company information; statistical information, data processing, document reproduction; preparation of reports; maintaining and indexing; employee relocation services; consultancy relating to mergers and acquisitions; business enquiries and investigations; advisory services relating to business management, business organisation and franchising; provision of information relating to commercial business and the preparation of reports; compilation and provision of business information; services relating to the analysis, evaluation, creation and brand establishment of trademarks, trade names and domain names namely consultancy services for the aforesaid; business analysis, research and information services; market research; collection and systemisation of business data; wholesale services in relation to computer software; retail services in relation to computer software; advertisement via computer and mobile phone networks; the bringing together, for the benefit of others, of a variety of design services, software services, engineering services, legal services, financial services, administrative services, sales, marketing and advertisement services, and software and hardware maintenance and support services enabling customers to conveniently view and purchase those services; provision of consultancy, information and advisory services relating to the aforesaid, including such services provided online from a computer network and/or via a computer database or the Internet and/or extranets.

Class 41: *Education; providing of training; education and training in the field of machine learning; education and training in the field of artificial intelligence; education and training in the field of law; education and training in the field of engineering; education and training in the field of software; education and training in the field of administration; education and training in the field of electronic data processing; education in the field of data processing; education services for imparting coding and data processing teaching methods; education services relating to software development and data processing; software and electronic data processing training; instructional services relating to software development and data processing; provision of instruction relating to data processing; services for data processing instruction; services for setting up data processing teaching programs; training in data processing techniques; training in the use of data processing programs; training relating to data processing techniques; training relating to data processing; tuition in data processing; arranging, organising and conducting of conferences, congresses, seminars and symposia; arranging, organising and conducting of exhibitions for educational purposes; arranging, organising and conducting of competitions; production and publication of educational materials; provision of on-line electronic publications; distance learning courses; organising, arranging and conducting of education, training, coaching, apprenticeship and youth training scheme services; information, advisory and consultancy services relating to all the foregoing; publishing of books and reviews; electronic online publication of periodicals and books; publication and edition of books; on-line publication of electronic books and journals; on-line publication of electronic books and journals (non-downloadable); publication of books, magazines, almanacs and journals; lending of books relating to computer software; training relating to computer software; education services relating to computer software; training services relating to computer software; training courses relating to computer software; training in the development of software systems; training in the operation of software systems; training in the design of software systems; training services concerned with the use of computer software; education services relating to the application of computer software; training relating to computer programmes; provision of consultancy, information and advisory services relating to the aforesaid, including such services provided online from a computer network and/or via a computer database or the Internet and/or extranets.*

Class 42: *Big data and data mining services; software as a service; platform as a service; application platform as a service; infrastructure as a service; machine learning as a service; lawyers as a service; creating and maintaining websites; software development, programming and implementation; design and development of computer hardware and software; design of computer machine*

and computer software for commercial analysis and reporting; design services relating to computer hardware and to computer programmes; software engineering; software design; software installation; software creation; software authoring; software research; software design for others; programming of educational software; computer software programming services; image processing software design; design of virtual reality software; writing and updating computer software; custom design of software packages; development of virtual reality software; design of computer game software; development of computer software application solutions; design of software for multimedia data storing and recalling; design of computer programs and software relating to legal services, law and justice; services for the design of electronic data processing software; development of software solutions for internet providers and internet users; advisory services relating to man-machine interfaces for computer software; development and creation of computer programmes for data processing; analytical services relating to computer programmes; leasing of computer software for reading a data stream; design and development of wireless data transmission apparatus, instruments and equipment; compilation of data-processing programs; computer programming for data processing and communication systems; creation of computer programmes for data processing; design and development of systems for data input, output, processing, display and storage; design and development of data processing systems; design services for data processing systems; design services relating to data processing test tools; design services relating to data processing tools; designing of data processing programmes; designing of data processing systems; development and creation of computer programmes for data processing; development of data processing programs by order of third parties; development of programmes for data processing; development of systems for the processing of data; engineering consultancy relating to data-processing; engineering services relating to data processing; engineering services relating to data processing technology; engineering services relating to automatic data processing; evaluation of performance of data-processing against benchmark references; hiring out data processing equipment; installation and actualisation of programs for data processing; leasing of data processing systems; reparation of computer programs for data processing; preparation of data processing programmes; programming of data processing equipment; programming of data processing programs; rental of computer software, data processing equipment and computer peripheral devices; rental of computers, devices and software for data processing; rental of data processing equipment; rental of data processing equipment and computers; rental of data processing programs; rental of data processing apparatus and computers; rental of data processing apparatus; rental of software for data

processing; rental services relating to data processing equipment and computers; research in the field of data processing technology; research relating to data processing; services for the design of electronic data processing software; software engineering services for data processing programs; technical advisory services relating to data processing; testing of electronic data processing systems; writing of data processing programs; analytical services relating to computers; analytical services relating to the determination of events; analytical services relating to computer programmes; provision of consultancy, information and advisory services relating to the aforesaid, including such services provided online from a computer network and/or via a computer database or the Internet and/or extranets.

