

O/0692/25

TRADE MARKS ACT 1994

CONSOLIDATED
PROCEEDINGS

IN THE MATTER OF

TRADE MARK REGISTRATION NOS.

UK00003242869 AND UK00916285793

IN THE NAME OF

CHRISTOPHER KINGSLEY AND JASON KINGSLEY

IN CLASSES

9, 16, 18, 21, 24, 25, 28, 35, 38, 41, 42 AND 45

AND

APPLICATIONS FOR

REVOCAION FOR NON-USE

THERE TO UNDER NOS.

CA000505677 AND CA000505678

Background and pleadings

1. On 23 December 2022, Rebellion Defence Limited (“the cancellation applicant”) filed applications to revoke Christopher Kingsley’s and Jason Kingsley’s (“the registered proprietors”) marks on the grounds of non-use. The applications for revocation are directed against all of the registered proprietors’ goods and services. Details of the registered proprietors’ marks are below.
2. Trade mark number UK00003242869 (“the 869 mark”), a series of two, filed 11 July 2017, registered 20 October 2017. The mark has a priority date of 24 January 2017. Priority is claimed from EU Trade Mark no. 016285793.

Series 1 of 2:

REBELLION

Series 2 of 2:

Rebellion

Trade mark number UK00916285793 (“the 793 mark”), filed 24 January 2017, registered 28 June 2017.

REBELLION

3. The specifications for the registered proprietors’ registrations are at Annex 1 of this decision.

4. The cancellation applicant seeks revocation of the contested marks under section 46(1)(a) of the Trade Marks Act 1994 (“the Act”).
5. Revocation is sought as a result of alleged non-use during the 5-year time period immediately following the date of completion of the registration procedure for the 869 mark i.e. 21 October 2017 to 20 October 2022. On this basis, the cancellation applicant requests revocation of the contested mark with effect from 21 October 2022.
6. Revocation is also sought as a result of alleged non-use during the 5-year time period immediately following the date of completion of the registration procedure for the 793 mark i.e. 29 June 2017 to 28 June 2022. On this basis, the cancellation applicant requests revocation of the contested mark with effect from 29 June 2022.
7. The registered proprietors filed counterstatements denying the claims made by the cancellation applicant in respect of the goods and services that are not struck through at Annex 1.
8. The cases were consolidated on 24 March 2023.
9. The cancellation applicant filed written submissions during the evidence rounds dated 9 January 2024.
10. The registered proprietors filed evidence, detailed below.
11. Both parties filed written submissions in lieu of a hearing, the cancellation applicant’s submissions being dated 4 March 2024 and the registered proprietors’ submissions being dated 21 March 2024.
12. The cancellation applicant is unrepresented, and the registered proprietors are represented by Harbottle & Lewis LLP.

Preliminary issue

13. The circumstances of this case are unusual. As detailed later in this decision at paragraph 211, the cancellation applicant has been dissolved, but it was decided at a Case Management Conference to proceed with this decision given the public interest in arriving at a fair specification.

Evidence

14. There is a witness statement, signed and dated 16 October 2023, from Christopher Kingsley, “a Director of the companies Rebellion Developments Limited, Rebellion Services Limited, Rebellion A/S and Rebellion Interactive Limited and the other companies in the Rebellion group of companies”.
15. The witness statement is accompanied by Exhibits 1 to 58.

The law in relation to revocation and genuine use

16. Section 46 of the Act states that:

“(1) The registration of a trade mark may be revoked on any of the following grounds—

(a) that within the period of five years following the date of completion of the registration procedure it has not been put to genuine use in the United Kingdom, by the proprietor or with his consent, in relation to the goods or services for which it is registered, and there are no proper reasons for non-use;

(b) that such use has been suspended for an uninterrupted period of five years, and there are no proper reasons for non-use;

(c)...

(d)...

(2) For the purpose of subsection (1) use of a trade mark includes use in a form (“the variant form”) differing in elements which do not alter the distinctive character of the mark in the form in which it was registered (regardless of whether or not the trade mark in the variant form is also registered in the name of the proprietor), and use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(3) The registration of a trade mark shall not be revoked on the ground mentioned in subsection (1)(a) or (b) if such use as is referred to in that paragraph is commenced or resumed after the expiry of the five year period and before the application for revocation is made:

Provided that, any such commencement or resumption of use after the expiry of the five year period but within the period of three months before the making of the application shall be disregarded unless preparations for the commencement or resumption began before the proprietor became aware that the application might be made.

[...]

(5) Where grounds for revocation exist in respect of only some of the goods or services for which the trade mark is registered, revocation shall relate to those goods or services only.

(6) Where the registration of a trade mark is revoked to any extent, the rights of the proprietor shall be deemed to have ceased to that extent as from—

- (a) the date of the application for revocation,
- or

(b) if the registrar or court is satisfied that the grounds for revocation existed at an earlier date, that date.”

17. Section 100 of the Act is also relevant, which reads:

“If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it.”

18. The provisions of the Act relied upon in these proceedings are assimilated law, as they are derived from EU law. Although the UK has left the EU, section 6(3)(a) of the European Union (Withdrawal) Act 2018 (as amended by Schedule 2 of the Retained EU Law (Revocation and Reform) Act 2023) requires tribunals applying assimilated law to follow assimilated EU case law. That is why this decision refers to decisions of the EU courts which predate the UK’s withdrawal from the EU.

19. In *easyGroup Ltd v Nuclei Ltd & Ors* [2023] EWCA Civ 1247, Arnold LJ summarised the law relating to genuine use as follows:

“105. The principles applicable to determining whether there has been genuine use of a trade mark have been considered by the CJEU in a considerable number of cases, the principal decisions being Case C-40/01 *Ansul BV v Ajax Brandbeveiliging BV* [2003] ECR I-2439, Case C-259/02 *La Mer Technology Inc v Laboratories Goemar SA* [2004] ECR I-1159, Case C-416/04 P *Sunrider Corp v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [2006] ECR I-4237, Case C-442/07 *Verein Radetsky-Order v Bunderversvereinigung Kamaradschaft 'Feldmarschall Radetsky'* [2008] ECR I-9223, Case C-495/07 *Silberquelle GmbH v Maselli-Strickmode GmbH* [2009] ECR I-2759, Case C-149/11 *Leno Merken BV v Hagelkruis Beheer BV* [EU:C:2012:816], Case C-609/11 *Centrotherm Systemtechnik GmbH v Centrotherm Clean Solutions GmbH & Co KG* [EU:C:2013:592], Case

C-141/13 *P Reber Holding & Co KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)* [EU:C:2014:2089], Case C-689/15 *W.F. Gözze Frottierweberei GmbH v Verein Bremer Baumwollbörse* [EU:C:2017:434] and Joined Cases C-720/18 and C-721/18 *Ferrari SpA v DU* [EU:C:2020:854].

106. Ignoring issues which do not arise in the present case, such as use in relation to spare parts or second-hand goods and use in relation to a sub-category of goods or services, the principles may be summarised as follows:

(1) Genuine use means actual use of the trade mark by the proprietor or by a third party with authority to use the mark: *Ansul* at [35] and [37].

(2) The use must be more than merely token, that is to say, serving solely to preserve the rights conferred by the registration of the mark: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Centrotherm* at [71]; *Leno* at [29]; *Ferrari* at [32].

(3) The use must be consistent with the essential function of a trade mark, which is to guarantee the identity of the origin of the goods or services to the consumer or end user by enabling him to distinguish the goods or services from others which have another origin: *Ansul* at [36]; *Sunrider* at [70]; *Verein* at [13]; *Silberquelle* at [17]; *Centrotherm* at [71]; *Leno* at [29]; *Gözze* at [37], [40]; *Ferrari* at [32].

(4) Use of the mark must relate to goods or services which are already marketed or which are about to be marketed and for which preparations to secure customers are under way, particularly in the form of advertising campaigns: *Ansul* at [37]. Internal use by the proprietor does not suffice: *Ansul* at [37]; *Verein* at [14]. Nor does the distribution of promotional items as a reward for the purchase of other goods and to encourage the sale of the latter: *Silberquelle* at [20]-[21]. But use by a non-profit making association can constitute genuine use: *Verein* at [16]-[23].

(5) The use must be by way of real commercial exploitation of the mark on the market for the relevant goods or services, that is to say, use in accordance with the commercial *raison d'être* of the mark, which is to create or preserve an outlet for the goods or services that bear the mark: *Ansul* at [37]-[38]; *Verein* at [14]; *Silberquelle* at [18]; *Centrotherm* at [71].

(6) All the relevant facts and circumstances must be taken into account in determining whether there is real commercial exploitation of the mark, including: (a) whether such use is viewed as warranted in the economic sector concerned to maintain or create a share in the market for the goods and services in question; (b) the nature of the goods or services; (c) the characteristics of the market concerned; (d) the scale and frequency of use of the mark; (e) whether the mark is used for the purpose of marketing all the goods and services covered by the mark or just some of them; (f) the evidence that the proprietor is able to provide; and (g) the territorial extent of the use: *Ansul* at [38] and [39]; *La Mer* at [22]-[23]; *Sunrider* at [70]-[71], [76]; *Centrotherm* at [72]-[76]; *Reber* at [29], [32]-[34]; *Leno* at [29]-[30], [56]; *Ferrari* at [33].

(7) Use of the mark need not always be quantitatively significant for it to be deemed genuine. Even minimal use may qualify as genuine use if it is deemed to be justified in the economic sector concerned for the purpose of creating or preserving market share for the relevant goods or services. For example, use of the mark by a single client which imports the relevant goods can be sufficient to demonstrate that such use is genuine, if it appears that the import operation has a genuine commercial justification for the proprietor. Thus there is no *de minimis* rule: *Ansul* at [39]; *La Mer* at [21], [24] and [25]; *Sunrider* at [72]; *Leno* at [55].

(8) It is not the case that every proven commercial use of the mark may automatically be deemed to constitute genuine use: *Reber* at [32].”

20. In *Awareness Limited v Plymouth City Council*,¹ Mr Daniel Alexander, QC, sitting as the Appointed Person, observed that a “tribunal is entitled to be sceptical of a case of use if, notwithstanding the ease with which it could have been convincingly demonstrated, the material actually provided is inconclusive”.
21. It should be noted that the registered proprietors’ 793 mark is a “comparable mark” as per paragraph 8 of Part 1 of Schedule 2A of the Act. Tribunal Practice Notice 2 of 2020 explains the significance of comparable marks in that: “Where all or part of the relevant five-year period for genuine use under sections ... 46(1)(a) or (b), or 47 falls before IP Completion Day [31 December 2020], evidence of use of the corresponding EUTM in the EU in that part of the relevant period before IP Completion day will be taken into account in determining whether there has been genuine use of the comparable trade mark. For that part of the relevant period, for the purposes of the genuine use assessment, the UK will be taken to include the EU.”

Evidence of use

22. An assessment of genuine use is a global assessment, which includes looking at the evidential picture as a whole, not whether each individual piece of evidence shows use by itself.²
23. In looking at the evidence, the relevant periods in which use must be shown are 21 October 2017 to 20 October 2022 for the 869 mark and 29 June 2017 to 28 June 2022 for the 793 mark, use in the EU being relevant for the latter mark up to 31 December 2020.
24. In making my assessment, I accept that the marks in question (or acceptable variants thereof) do not have to be applied to the goods or

¹ Case BL O/236/13

² *New Yorker SHK Jeans GmbH & Co KG v OHIM*, T-415/09

packaging in order to constitute genuine use.³ It is sufficient if a link is established between a company or trade name and the goods and services marketed by that party. However, where the use of a company name or trade name is limited to identifying a company or designating a business which is being carried on, such use cannot be considered as being “in relation to goods or services”.⁴ I also bear in mind that consideration of the footnoted cases must be made together with the general requirements of proof of use in *Ansul* at [43] that there is genuine use of a trade mark where the mark is used in accordance with its essential function namely to guarantee the identity of the origin of the goods or services for which it is registered, in order to create or preserve an outlet for those goods or services.

25. Where I have quoted paragraph numbers, they are from Christopher Kingsley’s witness statement.

26. Where I refer to the “Rebellion logo”, I mean this figurative sign:



27. At paragraph 218, Christopher Kingsley says the following: “The accounts filed with Companies House for the year ending 30 June 2022 show that Rebellion Group Ltd.’s turnover had grown to £71,317,000 in the year to that date, with a profit of £22,547,00 (page3, Exhibit 57). The second page of the financial statement as reported to Companies House in 2022 shows the principle activities of the group as being software development (creation), publishing and retailing of that software, publishing and retailing of books, magazines and similar printed publications, as well the creation, publishing and retailing of films and TV programs. The third

³ See *Aegon UK Property Fund Limited v The Light Aparthotel LLP*, BL O/472/11, at paragraphs 17 and 18

⁴ *Céline SARL v. Céline SA*, CJEU, Case C-17/06

page of the 2022 financial report as displayed in Exhibit 57 shows confirms the activities mentioned in the previous sentence as being the principle activities of the Rebellion group. Not disclosed in those pages are also the merchandise that are sold to promote the various Rebellion branded software, printed publications, films and TV shows.”

28. The group strategic report for the year ended 30 June 2022 (at or towards the end of the relevant periods) for Rebellion Group Ltd, shown as part of Exhibit 57, states that it is divided up as follows:

“Games division – developing and publishing computer games;

Publishing division – publishing and distribution of comics, books and graphic novels

Entertainment division – film and TV production, distribution and related services;

Assets & Central divisions – provide support and ancillary services to the three main divisions.”