Class 45: Legal services (artificial intelligence); legal services by way of machine learning; services facilitating access to justice; solicitors services; legal services; legal advice; mediation services; legal research; legal advice and services by short message services, multimedia messaging, wireless communication, wireless digital messaging, and/or chatrooms or forums; data validation; monitoring, investigation and inspection services; identity validation services; establishment, maintenance and management of domain name registrations/protection; preparation of reports; professional legal research in relation to law, justice, software, intellectual property, hardware, technology or analysis of data, and products and services related thereto; preparation of legal reports in relation to law, justice, software, intellectual property, hardware, technology or analysis of data, and products and services related thereto; computer hardware licensing; computer software licensing; licensing of hardware and/or software; licensing of wireless communication systems; legal services for private clients; prosecution of applications for intellectual property rights; intellectual property, data and/or rights watching and analysis services; investigations in relation to intellectual property, data and/or rights; protection of intellectual property data and/or rights; research relating to intellectual property, data and/or rights; legal advice in the form of online databases (information) containing data, text, information, documents, bibles (being bundles of information), precedents (being prior examples of documents); certification of legal documents; arbitration, mediation, conciliation and other dispute resolution services; company formation and registration services; legal information and research services; professional consultation and advisory services in relation to, namely, intellectual property, law, legal rights, legal procedure, legal compliance, legal fees, justice, technology, legal products, legal services; preparation of reports, provision of information and advisory services, all relating to the aforesaid services; provision of consultancy, information and advisory services relating to the aforesaid, including such

services provided online from a computer network and/or via a computer database or the Internet and/or extranets.

2. On 8 June 2017, the Intellectual Property Office ('IPO') issued an examination report in response to the application. The examination report contained an objection under Section 3(1)(b) of the Trade Marks Act 1994 ('the Act').
3. The section 3(1)(b) objection was raised on the basis that the mark was devoid of any distinctive character for goods and services which are provided by a Legal Engineer. The examination report included exhibits, which were intended to demonstrate that the term Legal Engineer is used within the public domain.
4. On 9 June 2017, the applicant responded, wholly contesting the examiner's decision. The applicant argued that the term Legal Engineer does not appear in either a legal or engineering dictionary, nor is it a term customary in trade, nor is it a term of art. In addition, the applicant argued that the term does not describe the kind, character, quality or origin of any of the goods or services. The applicant also argued that the examiner had failed to explain what the supposed goods and services provided by a Legal Engineer are, and further argued that the exhibits included in the examination report do not relate to the mark applied for.
5. On 15 June 2017, the IPO issued correspondence, maintaining the objection under Section 3(1)(b). The objection was maintained on the basis that an internet search revealed a description of a Legal Engineer as being a person who works within the combined technology and legal industries. Therefore, when the term is applied to the goods and services applied for, it merely appears as a non-distinctive term incapable of indicating trade origin. The applicant was informed that if they wished to file further written arguments then the remainder of the fee would have to be paid first (the application was filed using the Right Start format).
6. On 15 June 2017, the applicant responded, arguing that they did not consider "a search of the internet" as a sufficient or authoritative basis for the objection. The applicant questioned the veracity and validity of the internet results. The applicant repeated their argument that the examiner was unable to find the definition of Legal Engineer in either a legal or engineering dictionary. The applicant also urged the examiner to reconsider their position that the mark is descriptive, as to state that a Legal Engineer is descriptive is to contest the supremacy of parliament, as it suggests a person engineers (brings about) law. Further, the applicant referred to the fact that the term Legal Engineer does not exist in the nice classification. Furthermore, the applicant argued that no similar marks were found during the search for earlier rights. The applicant urged that these last facts confirm that the term does not exist.
7. On 16 June 2017, the IPO replied, reminding the applicant that full correspondence giving more precise argument will not be entered into until the balance of the fees had been paid. That having been said, the examiner waived the objection in relation to classes 9, 16 and 25. The remaining balance was subsequently paid, and a request for a full response was made.
8. On 29 June 2017, the IPO issued a detailed objection, maintaining in principal the objection for Classes 35, 41, 42 and 45 based on the opinion that such classes include *agency services for the arrangement of contacts, data processing services in the field of legal processes, education and training in the field of artificial intelligence and law, development of virtual reality software and legal services*. The examiner argued that the consumer would assume such services are offered by a Legal Engineer. The

examiner argued that whilst the term does not exist in dictionaries, the internet nevertheless identifies that the term refers to a particular career path for legally qualified individuals, which encompasses technology aspects and draws on a set of skills that include both knowledge of the law and technologies. The examiner argued that the term appears to indicate a newly emerging profession, and would therefore be considered to be non-distinctive. The examiner included two new exhibits of evidence relating to the profession of a Legal Engineer.

9. Based on this finding, the examiner reviewed the original objection and identified certain goods and services for which the objection should be waived in Classes 35, 41 and 42. The following services were found to be acceptable:

Class 35: *Data processing services in the field of transportation; public relations services; publicity services; customer loyalty services and customer club services, for commercial, promotional and/or advertising purposes; conducting customer loyalty, reward, affinity and incentive programs for commercial promotion and for advertising purposes; commercial information and advice for consumers (consumer advice shop); marketing research; marketing, including on digital networks; market research; opinion polling; incentive schemes; dissemination of advertisements; sales promotion, for others; advertising matter (dissemination of-); distribution of samples; advertising services, namely, promoting and marketing the goods and services of others via electronic communication networks; advertising services relating to the recording, transmission, processing, controlling, management, interaction and analysis of data, and products and services related thereto; advertising; office functions; wholesale services in relation to computer software; retail services in relation to computer software; the bringing together, for the benefit of others, of a variety of design services, software services, financial services, administrative services, sales, marketing and advertisement services, enabling customers to conveniently view and purchase those services.*

Class 41: *Arranging, organising and conducting of competitions; production and publication of educational materials; publishing of books and reviews; electronic online publication of periodicals and books; publication and edition of books; on-line publication of electronic books and journals; on-line publication of electronic books and journals (non-downloadable); publication of books, magazines, almanacs and journals; lending of books relating to computer software.*

Class 42: *Image processing software design; design of virtual reality software; design of computer game software; leasing of computer software for reading a data stream; hiring out data processing equipment; leasing of data processing systems; rental of computer software, data processing equipment and computer peripheral devices; rental of computers, devices and software for data processing; rental of data processing equipment; rental of data processing equipment and computers; rental of data processing programs; rental of data processing*

apparatus and computers; rental of data processing apparatus; rental of software for data processing; rental services relating to data processing equipment and computers.

10. The objection was maintained for the remaining services in Classes 35, 41 and 42, and for the whole of Class 45. The letter of 29 June 2017 explained that if the proposed specification was accepted then the queries against the terms *lawyers as a service* and *data validation* in Class 42 could be waived. The letter also explained that failure to reply by the given date would result in the application being refused for the objectionable services.
11. No response was received by the stipulated date and so on 9 October 2017 the IPO confirmed that it would be publishing the application for the list of goods and services identified as being acceptable in the letter of 29 June 2017.
12. On 9 October 2017, the applicant wrote to argue that the IPO's letter of the same day failed to include *lawyers as a service* and *data validation* in the proposed specification. They maintained that the examiner's letter of 29 June 2017 confirmed that the terms would be included.
13. On 10 October 2017, the IPO issued correspondence stating that the examiner's previous correspondence of 29 June 2017 had stipulated that the queried terms, i.e. *lawyers as a service* and *data validation*, would only be included *if* the applicant accepted the proposed specification. As no response had been received (i.e. no confirmation of acceptance had been sent by the applicant), then the queried terms were not included.
14. On 13 October 2017 the application was published in Journal number 2017/041.
15. On 8 November 2017, Third Party Observations were received from Wavelength.law Limited. They argued that the term Legal Engineer is descriptive in relation to certain services and should be kept free for everyone in the legal engineering trade to use. According to Wavelength.law Limited, the term Legal Engineer was first used in Richard Susskind's book, *The End of Lawyers*, first published in 2008. Mr Susskind predicted that there would be a need for a new role in law firms which combined legal knowledge with technical expertise. Since the term was first published in the book there has been as steep rise in the use of technology in legal settings and the term Legal Engineer has become increasingly used as a description of a job and type of work. Wavelength.law Limited describe themselves as legal engineers on their own website, and define the work of a Legal Engineer to be carried out by a "person that sits at the interface of technology, law and data, and who is trained and skilled in the construction of designed legal solutions".
16. Wavelength.law Limited attached exhibits in support of their observations. One exhibit was an extract from reed.co.uk, an employment agency company, advertising the position of a Legal Engineer on behalf of Berwin Leighton Paisner. Another exhibit was from HighQ, a reputedly well-respected legal technology vendor. The exhibit explains the rise of the profession of the Legal Engineer, and how the role will be essential to the survival of law firms in an increasingly competitive market. HighQ explains that, essentially, the role of a Legal Engineer is a hybrid between a lawyer and a technologist. One of the exhibits is from The Institute for Law and the Web (ILAWS) at Southampton University. The exhibit is entitled "*What is a legal engineer and how do you become one?*"

17. On 23 November 2017 the IPO issued its response to the observations, informing Wavelength.law Limited that all the issues they had raised had already been considered at the examination stage, meaning that it was felt the acceptance of the application had not been made in error. The IPO's letter also explained that the application had been published for a limited list of goods and services, to which no objection remained. Wavelength.law Limited was also informed of the opposition period.
18. On 6 December 2017 a Notice of Threatened Opposition was filed by Pinsent Masons LLP.
19. On 7 December 2017 a Notice of Threatened Opposition was filed by Wavelength.law Limited.
20. On 12 December 2017 a Notice of Threatened Opposition was filed by HighQ Solutions Limited.
21. On 13 December 2017 a Notice of Threatened Opposition was filed by The Law Society.
22. On 5 January 2018 Third Party Observations were received from the Engineering Council Board, which is a body incorporated by Royal Charter, and is also a registered charity. Its objectives are "to advance education in, and to promote the science and practice of, engineering (including relevant technology) for the public benefit and thereby to promote industry and commerce in our United Kingdom and elsewhere."
23. The Engineering Council Board argued that the term Legal Engineer would be commonly understood to be a title referring to an individual with some sort of engineering qualification or competence. The term would have the potential to mislead the public, and the registration would undermine the integrity of the Engineering Council's registers, thus being repugnant to the terms of the Council's Royal Charter. Moreover, taken literally, the term would imply that any engineer who does not use this title is by default an *illegal* engineer, which would be an absurdity. The Engineering Council Board argued that the term supposes that Legal Engineering is a specialist branch of law or engineering, which in their view it is not.
24. On 12 January 2018, the observations from the Engineering Council were further particularised with a Witness Statement from Alasdair Coates, setting out that the mark should be objected to under Section 3(3)(b), 3(1)(c) and 3(1)(b) for goods and services in the fields of IT, technology and software (all of which are engineering disciplines). The mark should also be objected to for clothing as it is common for engineering institutes to have their own branded clothing. It was explained in the Witness Statement that the Engineering Council is the UK regulatory body for the engineering profession, and holds the national registers of Engineering Technicians (EngTech), Incorporated Engineers (IEng), Chartered Engineers (CEng) and Information and Communications Technology Technicians (ICTTech). The Witness Statement explains that the Institution of Engineering and Technology, the Institution of Structural Engineers, the Institution of Chemical Engineers, the Institution of Civil Engineers and the Institution of Mechanical Engineers had all written to the Engineering Council to support the observation.
25. The Witness Statement submitted by Alasdair Coates was accompanied by observations written by Christopher Hall, of Veale Wasbrough Vizards LLP, which detailed further the arguments of the Engineering Council. The arguments provided by

Mr Hall were essentially that i) the term is deceptive as it implies a level of qualification where one does not exist, and that the user is authorised to use such a term when they are not, ii) the term is descriptive of an engineer acting within the law, iii) the term is descriptive of a lawyer with creative talent.