29. The subheadings that I have used in dividing up the evidence correspond to those classes of goods and services for which the registered proprietors consider themselves to have shown use.

Class 9

30. The registered proprietors have filed a large amount of evidence in seeking to show that computer games have been offered for sale under their marks during the relevant periods in the form of physical discs to be used on consoles such as the Sony PlayStation. These games include virtual reality versions.

31. The Rebellion logo is shown in the evidence on computer game screen grabs and packaging and “Rebellion”/“Rebellion Developments Ltd” are shown as the publishers and/or developers of the games.

32. As an example of computer games being offered for sale on physical discs during the relevant periods, page 7 of Exhibit 1 shows the computer game “Battlezone” being offered for sale in the PlayStation VR format for £14.95 on amazon.co.uk on 30 June 2020.
33. As well as citing evidence of computer games being offered for sale to the general public, paragraph 35 discusses what appears to be the sale of computer games to companies: “Page 7 of Exhibit 4 shows the purchase of SNIPER ELITE VR software in Ireland by Facebook Technologies Ireland Limited in a single month of June 2022 to the value of US\$105,467.76. Page 8 of Exhibit 4 shows the sale of 3 items of software produced by REBELLION (Battlezone, Arca’s Path and Sniper Elite VR) in the single month of December 2021. The value of that software sold to Facebook Technologies Ireland Limited, in Dublin, in December 2021 was US\$223,509.78.” The pages referred to are “self billing” invoices addressed to “Facebook Technologies Ireland Ltd.” at an address in Dublin from “Rebellion Interactive Limited” at an address in the UK. As such, this evidence is of sales in the EU, but after IP Completion Day.
34. At paragraph 38, the registered proprietors say that they also sell their computer games in the form of software for download to devices such as iPads: “Some of the REBELLION branded software we have developed are titles such as “Battlezone”, “Judge Dredd vs Zombies”, “Guns 4 Hire”, “Harmony Isle”, “Joust Legend” and “Raceline CC”. Such software is usually available for download at places such as the Apple App Store, Android store and other places. That software is usually free to download, but have special equipment and stages for purchase within the software. We have offered such software since at least 2012 and all the titles mentioned were available for download from the Rebellion shop on the Apple App Store in January 2023 and since 2012. All the mobile games were developed by and published by Rebellion and all use the REBELLION trade mark on the packaging and in the software. The games have been downloaded to all countries of the European Union and UK.” The only corroborating evidence

is from Exhibit 4, pages 17 to 19, being screenshots from the App Store Preview pages of apple.com. They show the downloadable computer games “Battlezone 98 Redux Odyssey Edition” and “Raceline CC” being available for iPad, Mac and iPhone. The “Battlezone” game costs \$14.99 (i.e. not pounds or euros) and the “Raceline” game is free but offers in-app purchases. The screenshots are undated, but the “Battlezone” game carries a copyright statement covering 1997-2018.

35. While the amounts of money earned have been redacted for reasons of commercial confidentiality, in Exhibit 2, the registered proprietors have filed evidence in the form of sales records from within the relevant periods which show units sold by Nintendo, Microsoft, Sony Europe, Sony America, and Sony Japan.

36. At paragraph 22, Christopher Kingsley has tabulated the unit sales of Rebellion computer games by Microsoft as follows:

| Sales of Rebellion branded software in one month in European Union by reference to various currencies by Microsoft | | | | |
|---|--|---------------|-----------|-------------|
| Currency | Number of individual units sold per currency | | | |
| | December 2020 | December 2021 | June 2022 | Total units |
| Pounds | 3475 | | | 3482 |
| Euros | 2969 | 4490 | 9736 | 16508 |
| Polish Zloty | 171 | 693 | 561 | 1410 |
| Danish Krone | 71 | 67 | 152 | 290 |
| Swedish Krone | 136 | 261 | 497 | 894 |
| Czech Koruna | 102 | 167 | 166 | 435 |
| Hungarian Forint | 144 | 373 | 313 | 831 |
| Total units | 7074 | 6051 | 10725 | 23850 |

37. From the above data, the figures for December 2020 can be taken into account.

38. At paragraph 23, Christopher Kingsley has tabulated the unit sales of Rebellion computer games by Nintendo as follows:

| Sales of Rebellion branded software in one month in European Union by Nintendo | | | | |
|--|-----------|-----------|---------------|--|
| June 2019 | June 2020 | June 2021 | December 2021 | Total units sold by Nintendo in June of 3 years and December of 2021 |
| 3031 | 2517 | 9819 | 5030 | 15939 |

39. From the above data, the figures for June 2019 and June 2020 can be taken into account.

40. There is also evidence of sales of computer games having been achieved through the registered proprietors' own website, rebellion.com. However, Christopher Kingsley says that "by far the greatest number of sales [of] REBELLION branded software are on the website "steampowered.com"." At paragraph 27, he tabulates the number of units sold in particular time periods as follows:

| Country | June 2017–30 June 2018 | 1 July 2018 – 30 June 2019 | 1 July 2019 – 30 June 2020 | 1 July 2020 – 30 June 2021 | 1 July 2021 – 30 June 2022 | Totals |
|----------------------|-----------------------------------|-----------------------------------|-----------------------------------|---------------------------------|---------------------------------|------------|
| Total Sold | 1,217,523 (page 14, Exhibit 2) | 2,910,111 (page 15, Exhibit 2) | 1,351,654 (page 16, Exhibit 2) | 2203410 (page 17, Exhibit 2) | 2669634 (Page 18, Exhibit 2) | 10,379,332 |
| United Kingdom Sales | 67470 (page 19, Exhibit 2) | 173270 (page 20, Exhibit 2) | 74125 (page 21, Exhibit 2) | 125883 (page 22, Exhibit 2) | 109455 (page 23, Exhibit 2) | 550,203 |

41. I note that the above figures cover the whole of the relevant periods other than July to October of 2022 in the case of the 869 mark.

42. At paragraphs 38 and 39, Christopher Kingsley discusses the registered proprietors' use of artificial intelligence within their software. While this is informative, Christopher Kingsley would appear to be describing the registered proprietors' AI capability within its computer games software i.e.

the registered proprietors do not appear to be claiming to offer AI as a standalone product or service.

43. Having addressed the registered proprietors' use of computer games and associated software, Christopher Kingsley moves on to claim that "we also produce, market and sell motion pictures, whether those motion pictures or films are available for viewing, downloading or sale on DVDs."
44. Exhibits 5 and 6 show screen shots from YouTube with videos produced by the registered proprietors on the subject of various computer games.
45. The registered proprietors have their own "Rebellion" branded YouTube channel, which achieved 481,786 United Kingdom page views between March 2015 and March 2020. While the videos viewed on the channel could be said to be promotional of the registered proprietors' computer games, they are more than just advertisements for the games. They also, per paragraph 52, generate a small amount of commercial revenue: "The majority of the advertising revenue is kept by YouTube and its owner Google, but a small percentage of the advertising revenue, can still be lucrative to the content provider such as Rebellion resulting in the company continuing to upload video content to YouTube ... The Rebellion YouTube channel has a significant number of followers, and therefore we receive royalties for the videos we produce and distribute on our YouTube channel." As an example of what the royalties amount to, at paragraph 69 Christopher Kingsley says that "The royalties Rebellion received from YouTube for the films that we put onto YouTube for the 12 months to August 2018 [partly within the relevant period for the 793 mark and wholly within it for the 869 mark] was £27440.69."
46. Exhibit 7 features videos on the subject of medieval history presented by the other registered proprietor, Jason Kingsley, via the Modern History TV YouTube channel. Some of this evidence shows the Modern History TV logo as the most prominent, but a Rebellion logo is also visible. Page 9 of

Exhibit 7 shows still images from episode 8, part 4, of “The Knight”, which was screenshot on 6 July 2020 (within the relevant periods) and which feature the Rebellion logo in the bottom left hand corner. This same page is also copyright of and credited to “Rebellion PRODUCTIONS”, the word “Rebellion” being in a figurative form. Also offered in evidence is page 10 of Exhibit 7, the “About” tab of rebellionproductions.co.uk, which was screenshot on 6 July 2020. This shows “Rebellion PRODUCTIONS” as the maker of “MODERN HISTORY”, “a series that aims to investigate the reality of the past.”

47. Christopher Kingsley states the following at paragraph 69: “Shown at page 2 of Exhibit 7 is a screen shot taken on 6 July 2020 showing a view of the Modern History TV channel. The reader can readily see that as of the date of the screen shot on 6 July 2020, the Modern History TV Channel had since 25 November 2016 been seen by 39,057,723 viewers of that channel in the UK and elsewhere. The screen shot also shows that the channel had as of 6 July 2020 584000 subscribers.”
48. At paragraph 70, Christopher Kingsley produces a table which I have had difficulty in interpreting because it is undated, and it does not say which jurisdiction the grand total refers to. However, at paragraph 71 Christopher Kingsley says (having seen YouTube analytics for page views of the “Modern History” YouTube channel) that “Rebellion film productions have been viewed nearly 14 million times by consumers in the UK in the five years prior to March 2020.”
49. On page 4 of Exhibit 29 there is a news item on the “Modern History” series dated 24 November 2017, shown on rebellionproductions.co.uk as of 27 July 2018. The Rebellion logo with the word “PRODUCTIONS” underneath features prominently on the web page and on a still image from the series.
50. Finally, per paragraph 72, in the context of “motion pictures” (long form films), Exhibit 8 covers four films intended to be shown in cinemas, Christopher Kingsley noting the following: ““From Bedrooms to Billions”

(released 2014); “The Amiga Years” (released 2016); “The PlayStation Revolution” (released 2020) and “Schools Out Forever” (released 2021). All these films or motion pictures were produced (financed) by and released (published) and sold (retailed) using the REBELLION brand and were available for viewing in cinemas, on TV, sold on DVDs or to downloaded on streaming platforms throughout the relevant period.”

51. Christopher Kingsley does not say how much revenue accrued from the films in question. While the exhibit shows the IMDB MOVIEmeter page views for the films to be in the tens of thousands to the hundreds of thousands per year across the relevant periods, these figures are not broken down to EU or UK level.
52. The evidence shows that the films were available for streaming and download and as physical DVDs and Blu-ray discs during the relevant periods.
53. As an example of the films being offered for sale on physical media, Exhibit 8, page 14, shows a purchase order from the Science Museum Shop, dated 17 October 2017, for 50 Blu-rays of “Bedrooms to Billions”, 50 Blu-rays of “The Amiga Years” and 50 DVDs of “The Amiga Years”.
54. Pages 11 to 13 of Exhibit 20 show spreadsheet screenshots of Stripe transactions for goods sent from the “Rebellion shop” to EU countries:

September 2020: 1 The PlayStation Revolution Blu-ray sent to the Netherlands
September 2020: 1 The Amiga Years Blu-ray sent to the Netherlands
November 2020: 1 The PlayStation Revolution Blu-ray sent to the Netherlands
November 2020: 1 The Amiga Years Blu-ray sent to the Netherlands
55. The front covers of the films, shown on page 1 of Exhibit 8, which is a screenshot of the “films” section of rebellion.com, do not have any indications of origin, but pages 8 and 9 are stills from the official trailer for

“SCHOOL’S OUT FOREVER”, shown on the Rebellion YouTube channel: the description features the hashtag “#Rebellion” and the film is said to be available from 12 April 2021. What is said to be the “splash screen” of the film features the Rebellion logo prominently. Also, screenshots from rebellion.com show the trailer for “The PlayStation Revolution” as co-branded between Gracious Films and Rebellion and the trailer for “The Amiga Years” as emanating from Rebellion.

56. Pages 1 and 2 of Exhibit 29 are undated screenshots from shop.rebellion.com showing “From Bedrooms to Billions”, “The Amiga Years”, “The PlayStation Revolution” and “Schools Out Forever” offered for sale on DVD or Blu-ray.
57. As per paragraph 145, page 3 of Exhibit 29 “shows news of a TV program to be made available after 2017 called Judge Dredd – Mega City One”. This news item is dated 10 May 2017 from a rebellionproductions.co.uk dated 24 November 2017. The news item is headed up with the Rebellion logo with the word “PRODUCTIONS” underneath. A still image promoting the TV programme features a small Rebellion logo, and the programme is said to be “coming to TV screens thanks to a deal struck between leading independent entertainment studio IM Global and independent UK games developer and publisher Rebellion.” The General Enquiries and Casting email addresses are @rebellionproductions.co.uk.

Class 16

58. The registered proprietors are the owners of the 2000AD brand (including the 2000ad.com website) and the Judge Dredd brand, but also “Roy of the Rovers” and “Sexton Blake”. In respect of books and magazines, some of the evidence takes the form of products on sale via 2000ad.com. The 2000ad.com website features the 2000AD logo and the 2000AD name prominently at the top centre of the web page, with the Rebellion logo being in smaller text in the top left-hand corner.