26. On 11 January 2018, Third Party Observations were received from HighQ Solutions (represented by Causeway Law). Their argument was that i) the term is customary in the trade of technology which has a connection with the legal industry, and was first used by Stuart Barr, Chief Strategy Officer of HighQ, at the Janders Dean Conference in London on 15 May 2015, to describe a client who built solutions to legal problems using a toolkit of technology, ii) is descriptive of someone trained and skilled in computers and engineering who is a technology expert, iii) as a result of being descriptive, the term must also be considered non-distinctive.
27. On 15 January 2018, Third Party Observations were submitted by Shoosmiths LLP. Their argument was that the term is customary in trade, as it is commonly used in respect of a person who acts as a liaison between the legal and technological spheres (not necessarily either a lawyer or an engineer) and is used in relation to technology for automating/digitalising legal work. Shoosmiths LLP's observations refer to an article written by Stuart Barr of HighQ in July 2016, entitled "*The Rise of the Legal Engineer*", explaining that the role of a Legal Engineer is an "interface between legal experts and technology experts". The observations include at Annexure F a "Start-up Map" from www.legalgeek, whereby Legal Engineer is identified as a role. The observations also include at Annexure I pages from the website of Syke, which describes itself as a legal engineering business that helps businesses and law firms to procure and use technology to solve legal problems. Syke is also referenced in Annexure Q, where an article in www.lawyer.com by Alistair Maiden, the founder of Syke, explains that "It feels wrong that Philip Hannay could gain monopoly rights over the name of a nascent profession and job title." The observations also refer to two people on LinkedIn who refer to themselves as professional Legal Engineers. The observations support the idea of a Legal Engineer being an actual job at Annexures J and K, with examples from law firms including Hogan Lovells and Berwin Leighton Paisner, advertising vacancies for a Legal Engineer.
28. Shoosmiths LLP also argued that as a result of the term being customary in trade, the sign is necessarily devoid of distinctive character. Shoosmiths argue that the sign is non-distinctive regardless of the outcome of any Section 3(1)(d) objection, as it simply consists of two common words combined to form a noun, with no unusual characteristics which may have served to elevate it to being distinctive.
29. On 8 February 2018, the IPO issued correspondence to the applicant explaining that in light of the new information presented via Third Party Observations it was found that the application had been accepted in error. An objection under Section 3(1)(b) and (c) was raised on the basis that the sign would designate the kind and characteristic of a limited list of goods and services, e.g. *computer software*, *publications* and *printed matter* all relating to, or for use by, a Legal Engineer, and the *retail* of such goods; *office functions* provided by a Legal Engineer; *publication of educational materials* relating to the role of a Legal Engineer; and *design of computer software* relating to and for use by Legal Engineers. Exhibits were attached to the report, demonstrating that the term Legal Engineer is a recognized role within the legal profession and refers to someone who combines IT skills with legal skills to engineer and improve the delivery of legal services. The exhibits included an article from infolaw.co.uk, entitled "What is a legal engineer?"; an article from lexology.com, entitled "The rise of the legal

engineer”; and job adverts for a Legal Engineer placed in Law Absolute Recruitment Specialists, reed.co.uk and jobsite.co.uk.

30. The examination report identified that the following goods and services were acceptable:

Class 9 *Cinematographic films; memory sticks; music provided by telecommunications networks, by online delivery and by way of the internet and the worldwide web; computer game software; GPS software; computer game software; computer games software; electronic game software; gesture recognition software; computer games entertainment software; children’s educational software; software to control building environmental, access and security systems; computer game software for use on mobile and cellular phones; computer programmes for interactive games and/or quizzes; mouse; scanners; parts and fittings for all the aforesaid goods.*

Class 16 *Notebooks; stationery; bags; writing sets; writing paper; paper; containers made from cardboard; calendars; paper ornaments; postcards; trading cards; invitations; diaries; organisers; albums; boxes; greeting cards; CD covers; pens and pencils; labels; stickers; tickets and passes (not magnetically encoded); photographs; stickers; diaries; office requisites; goods made from paper and cardboard namely packing materials; packing materials; binders and folders book markers; envelopes; maps; napkins; scrap books; tokens; coasters made of paper or card; stationery; inkstands; pens, paint brushes, pencils; articles of stationery; bookbinding materials; sealing devices for office use; binding materials for books and papers; writing or drawing books; activity books; pocket books (stationery); note books; writing or drawing books; writing or drawing books; parts and accessories for the aforesaid.*

Class 25 *Clothing; headgear; parts and fittings for all the aforesaid goods.*

Class 35 *Data processing services in the field of transportation; customer loyalty services and customer club services, for commercial, promotional and/or advertising purposes; conducting customer loyalty, reward, affinity and incentive programs for commercial promotion and for advertising purposes; marketing research; marketing, including on digital networks; market research; opinion polling; incentive schemes; sales promotion, for others; distribution of samples; the bringing together, for the benefit of others, of a variety of financial services, marketing services, enabling customers to conveniently view and purchase those services.*

Class 42 *Design of computer game software.*

31. On 16 March 2018, the IPO issued correspondence to the applicant, explaining that as the deadline for a response to the objection had now passed, the application would proceed to publication for the list of goods and services previously identified as being acceptable (i.e. the above list). On 19 March 2018 the applicant contacted the IPO to

request an extension of time for the previous deadline, as due to an administrative error, they had not received the previous complete correspondence from the Office. The deadline was subsequently extended to allow the applicant to submit observations in reply.