59. Some of the books offered for sale feature the Rebellion logo on the cover or inside. Page 2 of Exhibit 9 shows a Sexton Blake audiobook and paperback on amazon.co.uk as of 8 July 2020. The audiobook features the Rebellion logo in the bottom left-hand corner, but it also shows the Penguin logo in the bottom right-hand corner. The book is also described as “Brought to you by Penguin”, but has a copyright statement attributing Mark Hodder, Penguin Audio, and Rebellion Publishing.
60. Page 3 of Exhibit 9 shows a Roy of the Rovers Kindle book and print book on amazon.co.uk as of 30 June 2020 with the Rebellion logo on the inside front cover. There is a description: “This view is of the Kindle edition (2019) from Rebellion Publishing Ltd.”
61. Pages 4 and 5 of Exhibit 9 show Judge Dredd Kindle books and print books on amazon.co.uk as of 30 June 2020 with the Rebellion logo on an inside page. They are described as being “from 2000 AD Graphic Novels.”
62. Page 6 of Exhibit 9 shows a Judge Dredd book offered for sale via 2000ad.com as of 11 June 2020. The only indicators of origin are the website address and the 2000AD logo and name featuring prominently at the top centre of the web page, with the Rebellion logo being in smaller text in the top left-hand corner.
63. Pages 7 to 9 of Exhibit 9 show Judge Dredd magazines offered for sale via 2000ad.com as of 15 December 2022. The only indicator of origin is the website address.
64. Exhibit 10 consists of screenshots of spreadsheet pages of Stripe transactions featuring items listed as sold through “200ad-shop”, “2000ad-portal” and “treasury-comics-” (these being abbreviated references to the 2000 AD and Treasury Comics websites), including page 7 for the UK which “shows that in December 2020, 6682 items of printed publications (books, magazines and posters) were sold.” The word “Rebellion” does not appear anywhere in the lists of transactions, but included on pages 3 to 7 of Exhibit

14 are three sample order confirmations which include “rebellion” goods, all with addresses in the EU and dated prior to IP Completion Day.

65. The registered proprietors also refer to Simon & Schuster, a company that “that distributes the books and magazines published by Rebellion.” Exhibit 11 shows “Rebellion Statements” from Simon & Schuster for June 2016, June 2017 and June 2018 with gross year to date unit sales of 36,393, 42,189, and 44,324 respectively. This evidence does not indicate whether end consumers would have seen the books and magazines as emanating from Rebellion.
66. Pages 1 to 5 of Exhibit 28 feature undated screenshots of books and comics offered for sale on shop.rebellion.com of which 7 of the 21 items feature the Rebellion logo.
67. Page 6 of Exhibit 28 shows a page from the rebellion.com website dated 13 January 2018, referencing 2000Ad comics and graphic novels and “Solaris”, “Abaddon” and “Ravenstone” books. The Ravenstone description includes this text: “With this brand new Children’s and YA imprint, Rebellion is recognising the huge role that genre fiction plays in the most popular and dynamic of young fiction.” The web page has a copyright statement, “Rebellion Developments Ltd 2013”.
68. In terms of posters, pages 1 and 2 of Exhibit 12 feature Judge Dredd posters for sale on 2000ad.com as of 15 June 2020. The only indicators of origin are the website address and the 2000AD logo and name featuring prominently at the top centre of the web page, with the Rebellion logo being in smaller text in the top left-hand corner. However, pages 3 and 4 of the same exhibit show posters offered for sale on shop.rebellion.com as of 15 June 2020 with the Rebellion logo appearing on the first page.
69. Page 1 of Exhibit 28 shows a screenshot of a Judge Dredd poster for sale on 2000ad.com. The only indicators of origin are the website address and the 2000AD logo and name featuring prominently at the top centre of the web page, with the Rebellion logo being in smaller text in the top left-hand

corner. The screenshot is undated, but the poster has a release date of 22 June 2016 and there is a reference to postal delays due to Coronavirus.

70. Exhibit 13 consists of three stickers offered for sale as of 30 June 2020 on shop.rebellion.com with the Rebellion logo appearing on the web page.
71. Exhibit 43 shows stickers offered for sale in pounds sterling on screenshots from shop.rebellion.com and featuring the registered proprietors' computer games and the Rebellion logo. While the screenshots are undated, four of the stickers are "Anniversary" or "30 years" stickers. It is apparent from the totality of the evidence that a range of goods were produced by the registered proprietors to mark the 30th anniversary of the founding of their company in 1992, the thirtieth anniversary year being 2022, and hence these goods were offered for sale (or at least preparations would have been made for their sale) at around the end of the relevant periods.
72. Christopher Kingsley says at paragraph 158 that "Stickers are another form of merchandise and have been available on sale from our retail store throughout the relevant period."
73. Exhibit 32 shows greetings cards, which refer to the registered proprietors' computer games, offered for sale in pounds sterling on an undated screenshot from shop.rebellion.com. Christopher Kingsley says at paragraph 148 that greetings cards were "offered for sale in the United Kingdom in the relevant period".
74. Exhibit 38 shows notebooks, which refer to the registered proprietors' computer games, offered for sale in pounds sterling on a screenshot from shop.rebellion.com. While the screenshot is undated, several of the notebooks are "30th Anniversary" notebooks.
75. Exhibit 42 shows prints – pictures – which refer to 2000AD, or the registered proprietors' computer games, offered for sale in pounds sterling on screenshots from shop.rebellion.com. While the screenshots are undated, one of the prints is an "Anniversary" one.

76. Christopher Kingsley says at paragraph 158 that “such merchandise has always been sold by us or with our consent from our store and other retail outlets” and that the prints featured in the exhibit “have been sold from our British retail store in the relevant period”.

Class 18

77. Exhibit 15 features tote bags, drawstring bags, and backpacks offered for sale on shop.rebellion.com in pounds sterling (with the Rebellion backpack (red) also being available in euros). The bags feature the registered proprietors’ computer games or the Rebellion logo. While the screenshots date from 17 April, but the year is not shown, there is an “Anniversary” tote bag on display.

78. Christopher Kingsley says at paragraph 102, “We sell, and have throughout the relevant period, all types of luggage and bags.”

79. Exhibit 26 features the same bags as above on undated screenshots from shop.rebellion.com which include “Anniversary” and “30th Anniversary” tote bags as well as duffel bags featuring the registered proprietors’ computer games.

80. Exhibit 36 shows laptop cases offered for sale on undated screenshots from shop.rebellion.com, featuring the Rebellion logo, Judge Dredd, and the registered proprietors’ computer games, priced in pounds sterling. Christopher Kingsley says at paragraph 152 that “Those items were offered for sale in the relevant period.” However, I note that “sleeves for laptops” are proper to Class 9 and that the registered proprietors’ Class 9 terms do not extend to such goods.

81. Exhibit 40 shows phone cases offered for sale in pounds sterling on undated screenshots from shop.rebellion.com, featuring cartoon images that the

registered proprietors own the rights to, the registered proprietors' computer games, and the Rebellion logo. Christopher Kingsley says at paragraph 156 that 156 that "The phone cases were sold from our British retail shop in the relevant period to places throughout the UK." However, I note that "cases for smartphones" are proper to Class 9 and the registered proprietors' Class 9 terms do not extend to such goods.

Class 21

82. Exhibit 16 features mugs, water bottles and tumblers offered for sale on shop.rebellion.com. There are water bottles and tumblers exhibited in pounds sterling. The screenshots are either undated or show the date of 17 April, but no year, but the fact that there are "30th Anniversary" goods on show means that the goods were either offered for sale towards the end of the relevant periods or at least preparations for their sale took place during the relevant periods. All of the mugs are priced in euros and although at paragraph 104, Christopher Kingsley says that these goods "were available for sale throughout the UK for the whole of the relevant period offered for sale in euros," there is no evidence to show that any of the goods shown were shipped to the UK.

83. Exhibit 37 shows mugs, a tumbler, and water bottles offered for sale on undated screenshots from shop.rebellion.com and priced in pounds sterling, the tumbler being an "Anniversary" one.

84. Christopher Kingsley says at paragraph 153 that "We have sold mugs and drinking vessels from our online store throughout the relevant period."

Class 24

85. Exhibit 17 shows blankets, cushions, pillows and towels offered for sale on shop.rebellion.com and priced in pounds sterling. Christopher Kingsley says that "goods were available for sale throughout the UK and European Union

for the whole of the relevant period”, but the screenshots are undated or have the date 17 April, but no year.

86. Exhibit 27 also shows blankets featuring the registered proprietors’ computer games offered for sale on undated screenshots from shop.rebellion.com and priced in pounds sterling. Christopher Kingsley says at paragraph 141 that “blankets ... were available throughout the relevant period for mail order and retailing from our British online retail shop.”
87. Exhibit 44 shows towels featuring cartoons that the registered proprietors own the rights to and one of the registered proprietors’ computer games offered for sale on an undated screenshot from shop.rebellion.com and priced in pounds sterling. Christopher Kingsley says at paragraph 160 that the exhibit “shows towels on sale from our British retail shop in the relevant period from the UK to places throughout the UK.”
88. In respect of cushions and pillows, these goods are proper to Class 20 and the registered proprietors do not hold a registration for Class 20 goods.

Class 25

89. At paragraph 106, Christopher Kingsley says that “Rebellion sells various items of clothing and headwear, and has done so since 2005.”
90. Offered for sale on shop.rebellion.com, Exhibit 18, pages 1-11, are beanie hats, caps, and T-shirts, all branded with the Rebellion logo. Also shown are jogging bottoms, T-shirts and socks featuring the registered proprietors’ computer games. The goods are priced in pounds sterling. The screenshots are dated 6 July, but with no year.
91. Exhibit 34 shows jogging bottoms offered for sale on an undated screenshot from shop.rebellion.com, either featuring the Rebellion logo or referring to one of the registered proprietors’ computer games. The goods are priced in pounds sterling. Christopher Kingsley says at paragraph 150 that “running

trousers, known as 'joggers' branded REBELLION and other of our various brands ... have been offered for sale from our British online retail shop throughout the relevant period."

92. Exhibit 33 shows beanie hats and caps offered for sale on an undated screenshot from shop.rebellion.com, either featuring the Rebellion logo or referring to the registered proprietors' computer games. The goods are priced in pounds sterling. Christopher Kingsley says at paragraph 149 that "various kinds of hats [were] offered for sale from our retail shop at www.rebellion.com, in the relevant period."
93. Page 1 of Exhibit 30 shows socks featuring the registered proprietors' computer games offered for sale in pounds sterling on an undated screenshot from shop.rebellion.com.
94. Page 12 of Exhibit 18 features a variety of T-shirts offered for sale on 2000ad.com, priced in pounds sterling. The screenshot is dated 6 July, but with no year. The only indicators of origin are the website address and the 2000AD logo and name featuring prominently at the top centre of the web page, with the Rebellion logo being in smaller text in the top left-hand corner.
95. The first page of Exhibit 45 features a variety of T-shirts offered for sale in pounds sterling on an undated screenshot from shop.rebellion.com which feature the registered proprietors' computer games and Judge Dredd. Christopher Kingsley says at paragraph 160 that "Rebellion sells a huge variety of t-shirts to its fans and has done so for many years throughout the relevant period and within the EU and UK."
96. The second page of Exhibit 45 shows a variety of T-shirts offered for sale in 2017 on games.rebellionstore.com, but the goods are priced in American dollars and so I assume they were offered for sale to the American market i.e. not for sale in the UK.
97. Pages 13 to 19 of Exhibit 18 feature jumpers and hoodies, including "30th Anniversary jumpers" and one pair of flip flops offered for sale on

shop.rebellion.com. There is a hoodie featuring the Rebellion logo, but the rest of the goods feature elements of the registered proprietors' computer games, or 2000 AD, Judge Dredd, or "Monster Fun". The goods are priced in euros and the screenshots show 17 April, but with no date. As the goods are priced in euros, I assume that they are aimed at EU customers and given the presence of the "30th Anniversary" goods, will not have been on sale in the period up to IP Completion Day.

98. Exhibit 35 shows hoodies, jumpers and T-shirts, offered for sale in pounds sterling, on screenshots from shop.rebellion.com and shop.2000ad.com which were accessed in 2020. The goods either feature the Rebellion logo or refer to the registered proprietors' computer games.
99. Page 1 of Exhibit 30 is an undated screenshot from shop.rebellion.com with "Monster Fun" flip flops offered for sale in pounds sterling.
100. Exhibit 19 consists of royalty statements for 2000 AD goods from Titan Publishing, a licensee of the registered proprietors, which Christopher Kingsley says, "show sales and exports of clothing, hats, footwear and other merchandise in and from the UK in the relevant period." However, while the royalty statements date from within the relevant periods and are addressed to Rebellion Interactive Limited, there is nothing to say that the individual goods would be seen by the end consumer as "Rebellion" goods.
101. Pages 1 to 5 of Exhibit 20 concern sales of clothing by Trevco (one of the registered proprietors' licensees) in the USA, a jurisdiction which is not pertinent to my genuine use assessment. Pages 6 to 10 show sample order confirmations for clothing sent to EU addresses from "2000ad-shop" within the relevant periods. However, there is nothing to say that the goods would be seen by the end consumer as "Rebellion" goods.
102. Pages 11 to 13 of Exhibit 20 show spreadsheet screenshots of Stripe transactions for goods sent from the "Rebellion shop" to EU countries. However, only four of the transactions listed were made up to IP Completion Day:

March 2020: 1 Zombie Army T-shirt sent to Germany
September 2020: 1 Sniper Elite T-shirt sent to Germany
June 2020: 1 Evil Genius T-shirt sent to the Netherlands
July 2020: 1 Evil Genius T-shirt sent to the Netherlands

103. Exhibit 39 shows embroidered patches which show the Rebellion logo or refer to the registered proprietors' computer games, but such goods are proper to Class 26 and the registered proprietors do not hold a registration for Class 26 goods.