32. The observations in reply were received on 29 March 2018. The applicant strongly questioned that the term Legal Engineer is a recognised role within the legal profession, as referring to someone who combines IT skills with legal skills to engineer the delivery of legal services. The applicant's arguments set out to query the accuracy and motivation of the Third Party Observations. The applicant explains that he engaged in correspondence with some of the third parties in an attempt to explain that the term applied for was not descriptive. The applicant also explains that the majority of the Third Party Observations appeared to be filed as a result of when an original post from Alistair Maiden, founder of Syke, which was designed to stir up support, went viral. The applicant accuses Mr Maiden's motivation of being to gain a free profile and to advertise his business. The applicant also accused IChemE (Institution of Chemical Engineers, part of the Engineering Council's interested parties) of challenging his application purely out of spite, because they failed to register Chartered Engineer.
33. The applicant explained that he had not had full sight of all of the Third Party Observations or their evidence, which meant that his submissions in reply were restricted and could not be more specific. That having been said, the applicant questioned the material he had seen, and argued it was entirely unpersuasive. The applicant argued that the vast majority of the evidence consisted of material created after the filing date of his application. The applicant also argued that the correct name for the profession which the sign supposedly refers to is Legal *Technologist*, which is an actual job and is recognised by all third parties.
34. The applicant urged the IPO to reconsider the argument that the sign will be seen as non-distinctive because he argued that the relevant public had not been correctly identified. The applicant argued that all of the evidence and opinion was from the legal profession, and there was little to no evidence from the general public. This would seem to imply that the applicant believes the relevant consumer is the legal specialist.
35. On 6 April 2018 the IPO responded. It was first explained that the Office accepts Third Party Observations in good faith. It was then explained that all submissions and evidence had previously been sent to the applicant successfully, and this was confirmed by acknowledgments. The IPO argued that during the course of the examination process it had been sufficiently established that Legal Engineer is a term used in the legal profession, specifically when describing someone who combines IT skills with engineering for the purposes of improving the delivery of legal services. The Office explained that it was not convinced that the term's absence from a legal dictionary supports the argument that it is therefore unknown in trade. Finally, it was argued that the relevant consumer is someone who works in the legal profession, or is someone who is studying in this field. This was supported by the exhibit from the University of Southampton's advertisement for the event entitled "*What is a legal engineer and how do you become one?*". The objection was therefore maintained, and the applicant was reminded of their right to a Hearing, which they subsequently requested.
36. The Hearing came before me on 5 June 2018. At the Hearing, the applicant again referred to the fact that they had not had sight of the covering letters, witness statements or grounds/reasoning from all of the Third Party Observations filed against their mark. In light of this, I arranged to have all of the missing documentation sent to

the applicant immediately. Further time was granted for the applicant to digest the information, and it was explained that the Hearing would be reconvened at a future date. In total, 37 pages were sent to the applicant on 5 June 2018. The pages consisted of:

Pages 1 – 3: Observation received 5 January 2018 from the Mr Paul Bailey of the Engineering Council

Pages 4 – 22: Observation received 12 January 2018 from Ms Mary Rendle of Veale Wasbrough Vizards LLP

Pages 23 – 26: Observation dated 11 January 2018 from Causeway Law

Pages 27 – 37: Observation received 15 January 2018 from Ms Sonia Hill of Shoosmiths LLP.

37. The applicant emailed their response on 25 June 2018 (instead of attending a Hearing). The applicant's arguments in full (including those made at the Hearing on 5 June 2018) consisted of: denying that Legal Engineer is a term of art or term of trade; that the term does not exist in Scotland (the term *Legal Technologist* does); any use of the term by recruitment specialists is use as a brand name rather than in a descriptive sense; the argument by the Engineering Council that the term "Engineer" must be protected is in direct conflict to the argument from Shoosmiths who stated that the term Legal Engineer was freely used by traders and part of the common stock; most of the Third Party Observations were merely academic and "biased interpretative leaps"; and an event run by Pinsent Masons (legal firm) referred to the roles of lawyers and legal technologists, but tellingly made no reference to Legal Engineer.
38. The hearing report explained that whilst the application had been revisited as a result of Third Party Observations, it is nonetheless a fact that the application was originally objected to in the prima facie in June 2017 for all goods and services applied for, long before any Third Party Observations were received. In reply to the information regarding Pinsent Masons, I did not find the argument to be compelling. The fact that Pinsent Masons did not refer to the term Legal Engineer in an email does nothing to prove that the term is uncommon or not used in trade. I accepted that the term is not widely used and is not customary in trade, however, sufficient evidence has been provided to show that the term is used in a non-distinctive, and descriptive way. The fact that there is little or no use in Scotland is not a deciding factor in the marks registrability, as granting a registration would provide the trade mark with UK-wide protection, including places where the term *would* likely be recognised. I also found it likely that the term would grow and eventually become customary in trade in the future, as it is already currently descriptive to the relevant public in the legal profession. In light of the above, the application was formally refused for the goods and services identified in the examiner's letter of 8 February 2018. I also confirmed the list of goods and services for which the mark was acceptable.
39. The applicant requested a statement of grounds on 27 July 2018.

Decision

40. The relevant parts of section 3 of the Act read as follows:

"3.-(1) The following shall not be registered –

(a) ...

(b) *trade marks which are devoid of any distinctive character,*

(c) *trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of services, or other characteristics of goods or services,*

(d) ...

Provided that, a trade mark shall not be refused registration by virtue of paragraph (b), (c) or (d) above if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.”

41. During the proceedings there was a change of emphasis as to which section of the Act should be used to object to the application. Initially, the application was simply considered to be devoid of distinctive character and was objected to originally under Section 3(1)(b) only. Many of Mr Hannay’s early arguments in reply were based on an assertion that the mark is not descriptive as it does not exist in dictionaries or legal texts. Such arguments were limited in their relevance as there was never an objection claiming that the term was descriptive. It was not until 8 February 2018, when a late objection was raised as a result of Third Party Observations, that Section 3(1)(c) was raised as an argument against the mark’s registration, whereby the examiner found the sign would relate to goods and services used by/provided by a Legal Engineer (profession). The Section 3(1)(c) objection was subsequently maintained at the Hearing, and so it is under the legal principles of Section 3(1)(c) which the mark will be assessed.