Class 28

104. Exhibit 21 consists of two "STRONTIUM DOG" role playing games. The first game is offered for sale on 2000ad.com, accessed on 11 June 2020. It is not possible to say what currency it is for sale in as the game is listed as "Sold out". The Rebellion logo is shown in the bottom left-hand corner of the box and in photographs of the game's contents.

105. The other "STRONTIUM DOG" game is reviewed on the website rpg.net with a year of publication of 2018 and a price of £50.00, but the publisher is listed as "Warlord Games" and there is no reference to "Rebellion".

106. Pages 1 and 2 of Exhibit 22 feature two Judge Dredd games offered for sale on amazon.de prior to IP Completion Day. The first one makes no mention of "Rebellion", but the second one shows the Judge Dredd and Rebellion logos directly below a picture of the box.

107. Page 3 and 4 of Exhibit 22 features a press release on rebellionunplugged.com, dated 12 November 2019, whereby "Rebellion, one of Europe's largest independent creative studios, is proud to announce its brand new board game division, **Rebellion Unplugged**. The first game from the new offshoot will be *Sniper Elite the Board Game*, based on the studio's

bestselling tactical shooter series.” As this press release is on a .com website, there is nothing specific to say that the registered proprietors intend to sell these board games in the EU or the UK.

108. Also shown is a news item dated 20 November 2019 inviting people to a board game exhibition in Philadelphia in the USA (the USA obviously being outside the EU and the UK) from 6 to 8 December 2019 and offering an “early look” at the same game.
109. Page 5 of Exhibit 22 features a Judge Dredd game offered for sale for £50.00 in a screenshot of 2000ad.com from 11 June 2020. The Judge Dredd and Rebellion logos are shown on the box and on the page directly below the box. There is also a copyright statement, “© 2020 Rebellion Services Ltd.” and a link to rebellion.co.uk.
110. Pages 6 to 8 of Exhibit 25 concern royalty statements from within the relevant periods from Bloomsbury Publishing plc, a UK-based licensee of the registered proprietor, in respect of two Judge Dredd board games. Christopher Kingsley says that “5741 board games, in the UK, USA and elsewhere” were sold, but he does not break down this number. The royalty statements are addressed to “Rebellion Publishing Limited”, but there is nothing to say that end consumers would have seen any indication of the products as emanating from Rebellion.
111. Pages 9 and 10 of Exhibit 25 concern the same two Judge Dredd board games. The first is shown as offered for sale on travellingman.com in pounds sterling, but this exhibit is undated. There is no reference to Rebellion on this page. The second is on goblinaming.co.uk, offered for sale in pounds sterling, but also undated. The Judge Dredd and Rebellion logos are shown directly below a picture of the game box.
112. Page 3 of Exhibit 31 shows the “Judge Dredd Starter Pack” board game released on 30 November 2019 and shown on shop.2000ad.com and offered for sale in pounds sterling. The Rebellion logo features on the bottom left-hand corner of the box and below it on the website. The 2000AD

logo features on the top left-hand corner of the box and the Judge Dredd logo features below the box on the website.

113. Pages 11, 12 and 13 of Exhibit 25 show that Rebellion Unplugged Limited ordered 5500 Evil Genius “statues” from a Chinese company, Magicraft Co., Ltd within the relevant periods. The statue is then shown on an undated screenshot from shop.rebellion.com as part of the Evil Genius 2 game. The web page has the Rebellion logo in the top left-hand corner.
114. Exhibit 23 shows three 2000AD jigsaw puzzles offered for sale on amazon.co.uk during the relevant periods. The Rebellion logo appears on the box, but the 2000AD logo is shown more prominently, and the photographs of the completed jigsaw puzzles show the 2000AD logo alone.
115. At paragraph 127, Christopher Kingsley says, “In addition to jigsaw puzzles we have always sold figurines of the 2000AD characters.” Exhibit 24 is of a 2000AD figurine of “Nemesis the Warlock” offered for sale during the relevant periods (released on 28 March 2018) on shop.2000ad.com. The page shows pricing in pounds sterling, but the figurine is sold out. The figurine is described as being from the “Hachette Ultimate Collection partwork”. The page has a copyright statement, “© 2020 Rebellion Services Ltd.” and a link to rebellion.co.uk.
116. Pages 1 to 5 of Exhibit 25 refer to the activities of Three A, a Hong Kong-based licensee of the registered proprietors, selling figurines, including page 2 showing a figure that was offered for sale on the Japanese market. The only exhibit clearly linked to the UK market is an undated screenshot of a 2000AD figure offered for sale on ebay.co.uk (the same figure having been sold by Three A).
117. At paragraph 99, Christopher Kingsley says that “we sell “ordinary playing cards””. Exhibit 14, pages 1 and 2 show a Judge Dredd card game offered for sale on 2000ad.com and amazon.co.uk as of 30 June 2020. The Rebellion logo appears in the bottom left-hand corner of the box. The 2000AD logo appears in the top right-hand corner of the box.

Class 35

118. At paragraph 140, Christopher Kingsley says that “Retailing and wholesaling of merchandise has become increasingly important to Rebellion. We have an online shop that is operated from “rebellion.com” and “rebellion.co.uk”. That shop has operated and sold various goods associated with our books, comics and video games since at least 2008. Since that time, and during the relevant period, we have sold a variety of goods using our retail shop.”
119. Paragraphs 161 to 166, along with Exhibits 46 to 48 show evidence of the registered proprietors offering retailing services under Class 35 as do previous exhibits that I have commented upon where goods are shown as being sold or offered for sale through shop.rebellion.com or rebellion.co.uk.

Class 38

120. At paragraph 167 and 168, Christopher Kingsley says: “I have earlier in this statement (Exhibits 5- 7 and paragraphs 42-53) given a great deal of information about our extensive broadcasting activities ... Streaming is a form broadcasting.”
121. Mr Kingsley then goes on to comment on the content that the registered proprietors make available on YouTube and also on the streaming service Twitch, together with supporting evidence in the form of Exhibit 48. However, there is no evidence of the registered proprietors offering a broadcasting platform of their own.

Class 41

122. At paragraph 177, Christopher Kingsley says the following: “Since 2010, Rebellion acquired and created an intellectual property portfolio so that it can develop and publish its own software, films and games using the

intellectual property found in the many titles, books and magazines it publishes. Nevertheless, Rebellion does continue to publish games and other media for third parties.”

123. I note that there are instances in the evidence of the registered proprietors having acted as the publishers of computer games, books, and magazines, during the relevant periods.
124. Also under Class 41, Christopher Kingsley says, at paragraphs 204 to 208, that the registered proprietors hold competitions, events and exhibitions and refers to supporting exhibits for this narrative evidence.
125. Page 1 of Exhibit 53 shows a competition to win a Sniper Elite T-shirt (Sniper Elite being one of the registered proprietors’ computer games), with the winners being selected on 26 April 2019.
126. Page 2 shows a screenshot from rebellionpublishing.com offering prizes associated with a “gothic dark academia romance” book published by an imprint owned by the registered proprietors. However, the screenshot is undated.
127. Page 3 is of a competition held in 2020 to win a gaming PC to “Celebrate the launch of Rebellion’s Evil Genius 2”.
128. Page 4 is a promotional page for the “Interactive Futures” exhibition held in Leamington Spa on 28 January 2020, a computer game exhibition organised by the registered proprietors. The Rebellion logo is shown prominently.
129. Pages 5-8 feature an extract from the Imperial War Museum website concerning an exhibition, “War Games: Real Conflicts”, organised and sponsored by the registered proprietors which ran from 30 September 2022 to 28 May 2023. The Rebellion logo is shown at the bottom of the extract.

Class 42

130. In respect of the design and development of computer games software, I note Christopher Kingsley's statements at paragraphs 212 and 213 as follows:

"212. Shown at pages 1-10 of **Exhibit 55** is an article written about Rebellion in the magazine "PC Gamer" (circulation 22000 per month). The article shows some photographs of the inside of our large software studio in Oxford where we design and develop our software. The article describes the process of developing and customising our games software, especially the games Sniper Elite and Battlezone. The article was published on 22 January 2017 and accessed on 4 May 2020.

213. Shown at **Exhibit 56** are the audited Pages for Rebellion Developments Limited (one of the companies in the Rebellion group of companies) for the financial year 30 June 2018 ... Page 1 of Exhibit 56 shows the financial Pages show that sales of the group were £24.8 million down from £40.1 million in 2017. Page 2 of Exhibit 56 of the financial report states that the group is engaged in the development of software and specifically games software. It states that the company not only develops games but also publishes those games. On the same page, the report states that Rebellion develops and updates its own 'games engine' and has its own department to further and develop 'middleware', the software platform on which other software operates (similar to an operating system)."

131. However, in terms of developing software as a service for third parties, the evidence is limited.

132. At paragraph 177, Christopher Kingsley says, "Since the company and brand was established [in 1992], the company has worked on multiple amazing projects including the likes of *Aliens vs Predator* and *Star Wars Battlefront*, both titles developed by Rebellion for third parties."

133. He then goes on to say, at paragraph 219, that “The business and the REBELLION brand took off when we were commissioned by Atari UK to write two pieces of software for their Atari Jaguar games console. The software “Checkered Flag” and “Alien vs Predator” were both released in 1994. He further says at paragraph 220, that “The software for the video game “Alien vs Predator” was developed entirely in-house by Rebellion in Oxford”.
134. He further says, at paragraph 221, that “Throughout the first 15 years of the 21st century, Rebellion continued to grow through acquisition of other software developers and by being commissioned to write software for many companies.”
135. At paragraphs 224 and 226, the registered proprietors are said to have acquired the software developers “Radiant Worlds” and “The Bitmap Brothers” in January 2018 and November 2019 respectively, and that, “As of the end of 2019, the number of skilled software designers employed by Rebellion is more than 400 individuals.”
136. At paragraph 192, Christopher Kingsley says that “we rent out an extensive collection of clothes for use in television, film and other dramatic productions from a costume company called “Rebellion Flame”. Further information can be found at <https://rebellionfilmstudios.com/costume/>.” However, while “fancy dress costumes” and “costumes” are referenced in the registered proprietors’ specifications in respect of goods in Class 25 and retail services in Class 35, there is no evidence of use in respect of those goods and services in those classes. “Clothing rental” is proper to Class 45 and the registered proprietors’ Class 45 terms do not extend to the rental of clothing.

Class 45

137. At paragraph 229, Christopher Kingsley says that each sale of the registered proprietors’ goods “entails the provision of a licence agreement

with the end user ... Our whole business model is that of licensing intellectual property of all types.” However, the relevant services under Class 45 are legal services. While the registered proprietors have clearly been party to agreements that include the licensing of intellectual property, I do not consider the evidence to show that they have offered such services to third parties during the relevant periods.

Use of the marks at issue

138. The registered proprietors’ marks appear as registered, or in variant form as plain words with some words or letters added, or in variant figurative form as below.



139. In terms of instances of the marks appearing as plain words with some words or letters added, where the word “Rebellion” is indicative of the origin of the goods and services at issue it will continue to be perceived as such despite the presence of the additional words or letters.⁵ There are a number of such examples in the evidence, in the form of company names, for instance where the registered proprietors are acting as a publisher, or in domain names, for instance as the online shop for Rebellion goods.⁶ I consider this to be acceptable variant use.

140. In respect of the figurative mark, which appears on the packaging of, and alongside, the registered proprietors’ goods on a number of occasions, the word “REBELLION” is rendered in a mixture of upper and lower case, in

⁵ As per *Colloseum Holdings AG v Levi Strauss & Co.*, Case C-12/12

⁶ Rebellion Developments Ltd, Rebellion Interactive Limited, Rebellion PRODUCTIONS, Rebellion Publishing, Rebellion Publishing Ltd., Rebellion Publishing Limited, Rebellion Unplugged, rebellion.com, shop.rebellion.com, rebellionproductions.co.uk, rebellion.co.uk, games.rebellionstore.com, rebellionunplugged.com

red, as if done with a paint brush, and roughly underlined. The mark also has a ® symbol. The presentation of the word “REBELLION”, although highly stylised, could be said to be a permissible in the context of Case T-364/04, *Sadas SA v. OHIM*, where use of a plain word mark in a different script (font or typeface) was considered to be normal and fair use.

However, even if that was not the case, the stylisation of the word and the underlining does not alter the distinctive character of the mark which resides in the word itself.⁷ Furthermore, the addition of the ® symbol does not prevent the mark in this form from being seen as the origin of the goods and services at issue as per the *Colloseum* case.

141. Again, I consider this to be acceptable variant use.

Does the evidence show genuine use of the earlier marks?

142. In *Euro Gida Sanayi Ve Ticaret Limited v Gima (UK) Limited*, BL O/345/10, Mr Geoffrey Hobbs Q.C. as the Appointed Person summed up the law as being:

“In the present state of the law, fair protection is to be achieved by identifying and defining not the particular examples of goods or services for which there has been genuine use but the particular categories of goods or services they should realistically be taken to exemplify. For that purpose the terminology of the resulting specification should accord with the perceptions of the average consumer of the goods or services concerned.”

143. In *Merck KGaA v Merck Sharp & Dohme Corp & Ors* [2017] EWCA Civ 1834 the Court of Appeal set out the proper approach to partial revocation, as follows:

⁷ As per *Lactalis McLelland Limited v Arla Foods AMBA*, BL O/265/22

“245. First, it is necessary to identify the goods or services in relation to which the mark has been used during the relevant period.

246. Secondly, the goods or services for which the mark is registered must be considered. If the mark is registered for a category of goods or services which is sufficiently broad that it is possible to identify within it a number of subcategories capable of being viewed independently, use of the mark in relation to one or more of the subcategories will not constitute use of the mark in relation to all of the other subcategories.

247. Thirdly, it is not possible for a proprietor to use the mark in relation to all possible variations of a product or service. So care must be taken to ensure this exercise does not result in the proprietor being stripped of protection for goods or services which, though not the same as those for which use has been proved, are not in essence different from them and cannot be distinguished from them other than in an arbitrary way.

248. Fourthly, these issues are to be considered having regard to the perception of the average consumer and the purpose and intended use of the products or services in issue. Ultimately it is the task of the tribunal to arrive at a fair specification of goods or services having regard to the use which has been made of the mark.

249. This approach does strike an appropriate balance. It gives effect to the clear intention of the EU legislature that marks must actually be used or, if not used, be subject to revocation. [...] It is also fair to proprietors for it does not require a proprietor to prove that he has used his mark in relation to all possible variations of the goods or services covered by its registration but only those which are sufficiently distinct to constitute coherent categories or subcategories. I am also satisfied that it gives appropriate protection to the legitimate interest of a proprietor in being able in the future to extend his range of goods or services within the scope of the terms describing the goods or services for which its mark is registered.”

144. In *Property Renaissance Ltd (t/a Titanic Spa) v Stanley Dock Hotel Ltd (t/a Titanic Hotel Liverpool) & Ors* [2016] EWHC 3103 (Ch) at [47], the late Carr J pointed out that it is not the task of the court to describe the use made by the trade mark proprietor in the narrowest possible terms unless that is what the average consumer would do; for example, in *Pan World Brands v Tripp Ltd (Extreme Trade Mark)* [2008] RPC 2 it was held that use in relation to holdalls justified a registration for luggage generally.

145. The approach in *Merck* was endorsed by the Supreme Court in *SkyKick UK Ltd & Anor v Sky Ltd & Ors (Rev1)* [2024] UKSC 36:

“261. ... save that it must now be seen in light of the more recent guidance given by the CJEU in, for example: *Ferrari SpA v DU* (Joined Cases C-720/18 and C-721/18) EU:C:2020:854; [2021] Bus LR 106, at paras 36-53. There the CJEU explained, at para 40, that the essential criterion to apply for the purposes of identifying a coherent subcategory of goods or services capable of being viewed independently is their purpose and intended use.”

General assessment

146. Looking in the round at the evidence supplied by the registered proprietors, their ability to demonstrate use is limited by their reluctance to supply figures in respect of revenue per product on the grounds of commercial confidentiality. However, the evidence does state that revenue for the Rebellion Group as a whole and for Rebellion Developments Limited individually within the relevant periods is in the millions of pounds annually.

147. There is limited evidence of marketing expenditure, although the registered proprietors' significant YouTube presence serves to promote their computer games.

148. I have not been supplied with any information as to market share.

149. Some of the evidence shows Rebellion company names where the average consumer may not take the company name to be a badge of origin of the goods and services at issue. Some of the evidence features the Rebellion logo, but it is small relative to other logos on display. However, where I have found use for particular goods and services, I am satisfied that there are sufficient examples in the evidence of the registered proprietors' marks (as registered, or in the form of the Rebellion logo) being sufficiently prominent on or close to the goods and services at issue for the marks to be seen as badges of origin.
150. Overall, I consider that the evidence is such that, during the relevant periods, the registered proprietors have shown that there was real commercial exploitation of their marks on the market for some of the goods and services for which they have submitted a defence. That is to say, there has been use in accordance with the commercial *raison d'être* of the marks, which is to create or preserve an outlet for the goods and services that bear the marks.
151. As such, looking at all of the evidence in the round, I consider genuine use to have been demonstrated for the registered proprietors' marks,⁸ but I will now move on to detail which goods and services I consider there to have been genuine use for and what constitutes a fair specification under each class heading.

Class 9

152. Evidence of unit sales from the sales records supplied demonstrates substantial numbers of computer games and associated software being sold during the relevant periods.

⁸ In reaching this conclusion I have also carefully considered the cancellation applicant's submissions in lieu, at paragraphs 20 to 54, and in its earlier submissions filed during the evidence rounds, including its arguments in respect of whether the registered proprietors' marks have functioned as badges of origin. In its submissions, the cancellation applicant has referred me to the previous decision of Allan James, BL O/444/21. However, I note that I am not bound by previous decisions.

153. I have not been provided with a breakdown of the revenue for the three main divisions of the Rebellion Group – Games, Publishing and Entertainment. However, it is apparent that computer games constitute the registered proprietors' core business that a significant proportion of its overall revenue for the Group, which runs into the millions of pounds annually, will come from computer games.
154. I conclude that there has been genuine use shown for computer games and associated software, both as games that can be downloaded, but also as games that are available on physical media.
155. The registered proprietors have not shown use for software and apps at large, and I have amended their specifications accordingly. Because games software is an identifiable sub-category of software, I do not consider that a fair specification includes the broader term *computer software* or *software*, per *Merck*.
156. As previously stated, I have not been provided with a breakdown of the revenue for the three main divisions of the Rebellion Group – Games, Publishing and Entertainment, films and videos being produced by the Entertainment division. It is apparent that the production of films and videos is a significant enough part of the registered proprietors' business for it to be afforded its own division. It is therefore a reasonable assumption that a proportion of the headline figures for the registered proprietors' companies' revenue comes from this division.
157. The page views that have been accrued during the relevant periods for the registered proprietors' films and videos are impressive and the evidence also shows that four films intended to be shown in cinemas were released either prior to or during the relevant periods and were offered for sale during the relevant periods.

158. I consider the registered proprietors to have shown genuine use for films and videos which can be streamed and downloaded and also purchased in physical form on DVD and Blu-ray.
159. The registered proprietors have not shown genuine use for blank physical media, such as “Magnetic data carriers, recording discs”, but they have shown it for recorded physical media, such as “pre-recorded digital versatile discs featuring films” and I have amended their specifications accordingly.
160. I will say later that I have found genuine use for the registered proprietors’ books and magazines. As the evidence shows that these are available electronically as well as in hard copy, the registered proprietors retain “downloadable publications”.
161. I consider a fair specification for both marks to be:

Class 9 Cinematographic films; computer games software; computer games; computer gaming software; downloadable electronic publications; downloadable games software; downloadable movies; downloadable publications; downloadable video recordings; encoded discs; games software; motion pictures; pre-recorded compact discs; pre-recorded digital versatile discs featuring games; pre-recorded digital versatile discs featuring films; pre-recorded digital versatile discs featuring videos; video films; video game discs; virtual reality game software.

Class 16

162. There is sufficient evidence for me to say that the registered proprietors have shown genuine use for books and magazines.
163. As previously stated, I have not been provided with a breakdown of the revenue for the three main divisions of the Rebellion Group – Games,

Publishing and Entertainment, books and magazines being the responsibility of the Publishing division. However, it is apparent that books and magazines are a significant enough part of the registered proprietors' business for them to be afforded their own division. It is therefore a reasonable assumption that a proportion of the headline figures for the registered proprietors' companies' revenue comes from this division.

164. Books and magazines have been offered for sale during the relevant periods and there are also records of sales.

165. The registered proprietors can retain "books" at large because the evidence shows use for both fiction and non-fiction books catering for children, young adults and adults. However, there is no evidence of use for some sub-categories of books such as "guide books".

166. Posters and stickers have been offered for sale during the relevant periods. Prints and notebooks are shown as being offered for sale towards the end of the relevant periods or at least preparations for their sale would have been made during the relevant periods. Also, Mr Kingsley attests to these goods having been sold during the relevant periods. I find that there has been genuine use of these goods.

167. However, in respect of greetings cards, the only evidence I have is Exhibit 32, an undated screenshot from shop.rebellion.com and the fact that Christopher Kingsley says at paragraph 148 that greetings cards were "offered for sale in the United Kingdom in the relevant period" is not a sufficient basis for me to be able say that the marks have been used for these goods during the relevant periods in accordance with creating or preserving an outlet for them. Consequently, I do not consider genuine use to have been shown for greetings cards.

168. In reviewing the registered proprietors' specifications under this class heading, I find that there is either no evidence or insufficient evidence to justify the retention of "Paper and cardboard", "Printed matter" at large,

“Stationery” at large, “Instructional and teaching material [except apparatus]”, “advertising pamphlets”, “advertising posters”, “advertising publications”, “brochures”, “cards”, “guide books”, “colouring books”, “sticker books”, “strategy guide books for card games”, “strategy guide books for computer games”, “manuals”, “pamphlets”, “photographs”, “trading cards”, “writing materials”, “pens”, “pencils”, “crayons”, “writing paper”, and “greetings cards”.

169. I consider a fair specification for both marks to be:

Class 16 Books; comic books; comic magazines; comics; magazines; periodical magazines; periodical publications; periodicals; posters; printed periodicals; printed publications; prints; stickers; books for children; stickers.

Class 18

170. Bags (specifically tote bags, drawstring bags, backpacks and duffel bags) are shown in the evidence as being offered for sale towards the end of the relevant periods or at least preparations for their sale would have been made during the relevant periods. Also, Mr Kingsley attests to these goods having been sold during the relevant periods. I consider genuine use to have been shown for these goods.

171. The goods in question are all general-purpose soft bags that could be used on a day-to-day basis or for travel. Consequently, the registered proprietors retain bags at large and luggage. However, they should not retain specialist cases and bags - “attaché cases”, “business cases”, “bags for garments”, “garment bags for travel”, “jewelry bags of textile material [empty]”, “toilet bags” and “tool bags”.

172. Furthermore, there is no evidence that the registered proprietors have used “umbrellas and parasols”, “all-purpose leather straps”, “business card

cases”, “business card cases in the nature of wallets”, “credit card cases [wallets]”, “golf umbrellas”, “key cases”, “... wallets”, “leather wallets”, “luggage tags” and “umbrellas”.

173. I consider a fair specification for both marks to be:

Class 18 Luggage and carrying bags; Airline travel bags; all-purpose carrying bags; all-purpose sports bags; articles of luggage being bags; bags and holdalls for sports clothing; bags for sports; bags for sports clothing; barrel bags; beach bags; daypacks; gym bags; haversacks; hiking bags; kit bags; luggage; overnight bags; overnight suitcases; school book bags; school backpacks; shopping bags; small backpacks; sports packs; suitcases; travel baggage.

Class 21

174. Mugs, tumblers and water bottles are shown in the evidence as being offered for sale towards the end of the relevant periods or at least preparations for their sale would have been made during the relevant periods. Also, Mr Kingsley attests to these goods having been sold during the relevant periods. I consider genuine use to have been shown for these goods.

175. Other than drinking vessels of various kinds, there is no evidence of any of the goods listed in this class having been used by the registered proprietors.

176. The goods shown in the evidence are made of china or steel and so the registered proprietors’ specifications should not extend to glassware or “drinking cups of precious metal”.

177. I consider a fair specification for both marks to be:

Class 21 Drinking bottles; ceramic mugs; china mugs; coffee cups; coffee mugs; coffee travel mugs; drinking cups; drinking bottles for sports; drinking cups, not of precious metal; drinking flasks; drinking vessels; insulated containers for beverages, for household purposes; insulated mugs; insulating flasks; mugs; plastic cups; plastic water bottles, empty; porcelain mugs; travel mugs.

Class 24

178. Blankets and towels feature in the evidence, in Exhibits 17, 27 and 44, offered for sale on shop.rebellion.com. However, the screenshots are either undated or show the date of 17 April, but no year. Mr Kingsley says that “goods were available for sale throughout the UK and European Union for the whole of the relevant period”, “blankets ... were available throughout the relevant period for mail order and retailing from our British online retail shop” and that the evidence shows “towels on sale from our British retail shop in the relevant period from the UK to places throughout the UK.”

179. It not being possible to tell what year the exhibits date from, or their being completely undated, means that there is nothing to corroborate Mr Kingsley’s statements about these goods. This is not a sufficient basis for me to be able say that the marks have been used for these goods during the relevant periods in accordance with creating or preserving an outlet for them. Consequently, I do not consider genuine use to have been shown for blankets or towels.

180. Furthermore, there is no evidence of the registered proprietors having used their marks for any of the other goods of textile listed in the specifications for this class.

181. Consequently, the registered proprietors do not retain any terms in this class.

Class 25

182. I am satisfied that the registered proprietors have shown use for hoodies, jumpers, and T-shirts, all of these goods having been shown as being offered for sale in the UK during the relevant periods, and there being sales records for T-shirts.
183. Because all of the clothing goods for which use has been shown are tops, the registered proprietors should not retain “clothing” at large.
184. Jogging bottoms, socks, beanie hats, caps, and flip flops appear in a number of exhibits in the evidence. However, it is not possible to date these goods as having been offered for sale during the relevant periods/made available prior to IP Completion Day.
185. On that basis, Mr Kingsley’s statements to the effect that these goods were offered for sale within the relevant dates are not a sufficient basis for me to be able say that the marks have been used for these goods in accordance with creating or preserving an outlet for them. Consequently, I do not consider genuine use to have been shown for jogging bottoms, socks, beanie hats, caps, and flip flops.
186. I consider a fair specification for both marks to be:

Class 25 Tops; hooded sweatshirts; shirts; sweatshirts; t-shirts; jumpers.