The relevant legal principles - Section 3(1)(c)

42. There are a number of judgments from the CJEU which deal with the scope of Article 3(1)(c) of First Council Directive 89/104 (recoded and replaced by Directive 2008/95/EC on 22 October 2008) and Article 7(1)(c) of the Community Trade Mark Regulation (the ‘CTMR’), whose provisions correspond to section 3(1)(c) of the UK Act.
43. The main guiding principles which are relevant to this case are noted below:
- The words ‘may serve in trade’ include within their scope the possibility of future use even if, at the material date of application, the words or terms intended for protection are not in descriptive use in trade (see, to that effect, CJEU Cases C-108/97 and C109/97 *Windsurfing Chiemsee Produktions und Vertriebs GmbH v Boots and Segelzubehor Walter Huber and others*;
 - As well as the possibility of future use, the fact there is little or no current use of the sign at the date of application is also not determinative in the assessment. The words ‘may serve in trade’ are to be interpreted as meaning, ‘could’ the sign in question serve in trade to designate characteristics of the goods/services, see e.g. BL O/096/11 ‘Putter Scope’, a decision of the Appointed Person at para 11;

- Article 7(1)(c) (section 3(1)(c)) pursues an aim which is in the public interest, namely that descriptive signs or indications relating to the categories of goods or services in respect of which registration is applied for may be freely used by all. The provision therefore prevents such signs or indications from being reserved to one undertaking alone because they have been registered as trade marks (see judgment of 4 May 1999 in Joined cases C-108/97 and C-109/97 *Windsurfing Chiemsee Produktions- und Vertriebs GmbH (WSC) v Boots-und Segelzubehör Walter Huber and Franz Attenberger (Chiemsee)* [1999] ECR I-2779, at paragraph 25).
- It is also a well-established principle that the Registrar's role is to engage in a full and stringent examination of the facts, underlying the Registrar's frontline role in preventing the granting of undue monopolies, see to that effect CJEU Case C-51/10 P, *Agencja Wydawnicza Technopol sp. z.o.o. v OHIM* [2011] ECR I-1541 (*Technopol*).
- There must be a sufficiently direct and specific relationship between the sign and the goods and services in question to enable the public concerned immediately to perceive, without further thought, a description of the goods and services in question or one of their characteristics - see CJEU Judgment C-468/01 P to C472/01 P *Procter & Gamble Company v OHIM* (Three-dimensional tablets for washing machines or dishwashers) at paragraph 39, and General Court Judgment T-222/02 *Robotunits* at paragraph 34.
- In light of all the foregoing, a sign's descriptiveness cannot be assessed other than by reference to the goods or services concerned, on the one hand, and by reference to the understanding which the relevant persons have of it, on the other (see judgment of 15 October 2003 in Case T-295/01 *Nordmilch eG v OHIM* ('*Oldenburger*') [2003] ECR - 4365, at paragraphs 27 to 34).

Application of legal principles - Section 3(1)(c)

44. The mark applied for consists of the term Legal Engineer. Separately, each word is likely to be immediately understood by the majority of the UK population. The words are neither particularly unusual nor habitually misunderstood. Placing the terms together is unlikely to cause any major confusion, and certainly does not create a neologism which is the sum of more than its constituent parts. In the majority of instances, the sign will be understood as referring either to a legally qualified engineer, or an engineer of the law. It is my opinion that this would be the perception of the average UK consumer in general, whose understanding of the term will be dictated by their knowledge of the word's meanings and their innate knowledge of English grammar rules. The understanding of the term will be even more guaranteed by the specific relevant consumer of the services applied for, as they have a greater, educated understanding of the term's meanings, both current and future potential.
45. Before going further, and for the avoidance of doubt, I shall confirm that the relevant consumer is a legal professional (as concluded in the Hearing Report). An assessment of the relevant consumer is important in coming to a conclusion as to the likely perception of the mark in the first instance. In *Matratzen Concord AG v Hukla Germany SA*, C-421/04 (*Matrazen*), the CJEU stated that:

"...to assess whether a national trade mark is devoid of distinctive character or is descriptive of the goods or services in respect of which its registration is sought, it is necessary to take into account the perception of the relevant parties, that is to say in trade and or amongst average consumers of the said goods or services, who are reasonably well informed and reasonably observant and circumspect, in the territory in respect of which registration is applied..."

46. I am also mindful of the decision of the General Court (formerly the Court of First Instance) in *Ford Motor Co v OHIM*, T-67/07 where it was stated that:

"...there must be a sufficiently direct and specific relationship between the sign and the goods and services in question to enable the public concerned immediately to perceive, without further thought, a description of the category of goods and services in question or one of their characteristics".

47. The objected to goods and services were either directly stipulated as being legal in nature, or in the alternative, were so broad as to easily facilitate such a specific interest. With this in mind, I find it appropriate to conclude that the consumer is specialist, with an interest in the legal field. Considering my above opinion that the general consumer would be given a clear message by the combination of terms, such an understanding is certainly increased for a public who are involved in the relevant profession.

48. Mr Hannay previously argued that the term Legal Engineer does not exist in either the standard or legal dictionaries. Whilst such a dictionary entry would have been a useful and undisputable tool, it is not essential for the term to exist in such a forum or to even actually be in current use in a way that is descriptive in order for an objection under Section 3(1)(c) to be raised (see Case C-191/01P "Doublemint" para 32).

49. Mr Hannay also argued that the term does not appear in the Nice classification system as a profession, nor is it registered on the UKIPO database. Both of these arguments are true, however, they do not add sufficient weight to the argument that the term is not descriptive. The wording of Section 3(1)(c) of the Act identifies that trade marks which *may* serve in trade to designate a characteristic should be prevented from registration. The words "may serve in trade" can be interpreted as could be found to be descriptive at a future date (see, to that effect, CJEU Cases C- 108/97 and C109/97 *Windsurfing Chiemsee Produktions und Vertriebs GmbH v Boots and Segelzubehor Walter Huber and others*). There is therefore no saving grace even if it were true that the sign has no current descriptive meaning.

50. I contest the argument, however, that the term is not currently descriptive. As found at the hearing and by the previous examiner, the term is likely to be readily understood by the legal profession as referring to someone who combines IT skills with legal skills to engineer and improve the delivery of legal services. In the alternative, the term will be understood as referring as an actual profession, which procures and uses technology to solve legal problems.

51. The exhibits attached to the late objection letter of 8 February 2018 go some way to support this finding. They include definitions of the role from reputed sources, as well as identifying that law firms actually recruit for the role of a Legal Engineer. Mr Hannay's argument that any use of the term by recruitment specialists is use as a brand name rather than in a descriptive sense does not seem realistic, unless the law offices are looking to recruit the services offered, apparently exclusively, by Mr Hannay. This is unlikely to be the case as they would not file Third Party Observations against the sign whilst simultaneously recognising it as brand origin relating to the

applicant. Based on the exhibits attached to the late objection, it is difficult to accept the argument that it is a term which does not exist in trade and that it is unlikely to be understood.

52. What is of more persuasive value are the (multiple) Third Party Observations from those in the relevant trade. Not only were observations submitted by registered law firms, but also the Law Society, which is the representative body of solicitors in England and Wales, and the Engineering Council. Also of probative value is the fact that the Institute for Law and the Web, Southampton University, ran a course entitled "*What is a legal engineer and how do you become one?*"
53. The intentions of such Third Party Observers cannot simply be dismissed as merely "biased interpretative leaps", nor can they be considered to have the purpose of gaining free profiles and business advertisement, nor can it be assumed they were raised purely out of spite. The Third Party Observations must be considered as a valuable reflection of opinion from people and organisations with a legitimate, genuine and honest interest in maintaining fairness and equilibrium in their relevant field. Regardless of any face-value, literal descriptive meaning, the Third Party Observations have shown that the term is understood in a descriptive way in the relevant field. There is a genuine interest and need to keep free, and the objection is therefore valid.
54. Finally, in reply to the applicant's previous argument that the correct name for the profession would be *Legal Technologist*, whilst it may be true that certain individuals and companies refer to the role in such a way, this in itself does not detract from the fact that several others clearly recognise and associate the role under the name as applied for, i.e. Legal Engineer.
55. Based on all of the above, and having taken careful consideration of all extensive submissions from the applicant, Third Parties and the Office itself, I find the mark applied for to be a term which directly describes a role, and or actual profession, and is one which others in the same field of business should be free to use.
56. I have not found any error in the decision of the examiner in identifying which goods and services should be objected to, and which may proceed to publication. As no final submissions were made by the applicant in this regard, contesting the previous identified list, the objection stands.

Conclusion

57. Having given due care and attention to all arguments put forward in the proceedings, the application is partially refused. The original list of goods and services has been amended more than once during the course of the proceedings. The below lists of refused and accepted goods and services are based on the finalised and uncontested list that was published in Journal 2017/041, on 13 October 2017.
58. The application is partially refused for the following goods and services because it fails to qualify under section 3(1)(c) of the Act:

Class 9 *Software; computer software; computer programs; computer software programs; application software; computer application software; computer databases; recorded tapes, discs, cassettes; information stored on electronic, magnetic and/or by optical means; compact discs, DVDs and other digital recording media; electronic publications; downloadable electronic publications*

and documentation; electronically distributing advertising materials; computer software including packaged software; software provided from a computer network; computer software supplied from the Internet; interactive software; sound, images, text, signals, software, information, data and code provided by telecommunications networks, by online delivery and by way of the Internet and the worldwide web; computer programs and software for image processing; computer software for mobile phones; software for mobile phones; multi-media recordings; event recognition software; computer hardware for the collection of data; computer software for the collection of data; data collection apparatus; communication software; software drivers; education software; interface software; decoder software; data communications software; interactive computer software; data compression software; virtual reality software; computer software packages; data processing software; Process controlling software; Interactive video software; Computer interface software; Recorded computer software; Pre-recorded software; software for online messaging; computer screen saver software; computer software for document management; computer software for database management; computer software for analysing market, contractual and legal information; computer software for processing market, contractual and legal information; data processing software for graphic representations; computer software relating to legal and financial history; computer software programs for spreadsheet management; computer software for creating dynamic images and websites; computer software for producing financial and process models; computer software designed to estimate costs; computer software for processing digital images; computer application software for mobile telephones and devices; computer software programs for database management; computer software to automate data warehousing; computer software to enable searching of data; computer software for application and database integration; computer software for communicating purposes between microcomputers; software for facilitating secure credit card transactions; computer software for processing digital sound files; software for processing images, graphics and text; computer software for use in remote meter monitoring; computer software to enable the searching of data; computer software for authorising access to data bases; computer software for use in computer access control; computer software for creating searchable databases of information and data; computer software for online databases (information) containing data, text, information, documents, bibles (being bundles of information), precedents (being prior examples of documents) and legal decisions; computer software for organizing and viewing digital images and photographs; computer software for controlling the operation of audio and video devices; computer software to enable the transmission of photographs to mobile telephones; computer software for biometric systems for the identification and authentication of persons; computer programmes for interactive television; cards encoded to access computer software; character recognition hardware, apparatus, systems and software; image recognition hardware, apparatus, systems and software; optical character recognition hardware, apparatus and systems; apparatus for data processing; apparatus for the processing of data; central processing units for processing information, data, sound or images; computer programmes for data processing; computer software for the processing of positioning data; data-processing apparatus; data processing equipment and accessories (electrical and mechanical); data processing equipment; data processing programs; data processing programs recorded on machine-readable data carriers; data processing software; data processing software for word processing; data processing software for graphic representations; data processing systems; data processing terminals; electronic data processing equipment; interface cards for data processing