Class 28

187. I am satisfied that the registered proprietors have shown use for board games, card games, jigsaw puzzles and figurines. Of these goods, there are some sales records for board games. All of these goods have been shown as being offered for sale in the UK during the relevant periods.

188. I do not have sufficient evidence before me for the registered proprietors to retain games, playthings, and toys at large.
189. Christopher Kingsley has said “we sell “ordinary playing cards””, but I interpret playing cards as being a standard deck of cards with four suits and there is no evidence that the registered proprietors sell such cards. They should not retain “playing cards”.

190. I consider a fair specification for both marks to be:

Class 28 Board games; card games; collectable toy figures; figurines; jigsaw puzzles; models for use with role playing games; scale model figures; toy figures; toy figurines.

Class 35

191. The registered proprietors have demonstrated that they have operated an online retail service during the relevant periods via shop.rebellion.com and rebellion.co.uk.
192. Given the goods that I have found use for, I consider a fair specification for both marks to be:

Class 35 Internet retail services connected with cinematographic films, computer games software, computer games, computer gaming software, downloadable electronic publications, downloadable games software, downloadable movies, downloadable publications, downloadable video recordings, encoded discs, games software, motion pictures, pre-recorded compact discs, pre-recorded digital versatile discs featuring games, pre-recorded digital versatile discs featuring films, pre-recorded digital versatile discs featuring videos, video films, video game discs, virtual reality game software, books, comic books, comic

magazines, comics, magazines, periodical magazines, periodical publications, periodicals, posters, printed periodicals, printed publications, prints, stickers, books for children, stickers, luggage and carrying bags, airline travel bags, all-purpose carrying bags, all-purpose sports bags, articles of luggage being bags, bags and holdalls for sports clothing, bags for sports, bags for sports clothing, barrel bags, beach bags, daypacks, gym bags, haversacks, hiking bags, kit bags, luggage, overnight bags, overnight suitcases, school book bags, school backpacks, shopping bags, small backpacks, sports packs, suitcases, travel baggage, drinking bottles, ceramic mugs, china mugs, coffee cups, coffee mugs, coffee travel mugs, drinking cups, drinking bottles for sports, drinking cups, not of precious metal, drinking flasks, drinking vessels, insulated containers for beverages, for household purposes, insulated mugs, insulating flasks, mugs, plastic cups, plastic water bottles, empty, porcelain mugs, travel mugs, tops, hooded sweatshirts, shirts, sweatshirts, t-shirts, jumpers, board games, card games, collectable toy figures, figurines, jigsaw puzzles, models for use with role playing games, scale model figures, toy figures, toy figurines.

Class 38

193. The registered proprietors consider themselves to have shown use for broadcasting services as a result of their streaming activities. However, while they make content available on YouTube and also on the streaming service Twitch, there is no evidence of the registered proprietors offering a broadcasting platform of their own.
194. Nor is there any evidence of the use of the other terms in this class such as “telecommunications”.
195. The registered proprietors do not retain any terms in this class.

Class 41

196. The registered proprietors have shown use of their marks for the publishing of computer games software, and the publishing of books and magazines. They have also shown use for the production of films. They have also used their marks for organising competitions in relation to their products and for exhibitions in relation to computer games.
197. However, the registered proprietors' services in this class are not so wide ranging as to justify the retention of "entertainment" at large.
198. The registered proprietors use their own portals principally for the retailing of specific computer games and other goods. As such, they do not offer their own information service about computer games in general or offer such a service via social media. Nor have I seen any evidence that the registered proprietors offer a platform for the playing of computer games online. I have also not seen any evidence that they offer virtual environments for the playing of computer games. Therefore, the evidence does not justify the retention of the specific terms in the specifications that cover the above services, nor of "computer game entertainment services", "game services" and "gaming services" at large.
199. I consider a fair specification for both marks to be:

Class 41 Arranging of competitions via the internet; arranging, organising or conducting of conventions and conferences in relation to computer games; book publishing; conducting of competitions on the internet; electronic publishing; distribution or production of films; magazine publishing; motion picture production; organisation of exhibitions in relation to computer games; computer games software publishing services.

Class 42

200. The registered proprietors have not shown that they offer services in respect of computer software and computer hardware at large.
201. While the registered proprietors have shown that they have developed their own computer games during the relevant periods, the evidence of them developing computer games software for third parties is confined to the 1990s and the first 15 years of the 20th century.
202. The registered proprietors acquired two software development companies in 2018 and 2019 and by the end of that year there were more than 400 people employed by Rebellion as “software designers”. However, there is no mention of any computer games having been written for third parties during the relevant periods. There is nothing in the evidence to indicate that the people employed as software designers did anything other than developing software for Rebellion’s own computer games during this time.
203. To sum up, there is no evidence of the registered proprietors having offered a software development service to third parties during the relevant periods and so I do not consider them to have shown use for such services.
204. The registered proprietors do not retain any terms in this class.

Class 45

205. This class is principally for the provision of legal services. While the registered proprietors have clearly been party to agreements that include the licensing of intellectual property, I do not consider the evidence to show that they have offered such services to third parties during the relevant periods.
206. The registered proprietors do not retain any terms in this class.

Overall findings

207. The applications for revocation on the grounds of non-use have been partially successful. Both specifications are to be limited to read as follows:

- Class 9 Cinematographic films; computer games software; computer games; computer gaming software; downloadable electronic publications; downloadable games software; downloadable movies; downloadable publications; downloadable video recordings; encoded discs; games software; motion pictures; pre-recorded compact discs; pre-recorded digital versatile discs featuring games; pre-recorded digital versatile discs featuring films; pre-recorded digital versatile discs featuring videos; video films; video game discs; virtual reality game software.
- Class 16 Books; comic books; comic magazines; comics; magazines; periodical magazines; periodical publications; periodicals; posters; printed periodicals; printed publications; prints; stickers; books for children; stickers.
- Class 18 Luggage and carrying bags; Airline travel bags; all-purpose carrying bags; all-purpose sports bags; articles of luggage being bags; bags and holdalls for sports clothing; bags for sports; bags for sports clothing; barrel bags; beach bags; daypacks; gym bags; haversacks; hiking bags; kit bags; luggage; overnight bags; overnight suitcases; school book bags; school backpacks; shopping bags; small backpacks; sports packs; suitcases; travel baggage.
- Class 21 Drinking bottles; ceramic mugs; china mugs; coffee cups; coffee mugs; coffee travel mugs; drinking cups; drinking bottles for sports; drinking cups, not of precious metal; drinking flasks; drinking vessels; insulated containers for beverages, for

household purposes; insulated mugs; insulating flasks; mugs; plastic cups; plastic water bottles, empty; porcelain mugs; travel mugs.

Class 25 Tops; hooded sweatshirts; shirts; sweatshirts; t-shirts; jumpers.

Class 28 Board games; card games; collectable toy figures; figurines; jigsaw puzzles; models for use with role playing games; scale model figures; toy figures; toy figurines.

Class 35 Internet retail services connected with cinematographic films, computer games software, computer games, computer gaming software, downloadable electronic publications, downloadable games software, downloadable movies, downloadable publications, downloadable video recordings, encoded discs, games software, motion pictures, pre-recorded compact discs, pre-recorded digital versatile discs featuring games, pre-recorded digital versatile discs featuring films, pre-recorded digital versatile discs featuring videos, video films, video game discs, virtual reality game software, books, comic books, comic magazines, comics, magazines, periodical magazines, periodical publications, periodicals, posters, printed periodicals, printed publications, prints, stickers, books for children, stickers, luggage and carrying bags, airline travel bags, all-purpose carrying bags, all-purpose sports bags, articles of luggage being bags, bags and holdalls for sports clothing, bags for sports, bags for sports clothing, barrel bags, beach bags, daypacks, gym bags, haversacks, hiking bags, kit bags, luggage, overnight bags, overnight suitcases, school book bags, school backpacks, shopping bags, small backpacks, sports packs, suitcases, travel baggage, drinking bottles, ceramic mugs, china mugs, coffee cups, coffee mugs, coffee travel mugs, drinking cups, drinking bottles for sports, drinking cups, not of precious metal, drinking

flasks, drinking vessels, insulated containers for beverages, for household purposes, insulated mugs, insulating flasks, mugs, plastic cups, plastic water bottles, empty, porcelain mugs, travel mugs, tops, hooded sweatshirts, shirts, sweatshirts, t-shirts, jumpers, board games, card games, collectable toy figures, figurines, jigsaw puzzles, models for use with role playing games, scale model figures, toy figures, toy figurines.

Class 41 Arranging of competitions via the internet; arranging, organising or conducting of conventions and conferences in relation to computer games; book publishing; conducting of competitions on the internet; electronic publishing; distribution or production of films; magazine publishing; motion picture production; organisation of exhibitions in relation to computer games; computer games software publishing services.

CONCLUSION

208. The applications for revocation on the grounds of non-use against the registered proprietor's registrations UK00003242869 and UK00916285793 have been partially successful.

209. UK00003242869 will be revoked with effect from 21 October 2022 save for the goods and services listed in paragraph 207 above.

210. UK00916285793 will be revoked with effect from 29 June 2022 save for the goods and services listed in paragraph 207 above.

Actions required on the issuing of this decision

211. Further to the Hearing Officer Allan James' letter of 20 January 2025, subsequent to a Case Management Conference in relation to case no. CA000503081 (which is an invalidation case against trade mark no. UK00003242869), where it was decided that it was in the public interest to

proceed with the matter before me despite the dissolution of the cancellation applicant, the registered proprietors of UK00003242869 have 21 days from the date of the decision in these revocation proceedings to identify any goods/services for which UK00003242869 should not be invalidated having regard to (a) the goods/services for which the trade mark has been revoked for non-use in this revocation action, and (b) the indications given in paragraphs 76 – 79 of Mr James’ provisional decision of 15 June 2021 – BL O/444/21.

COSTS

212. The cancellation applicant has had some degree of success in limiting the registered proprietors’ specifications, but at the same time the registered proprietors have retained a significant number of key terms. Accordingly, the parties will bear their own costs.

Dated this 24th day of July 2025

JOHN WILLIAMS
For the Registrar

Annex 1

The full specifications for the registered proprietors' marks are below. The goods and services for which the registered proprietors have submitted a defence are those that are not struck through.

UK00003242869

Class 9 ~~Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking [supervision], life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Mechanisms for coin-operated apparatus; Cash registers, calculating machines, data processing equipment, computers; Computer software; Fire-extinguishing apparatus; adaptive software; application software; application software for social networking services via internet; assistive software; bioinformatics software; BIOS software; cinematographic films; communication software; downloadable online community software; compact discs; compiler software; computer application software; computer databases; computer discs; computer firmware; computer games software; computer games; computer games used in business; computer games used for business purposes; computer gaming software; computer graphics software; computer operating software; computer programs; computer software applications; computer software packages; computer software; computer telephony software; credit screening software; data communications software; data compression software; data processing software;~~

database management software; database software; decoder software; digital versatile discs; downloadable computer software applications; downloadable computer software; downloadable electronic publications; downloadable games software; downloadable movies; downloadable publications; downloadable software; downloadable video recordings; DVD discs; editing software; education software; electronic publications; encoded discs; ~~facial analysis software; facial recognition software;~~ firmware; games software; hard discs; image recognition software; industrial software; interface software; internet messaging software; localisation software; maintenance software; manufacturing software; media software; mobile apps; mobile software; motion pictures; multimedia software; pre-recorded compact discs; pre-recorded digital versatile discs featuring games; pre-recorded digital versatile discs featuring films; pre-recorded digital versatile discs featuring music; pre-recorded digital versatile discs featuring videos; pre-recorded discs; pre-recorded software; ~~privacy software; process controlling software; security software;~~ sensory software; sensory software; software drivers; software; speech analytics software; telecommunications software; training software; utility software; video compact discs; video films; video game discs; virtual reality game software; virtual reality software; visualisation software; ~~VPN [virtual private network] operating software; WAN [wide area network] operating software;~~ workflow software; parts, accessories or fittings for the aforesaid.

Class 16 Paper and cardboard; Printed matter; ~~Bookbinding material;~~ Photographs; Stationery; ~~Adhesives for stationery or household purposes; Artists' materials; Paintbrushes; Typewriters and office requisites [except furniture];~~ Instructional and teaching material [except apparatus]; ~~Plastic materials for packaging; Printers' type; Printing blocks;~~ advertising pamphlets; advertising posters;

advertising publications; books; brochures; cards; comic books; comic magazines; comics; guide books; magazines; manuals; pamphlets; periodical magazines; periodical publications; periodicals; photographs; posters; printed matter; printed periodicals; printed publications; stationery; stickers; strategy guide books for card games; strategy guide books for computer games; trading cards; books for children; colouring books; sticker books; stickers; writing materials; pens; pencils; crayons; ~~painting sets for artists~~; writing paper; greetings cards; parts, accessories or fittings for the aforesaid.

Class 18 ~~Leather and imitations of leather; animal skins and hides;~~ luggage and carrying bags; umbrellas and parasols; ~~walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals.~~ Airline travel bags; all-purpose carrying bags; all-purpose leather straps; all-purpose sports bags; articles of luggage being bags; attaché cases; bags and holdalls for sports clothing; bags for sports; bags for sports clothing; barrel bags; beach bags; beach umbrellas; ~~blinkers for horses;~~ business card cases; business card cases in the nature of wallets; business cases; ~~cosmetic cases sold empty; covers for horse saddles;~~ credit card cases [wallets]; daypacks; ~~dog collars and leads;~~ flexible bags for garments; garment bags for travel; golf umbrellas; gym bags; handbags; haversacks; hiking bags; ~~horse rugs;~~ jewelry bags of textile material [empty]; key cases; kit bags; leather bags and wallets; leather wallets; luggage; luggage tags; overnight bags; overnight suitcases; ~~saddlery;~~ school book bags; school backpacks; shopping bags; small backpacks; sports packs; suitcases; toilet bags; tool bags; travel baggage; umbrellas.

Class 21 Household or kitchen utensils and containers; ~~combs and sponges; brushes, except paintbrushes; brush-making~~

materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware. All-purpose portable household containers; ~~appliances for removing make-up, electric; appliances for removing make-up, non-electric; applicator sticks for applying make-up; bakeware;~~ beer glasses; beer mugs; bottles; bowls [basins]; ~~boxes for dispensing paper towels; boxes of glass;~~ brushes; ~~brushes for household purposes;~~ busts of crystal, china, ceramic, terra cotta, earthenware, glass or porcelain; busts of porcelain, ceramic, earthenware or glass; ceramic bowls; ceramic busts; ceramic figurines; ceramic mugs; ceramic ornaments; ceramic plates [tableware]; ceramic sculptures; ceramics for household purposes; ceramic statues; ceramic vases; ceramic vessels; china busts; china figurines; china mugs; china ornaments; china statues; coasters, not of paper or textile; ~~cocktail shakers;~~ coffee cups; coffee mugs; coffee travel mugs; ~~combs; corkscrews, electric and non-electric;~~ crystal busts; crystal figurines; crystal [glassware]; crystal ornaments; crystal statues; decorative glass, not for building; disposable table plates; drinking cups; drinking bottles for sports; drinking cups, not of precious metal; drinking cups of precious metal; drinking flasks; drinking glasses; drinking vessels; dusters; earthenware; egg cups; fiberglass figurines; figures of porcelain, ceramic, earthenware or glass; flower pots; ~~grills [cooking utensils];~~ household or kitchen utensils and containers; insulated containers for food or beverages, for household purposes; insulated mugs; insulating flasks; ~~ironing board covers, shaped; ironing boards;~~ money boxes of metal; mugs; ~~nail brushes;~~ plastic bowls; plastic cups; plastic household storage containers for cereals; plastic jars for household purposes; plastic plates; plastic water bottles, empty; ~~polishing cloths;~~ porcelain busts; porcelain mugs; porcelain ornaments; porcelain statues; porcelain ware; portable cool boxes, non-electric; pots; pottery;

salad bowls; ~~salt cellars~~; saucers; soap containers; soup bowls; souvenir plates; ~~sponge cloths for cleaning~~; storage jars; ~~tablemats of leather~~; ~~tablemats, not of paper or textile~~; table plates; tankards; tea caddies; teacups; teapots; travel mugs; trays for domestic purposes, of metal; utensils for household purposes; water bottles; works of art of porcelain, ceramic, earthenware or glass; sponge bags.

Class 24 Textiles and substitutes for textiles; household linen; curtains of textile or plastic. Adhesive labels of textile; bags specifically adapted for sleeping bags; banners of textile; banners of textile or plastic; bath linen; bathroom towels of textile; bed blankets; bed coverings; bed linen; bed quilts; bed throws; blankets for household pets; children's bed sheets; children's towels; ~~cloths for removing make-up~~; coasters of textile; continental quilts; cotton fabrics; covers for cushions; curtain fabrics; curtains; drapes; duvet covers; eiderdown covers; fabrics for textile use; face towels of textile; flags of textile or plastic; glass cloths [towels]; golf towels; hand towels of cotton; hand towels of textile; household linen; household textiles; knitted fabric; labels of textile; picnic blankets; pillowcases; printed fabrics; printed textile labels; sheets [textile]; shower curtains; sleeping bags; tablecloths of textile; table linen of textile; textile material; towels of cotton; towels of textile; travel throws.

Class 25 Clothing; footwear; headgear; hooded sweatshirts; shirts; sweatshirts; t-shirts; vests; fancy dress costumes; costumes; underwear; socks; parts, accessories or fittings for the aforesaid.

Class 28 Games and playthings; ~~Gymnastic and sporting articles~~; ~~Decorations for Christmas trees~~; board games; card games; collectable toy figures; dolls; dice games; electronic games; figurines; games; model toys; models for use with role playing

games; scale model figures; scale model vehicles; toy action figurines; toy figures; toy figurines; toy models; toys, games, playthings or novelties; toys; parts, accessories or fittings for the aforesaid; playing cards.

Class 35 ~~Advertising; business management; business administration; office functions; business analysis services; business networking services; business research services; business statistical studies; human resources consultancy; human resources management; marketing consultancy; marketing information; marketing services; online advertising on computer networks; publicity services; recruitment services; sales promotion services; providing marketing consulting in the field of social media; providing business information in the field of social media; advertising or marketing services provided by means of social media; mail order retail services, wholesale, retail or Internet retail services connected with Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking [supervision], life-saving and teaching apparatus and instruments, Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; mail order retail services, wholesale, retail or Internet retail services connected with Apparatus for recording, transmission or reproduction of sound or images, Magnetic data carriers, recording discs, Compact discs, DVDs and other digital recording media, Mechanisms for coin-operated apparatus, Cash registers, calculating machines, data processing equipment, computers, Computer software, Fire-extinguishing apparatus, adaptive software; mail order retail services, wholesale, retail or Internet retail services connected with application software, application software for social networking services via internet, assistive software, bioinformatics software, BIOS software, cinematographic films, communication software, online community software, compact discs, compiler software,~~

computer application software, computer databases, computer discs; mail order retail services, wholesale, retail or Internet retail services connected with computer firmware, computer games software, computer games, computer games used in business, computer games used for business purposes, computer gaming software, computer graphics software, computer operating software, computer programs, computer software applications, computer software packages; mail order retail services, wholesale, retail or Internet retail services connected with computer software, computer telephony software, ~~credit screening software~~, data communications software, ~~data compression software~~, data processing software, database management software, database software, decoder software, digital versatile discs, downloadable computer software applications, downloadable computer software, downloadable electronic publications; mail order retail services, wholesale, retail or Internet retail services connected with downloadable games software, downloadable movies, downloadable publications, downloadable software, downloadable video recordings, DVD discs, editing software, education software, electronic publications, encoded discs, ~~facial analysis software~~; mail order retail services, wholesale, retail or Internet retail services connected with ~~facial recognition software~~, firmware, games software, hard discs, image recognition software, industrial software, interface software, internet messaging software, localisation software, maintenance software, manufacturing software, media software, mobile apps, mobile software, motion pictures, multimedia software; mail order retail services, wholesale, retail or Internet retail services connected with pre-recorded compact discs, pre-recorded digital versatile discs featuring games, pre-recorded digital versatile discs featuring films, pre-recorded digital versatile discs featuring music, pre-recorded digital versatile discs featuring videos, pre-recorded discs, pre-recorded software, ~~privacy software~~, ~~process controlling software~~, ~~security software~~,

sensory software, sensory software, software drivers, software; mail order retail services, wholesale, retail or Internet retail services connected with speech analytics software, telecommunications software, training software, utility software, video compact discs, video films, video game discs, virtual reality game software, virtual reality software, visualisation software, ~~VPN [virtual private network] operating software, WAN [wide area network] operating software, workflow software~~; mail order retail services, wholesale, retail or Internet retail services connected with Paper and cardboard, Printed matter, ~~Bookbinding material, Photographs, Stationery, Adhesives for stationery or household purposes, Artists' materials, Paintbrushes, Typewriters and office requisites [except furniture], Instructional and teaching material [except apparatus], Plastic materials for packaging, Printers' type, Printing blocks~~; mail order retail services, wholesale, retail or Internet retail services connected with advertising pamphlets, advertising posters, advertising publications, books, brochures, cards, comic books, comic magazines, comics, guide books, magazines, manuals, pamphlets, periodical magazines, periodical publications, periodicals; mail order retail services, wholesale, retail or Internet retail services connected with photographs, playing cards, posters, printed matter, printed periodicals, printed publications, stationery, stickers, strategy guide books for card games, strategy guide books for computer games, trading cards, books for children, colouring books, sticker books, stickers; mail order retail services, wholesale, retail or Internet retail services connected with writing materials, pens, pencils, crayons, paints, writing paper, greetings cards, Clothing, footwear, headgear, hooded sweatshirts, shirts, sweatshirts, t-shirts, vests, fancy dress costumes, costumes, underwear, socks, Games and playthings, ~~Gymnastic and sporting articles~~, board games, card games, collectable toy figures; mail order retail services, wholesale, retail or Internet retail services connected with dolls, dice games, electronic games, figurines,

games, model toys, models for use with role playing games, scale model figures, scale model vehicles, toy action figurines, toy figures, toy figurines, toy models, toys, games, playthings or novelties, toys, parts, accessories or fittings for the aforesaid; information, consultancy or advisory services relating to the aforesaid.

Class 38 Telecommunications; access to content, websites or portals; advisory services relating to telecommunications; arranging access to a computer database; arranging access to databases on the internet; arranging access to a computer server for the purpose of providing games; audio broadcasting; audio communications services; audio teleconferencing; broadcast of radio programmes; broadcast of television programmes; broadcasting or transmission of television programs; broadcasting of motion picture films via the internet; broadcasting of programmes by television; broadcasting of programmes via the internet; broadcasting of radio or television programmes; broadcasting services; chat room services for social networking; chat room services; chat rooms for social networking; communication between computers; communication by computer terminals; communication by computer; communication by electronic computer terminals; communication by electronic mail systems; communication by electronic means; communication by mobile telephone; communication by online blogs; communication by telephone; communication services; communications by fibre optic networks; communications consultancy; communications services; computer transmission services; data broadcasting services; data streaming; data transmission; digital transmission services; electronic communication services; forums for social networking; leasing access time to a computer database; leasing access time to web sites; message sending services; on-line communication

services; podcasting; providing access to an internet discussion website; providing instant messaging services; providing internet access; providing internet chat rooms; providing on-line chat rooms for social networking; telecommunication access services; telecommunication network services; telecommunication of information; telecommunication services; telecommunications consultancy services; television broadcasting services; transfer of data by telecommunications; transmission of news; Transmission of videos, movies, pictures, images, text, photos, games, user-generated content, audio content, or information via the Internet; video communication services; providing access to an online portal for consumers to access enhancements within games; information, consultancy or advisory services relating to the aforesaid.

Class 41 ~~Education; Providing of training;~~ Entertainment; Sporting and cultural activities; arrangement of conventions for educational purposes; arrangement of conventions for recreational purposes; arranging of competitions via the internet; arranging of conventions for business purposes; arranging of conventions for cultural purposes; arranging of conventions for entertainment purposes; arranging of conventions for trade purposes; arranging, organising or conducting of conventions, conferences, symposiums, seminars, lectures, events, socials or parties; book publishing; computer game entertainment services; conducting of competitions on the internet; electronic publishing; entertainment services; entertainment; exhibition, distribution or production of films or software; game services; gaming services; interactive entertainment; magazine publishing; motion picture production; multimedia entertainment software publishing services; organisation of competitions or awards; organisation of competitions; organisation of conferences, exhibitions or competitions; organisation of entertainment competitions;

organisation of recreational competitions; organising competitions; ~~photography~~; provision of on-line computer games; publishing of printed matter; publishing services; software publishing services; providing information, news, commentary, education, tutorials or advice to users of a social networking platform in the field of games or gaming activities; providing virtual environments in which users can interact through social games for entertainment, leisure or recreational purposes; providing an online portal for consumers to share information relating to video games, computer games, console games or online games; providing online games, online gaming, online video games, online computer games or online console games provided by social networking services, in particular, social networking via the Internet or mobile communication devices; providing an online portal for consumers to play online computer games or electronic games or access or share enhancements within games; information, consultancy or advisory services relating to the aforesaid.

Class 42 Scientific and technological services and research and design relating thereto; ~~Industrial analysis and research services~~; Design and development of computer hardware and software; computer analysis; computer services; design of board-games; design of computer game software; design of console game software; design of games; design of mobile game software; design of software; design of virtual reality software; development of computer game software; development of virtual reality software; graphic design services; maintenance of software; ~~research in the field of social media~~; Software as a service [SaaS]; software authoring; software consulting services; software creation; software customisation services; software design; software development services; software development; software engineering; software research; updating of software;

~~website design services; website hosting; website maintenance software;~~ providing an online portal for consumers to share information relating to software; providing online gaming applications provided by social networking services, in particular, social networking via the Internet or mobile communication devices; hosting an online portal for consumers to access enhancements within games; information, consultancy or advisory services relating to the aforesaid.

Class 45 ~~Computer licensing;~~ computer software licensing; copyright licensing; film, television or video licensing; internet-based social networking services; licensing industrial property rights; licensing of computer games; licensing of computer software; licensing of databases; licensing of intellectual property; licensing of printed matter; licensing of trade marks; licensing services; online social networking services accessible by means of downloadable mobile applications; online social networking services, namely, facilitating social introductions or interactions among individuals; online social networking services; provision of a social networking website; providing online social networking services; social networking services in the fields of entertainment, gaming or application development; software licensing; information, consultancy or advisory services relating to the aforesaid.