apparatus; interface cards for data processing equipment in the form of printed circuits; memories for data processing equipment; memory devices for use with data processing apparatus; readers; real-time data processing apparatus; analytical plotters; data analytics software; application software for wireless devices; computer software for wireless network communications; computer software for wireless content delivery; devices for streaming media content over local wireless networks; wireless communication apparatus, instruments and devices; wireless communication devices for voice, data, or image transmission; wireless controllers to remotely monitor and control the function and status of legal and administrative processes and procedures; wireless controllers to remotely monitor and control the function and status of other electrical, electronic, and mechanical devices or systems; wireless transmitters and receivers; parts and fittings for all the aforesaid goods.

Class 16 *Printed matter; printed publications; advertising and promotional materials; books; notes; agendas; examination papers; study texts; revision notes; technical drawings; pop up stands; journals; diagrams; plans; drawings; flyers; magazines; newspapers; newsletters; periodicals; pamphlets; manuals; printed manuals; printed technical manuals, technical bulletins and technical advisories; reference guides; catalogues; periodical publications; brochures; booklets; posters and prints; marketing stands; periodical publications; printed guides; printed programs; printed certificates; book jackets; instructional and teaching materials; information books; promotional literature; programmes; leaflets; posters; graphic drawings; graphic prints; graphic representations; graphic reproductions; reproductions (graphic -); animation cels; banners and wall hangings made of paper or cardboard; educational supplies; articles for drawing; instructional and teaching materials (other than apparatus) relating to engineering, law, intellectual property, copyright, software, coding, education, history, trade, business, management, the provision of legal or software related services, access to justice and commercial matters, all included in Class 16; document files and printed forms; instructional and teaching materials; drawing pads; colouring books; address books; manuscript books; pocket memorandum books; log books; copy books; signature books; guide books; parts and accessories for the aforesaid.*

Class 35 *Public relations services; publicity services; commercial information and advice for consumers (consumer advice shop); dissemination of advertisements; advertising matter (dissemination of -); advertising services, namely, promoting and marketing the goods and services of others via electronic communication networks; advertising services relating to the recording, transmission, processing, controlling, management, interaction and analysis of data, and products and services related thereto; advertising; office functions; wholesale services in relation to computer software; retail services in relation to computer software; the bringing together, for the benefit of others, of a variety of design services, software services, administrative services, sales, advertisement services, enabling customers to conveniently view and purchase those services.*

Class 41 *Arranging, organising and conducting of competitions; production and publication of educational materials; publishing of books and reviews; electronic online publication of periodicals and books; publication and edition of books; on-line publication of electronic books and journals; on-line publication of electronic books and journals (non-downloadable); publication of books, magazines, almanacs and journals; lending of books relating to computer software.*

Class 42 *Image processing software design; design of virtual reality software; leasing of computer software for reading a data stream; hiring out data processing equipment; leasing of data processing systems; rental of computer software, data processing equipment and computer peripheral devices; rental of computers, devices and software for data processing; rental of data processing equipment; rental of data processing equipment and computers; rental of data processing programs; rental of data processing apparatus and computers; rental of data processing apparatus; rental of software for data processing; rental services relating to data processing equipment and computers.*

59. The application may proceed to publication for the following list of goods and services:

Class 9 *Cinematographic films; memory sticks; music provided by telecommunications networks, by online delivery and by way of the internet and the worldwide web; computer game software; GPS software; computer games software; electronic game software; gesture recognition software; computer games entertainment software; children's educational software; software to control building environmental, access and security systems; computer game software for use on mobile and cellular phones; computer programmes for interactive games and/or quizzes; mouse; scanners; parts and fittings for all the aforesaid goods.*

Class 16 *Notebooks; stationery; bags; writing sets; writing paper; paper; containers made from cardboard; calendars; paper ornaments; postcards; trading cards; invitations; diaries; organisers; albums; boxes; greeting cards; CD covers; pens and pencils; labels; stickers; tickets and passes (not magnetically encoded); photographs; stickers; diaries; office requisites; goods made from paper and cardboard namely packing materials; packing materials; binders and folders book markers; envelopes; maps; napkins; scrap books; tokens; coasters made of paper or card; stationery; inkstands; pens, paint brushes, pencils; articles of stationery; bookbinding materials; sealing devices for office use; binding materials for books and papers; writing or drawing books; activity books; pocket books (stationery); note books; writing or drawing books; writing or drawing books; parts and accessories for the aforesaid.*

Class 25 *Clothing; headgear; parts and fittings for all the aforesaid goods.*

Class 35 *Data processing services in the field of transportation; customer loyalty services and customer club services, for commercial, promotional and/or advertising purposes; conducting customer loyalty, reward, affinity and incentive programs for commercial promotion and for advertising purposes; marketing research; marketing, including on digital networks; market research; opinion polling; incentive schemes; sales promotion, for others; distribution of samples; the bringing together, for the benefit of others, of a variety of financial services, marketing services, enabling customers to conveniently view and purchase those services.*

Class 42 *Design of computer game software.*

Dated this 6th day of November 2018

A Feldon

Andrew Feldon
For The Registrar
The Comptroller-General