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Class 9 Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Computer software; adaptive software; application software; application software for social networking services via internet; assistive software; cinematographic films; communication software; downloadable online community software; compact discs; compiler software; computer application software; computer databases; computer

discs; computer firmware; computer games software; computer games; computer games used in business; computer games used for business purposes; computer gaming software; computer graphics software; computer operating software; computer programs; computer software applications; computer software packages; computer software; data communications software; ~~data compression software~~; data processing software; database management software; database software; decoder software; digital versatile discs; downloadable computer software applications; downloadable computer software; downloadable electronic publications; downloadable games software; downloadable movies; downloadable publications; downloadable software; downloadable video recordings; DVD discs; editing software; education software; electronic publications; encoded discs; games software; image recognition software; industrial software; interface software; internet messaging software; localisation software; maintenance software; manufacturing software; media software; mobile apps; mobile software; motion pictures; multimedia software; pre-recorded compact discs; pre-recorded digital versatile discs featuring games; pre-recorded digital versatile discs featuring films; pre-recorded digital versatile discs featuring music; pre-recorded digital versatile discs featuring videos; pre-recorded discs; pre-recorded software; ~~privacy software~~; ~~process controlling software~~; ~~security software~~; sensory software; sensory software; software drivers; software; speech analytics software; telecommunications software; training software; utility software; video films; video game discs; virtual reality game software; virtual reality software; visualisation software; ~~VPN [virtual private network] operating software~~; ~~WAN [wide area network] operating software~~; workflow software; parts, accessories or fittings for the aforesaid.

- Class 16 Printed matter; Photographs; Instructional and teaching material [except apparatus]; advertising posters; advertising publications; books; cards; comic books; comic magazines; comics; guide books; magazines; manuals; pamphlets; periodical magazines; periodical publications; periodicals; photographs; posters; printed matter; printed periodicals; printed publications; stationery; stickers; strategy guide books for card games; strategy guide books for computer games; trading cards; books for children; colouring books; sticker books; stickers; writing materials; pens; pencils; crayons; ~~painting sets for artists~~; writing paper; greetings cards; parts, accessories or fittings for the aforesaid.
- Class 18 Luggage and carrying bags; umbrellas; Airline travel bags; all-purpose carrying bags; all-purpose leather straps; all-purpose sports bags; articles of luggage being bags; attaché cases; bags and holdalls for sports clothing; bags for sports; bags for sports clothing; barrel bags; beach bags; beach umbrellas; business card cases; business card cases in the nature of wallets; business cases; cosmetic cases sold empty; credit card cases [wallets]; daypacks; flexible bags for garments; garment bags for travel; golf umbrellas; gym bags; handbags; haversacks; hiking bags; jewelry bags of textile material [empty]; key cases; kit bags; leather bags and wallets; leather wallets; luggage; luggage tags; overnight bags; overnight suitcases; school book bags; school backpacks; shopping bags; small backpacks; sports packs; suitcases; toilet bags; tool bags; travel baggage.
- Class 21 Household or kitchen utensils and containers; ~~combs; brushes, except paintbrushes~~; glassware, porcelain and earthenware; All-purpose portable household containers; ~~applicator sticks for applying make-up; bakeware~~; beer glasses; beer mugs; bottles; bowls [basins]; ~~boxes for dispensing paper towels; boxes of~~

glass; ~~brushes~~; ~~brushes for household purposes~~; busts of crystal, china, ceramic, terra cotta, earthenware, glass or porcelain; busts of porcelain, ceramic, earthenware or glass; ceramic bowls; ceramic busts; ceramic figurines; ceramic mugs; ceramic ornaments; ceramic plates [tableware]; ceramic sculptures; ceramics for household purposes; ceramic statues; ceramic vases; ceramic vessels; china busts; china figurines; china mugs; china ornaments; china statues; coasters, not of paper or textile; ~~cocktail shakers~~; coffee cups; coffee mugs; coffee travel mugs; ~~combs~~; ~~corkscrews, electric and non-electric~~; crystal busts; crystal figurines; crystal [glassware]; crystal ornaments; crystal statues; decorative glass, not for building; disposable table plates; drinking cups; drinking bottles for sports; drinking cups, not of precious metal; drinking cups of precious metal; drinking flasks; drinking glasses; drinking vessels; dusters; earthenware; egg cups; fiberglass figurines; figures of porcelain, ceramic, earthenware or glass; ~~grills [cooking utensils]~~; household or kitchen utensils and containers; insulated containers for food or beverages, for household purposes; insulated mugs; insulating flasks; ~~ironing board covers, shaped~~; ~~ironing boards~~; money boxes of metal; mugs; ~~nail brushes~~; plastic bowls; plastic cups; plastic household storage containers for cereals; plastic jars for household purposes; plastic plates; plastic water bottles, empty; ~~polishing cloths~~; porcelain busts; porcelain mugs; porcelain ornaments; porcelain statues; porcelain ware; portable cool boxes, non-electric; pots; pottery; salad bowls; ~~salt cellars~~; saucers; soap containers; soup bowls; souvenir plates; ~~sponge cloths for cleaning~~; storage jars; ~~tablemats, not of paper or textile~~; table plates; tankards; tea caddies; teacups; teapots; travel mugs; trays for domestic purposes, of metal; utensils for household purposes; water bottles; works of art of porcelain, ceramic, earthenware or glass; sponge bags.

- Class 24 Textiles and substitutes for textiles; household linen; curtains of textile or plastic; bath linen; bathroom towels of textile; bed blankets; bed coverings; bed linen; bed quilts; bed throws; children's bed sheets; children's towels; covers for cushions; curtain fabrics; curtains; drapes; duvet covers; eiderdown covers; fabrics for textile use; face towels of textile; flags of textile or plastic; glass cloths [towels]; golf towels; hand towels of cotton; hand towels of textile; household linen; household textiles; knitted fabric; labels of textile; picnic blankets; pillowcases; printed fabrics; printed textile labels; sheets [textile]; shower curtains; sleeping bags; tablecloths of textile; table linen of textile; textile material; towels of cotton; towels of textile; travel throws.
- Class 25 Clothing; footwear; headgear; hooded sweatshirts; shirts; sweatshirts; t-shirts; vests; fancy dress costumes; costumes; underwear; socks.
- Class 28 Games and playthings; ~~Gymnastic and sporting articles~~; board games; card games; collectable toy figures; dolls; dice games; electronic games; figurines; games; model toys; models for use with role playing games; scale model figures; scale model vehicles; toy action figurines; toy figures; toy figurines; toy models; toys, games, playthings or novelties; toys; parts, accessories or fittings for the aforesaid; playing cards.
- Class 35 Mail order retail services, wholesale, retail or Internet retail services connected with Computer software, adaptive software; mail order retail services, wholesale, retail or Internet retail services connected with application software, assistive software, cinematographic films, communication software, online community software, compact discs, ~~compiler software~~,

computer application software, computer databases, computer discs; mail order retail services, wholesale, retail or Internet retail services connected with computer firmware, computer games software, computer games, computer games used in business, computer games used for business purposes, computer gaming software, computer graphics software, computer operating software, computer programs, computer software applications, computer software packages; mail order retail services, wholesale, retail or Internet retail services connected with computer software, computer telephony software, ~~credit screening software~~, data communications software, ~~data compression software~~, data processing software, database management software, database software, decoder software, digital versatile discs, downloadable computer software applications, downloadable computer software, downloadable electronic publications; mail order retail services, wholesale, retail or Internet retail services connected with downloadable games software, downloadable movies, downloadable publications, downloadable software, downloadable video recordings, DVD discs, editing software, education software, electronic publications, encoded discs, ~~facial analysis software~~; mail order retail services, wholesale, retail or Internet retail services connected with ~~facial recognition software~~, firmware, games software, hard discs, image recognition software, industrial software, interface software, internet messaging software, localisation software, maintenance software, manufacturing software, media software, mobile apps, mobile software, motion pictures, multimedia software; mail order retail services, wholesale, retail or Internet retail services connected with pre-recorded compact discs, pre-recorded digital versatile discs featuring games, pre-recorded digital versatile discs featuring films, prerecorded digital versatile discs featuring music, pre-recorded digital versatile discs featuring videos, pre-

recorded discs, pre-recorded software, ~~privacy software,~~
~~process controlling software,~~ ~~security software,~~ sensory
software, sensory software, software drivers, software; mail
order retail services, wholesale, retail or Internet retail services
connected with speech analytics software, telecommunications
software, training software, utility software, video compact discs,
video films, video game discs, virtual reality game software,
virtual reality software, visualisation software, ~~VPN [virtual
private network] operating software,~~ ~~WAN [wide area network]
operating software,~~ workflow software; mail order retail services,
wholesale, retail or Internet retail services connected with; mail
order retail services, wholesale, retail or Internet retail services
connected with books, brochures, cards, comic books, comic
magazines, comics, guide books, magazines, manuals,
pamphlets, periodical magazines, periodical publications,
periodicals; mail order retail services, wholesale, retail or
Internet retail services connected with photographs, playing
cards, posters, printed matter, printed periodicals, printed
publications, stationery, stickers, strategy guide books for card
games, strategy guide books for computer games, trading cards,
books for children, colouring books, sticker books, stickers; mail
order retail services, wholesale, retail or Internet retail services
connected with writing materials, pens, pencils, crayons, paints,
writing paper, greetings cards, Clothing, footwear, headgear,
hooded sweatshirts, shirts, sweatshirts, t-shirts, vests, fancy
dress costumes, costumes, underwear, socks, Games and
playthings, ~~Gymnastic and sporting articles,~~ board games, card
games, collectable toy figures; mail order retail services,
wholesale, retail or Internet retail services connected with dolls,
dice games, electronic games, figurines, games, model toys,
models for use with role playing games, scale model figures,
scale model vehicles, toy action figurines, toy figures, toy
figurines, toy models, toys, games, playthings or novelties, toys,

parts, accessories or fittings for the aforesaid; information, consultancy or advisory services relating to the aforesaid.

Class 38 Access to content, websites or portals; Arranging access to a computer database; arranging access to databases on the internet; arranging access to a computer server for the purpose of providing games; audio broadcasting; audio communications services; audio teleconferencing; broadcast of radio programmes; broadcast of television programmes; broadcasting or transmission of television programs; broadcasting of motion picture films via the internet; broadcasting of programmes by television; broadcasting of programmes via the internet; broadcasting of radio or television programmes; broadcasting services; chat room services for social networking; chat room services; chat rooms for social networking; communication between computers; communication by computer terminals; communication by computer; communication by electronic computer terminals; communication by electronic mail systems; communication by electronic means; communication by mobile telephone; communication by online blogs; communication by telephone; communication services; communications by fibre optic networks; communications services; computer transmission services; data broadcasting services; data streaming; data transmission; digital transmission services; electronic communication services; forums for social networking; leasing access time to a computer database; leasing access time to web sites; message sending services; on-line communication services; podcasting; providing access to an internet discussion website; providing internet access; providing internet chat rooms; providing on-line chat rooms for social networking; telecommunication access services; telecommunication network services; telecommunication of information; telecommunication services; television broadcasting

services; transfer of data by telecommunications; transmission of news; Transmission of videos, movies, pictures, images, text, photos, games, user-generated content, audio content, or information via the Internet; video communication services; providing access to an online portal for consumers to access enhancements within games; information, consultancy or advisory services relating to the aforesaid.

Class 41 ~~Education~~; Entertainment; Sporting and cultural activities; arrangement of conventions for educational purposes; arrangement of conventions for recreational purposes; arranging of competitions via the internet; arranging of conventions for business purposes; arranging of conventions for cultural purposes; arranging of conventions for entertainment purposes; arranging of conventions for trade purposes; arranging, organising or conducting of conventions, conferences, symposiums, seminars, lectures, events, socials or parties; book publishing; computer game entertainment services; conducting of competitions on the internet; electronic publishing; entertainment services; entertainment; exhibition, distribution or production of films or software; game services; gaming services; interactive entertainment; magazine publishing; motion picture production; multimedia entertainment software publishing services; organisation of competitions or awards; organisation of competitions; organisation of entertainment competitions; organisation of recreational competitions; organizing competitions; provision of on-line computer games; publishing of printed matter; publishing services; software publishing services; providing virtual environments in which users can interact through social games for entertainment, leisure or recreational purposes; providing an online portal for consumers to share information relating to video games, computer games, console games or online games; providing online games, online gaming,

online video games, online computer games or online console games provided by social networking services, in particular, social networking via the Internet or mobile communication devices; providing an online portal for consumers to play online computer games or electronic games or access or share enhancements within games; information, consultancy or advisory services relating to the aforesaid.

Class 42 Design and development of computer software; design of board-games; design of computer game software; design of console game software; design of games; design of mobile game software; design of software; design of virtual reality software; development of computer game software; development of virtual reality software; graphic design services; maintenance of software; Software as a service [SaaS]; software authoring; software consulting services; software creation; software customisation services; software design; software development services; software development; software engineering; software research; updating of software; ~~website design services~~; providing an online portal for consumers to share information relating to software; providing online gaming applications provided by social networking services, in particular, social networking via the Internet or mobile communication devices; hosting an online portal for consumers to access enhancements within games; information, consultancy or advisory services relating to the aforesaid.

Class 45 Computer software licensing; copyright licensing; film, television or video licensing; licensing industrial property rights; licensing of computer games; licensing of computer software; licensing of databases; licensing of intellectual property; licensing of printed matter; licensing of trade marks; licensing services; software licensing; information, consultancy or advisory services relating

to the aforesaid.