

O/0856/26

SUPPLEMENTARY DECISION

CONSOLIDATED PROCEEDINGS

TRADE MARKS ACT 1994

**IN THE MATTER OF
TRADE MARK APPLICATIONS NO. UK4138234 & NO. UK4138229
IN THE NAME OF MARBLE VISIONS INC.
TO REGISTER AS TRADE MARKS**



AND

Marble Visions

IN CLASSES 9, 35, 37 & 42

AND

**IN THE MATTER OF OPPOSITIONS THERETO
UNDER NUMBERS 453475 & 453476
BY MARBLE MANAGEMENT**

BACKGROUND AND PLEADINGS

1. On 15 September 2026, a decision in the above consolidated partial opposition proceedings was published under reference number BL O/0834/26 (“my decision”). In summary, the outcome of my decision was to uphold the oppositions brought by MARBLE MANAGEMENT (“the opponent”) under section 5(2)(b) of the Trade Marks Act 1994 (“the Act”) in relation to certain services in classes 35 and 42 only, being identical in both applications. As a result, (and subject to any appeal), the request by Marble Visions Inc. (“the applicant”) to register each of the two trade marks shown on the cover page of this decision in the United Kingdom was accepted in relation to the remaining goods and services.

2. Following my decision, the applicant brought to my attention that it had found an anomaly with respect to the services comparison and subsequent finding of a likelihood of confusion, or not, in my conclusion. The applicant submits the following:

“The term “Systemization and compilation of information into computer databases and providing information relating thereto” is listed as part of the refused class 35 services in paragraph 70, and also as accepted class 35 services in paragraph 71.

The term “Systemization and compilation of information into computer databases and providing information relating thereto” is deemed similar to a low degree to the Opponent’s “secretarial services” or “business assistance services” (paragraph 25).

At paragraph 25, the applicant’s other allowed services “computerized digital data file management; computerized filing and organization of document and image data” are considered to be only similar to the opponent’s services to a low degree.

At paragraph 69, the Hearing Officer held that indirect confusion existed only for services where similarity was “at least a low to medium degree or above” and did not extend to services for which only a low degree of similarity was

found.

Therefore, it seems that as a “low” (and not low-medium) similarity category, the services “Systemization and compilation of information into computer databases and providing information relating thereto” are intended to be included in the “allowed” category. Please can you confirm.

Please also advise if correction of this anomaly affects the appeal deadline.”

3. On reviewing my decision, I consider that the inconsistency is capable of correction under Rule 74 of the Trade Mark Rules 2008 in relation to my conclusion on the accepted services of the applications. The parties were duly notified of this on 23 September 2026.

SUPPLEMENTARY DECISION

4. I stand by my findings as detailed in the services comparison at paragraphs 22 to 35 of the original decision. In setting out my conclusion, it seems clear to me that I have made an error in copying and pasting the services which are acceptable for registration against those which I considered should be refused, by duplicating the contested term in both sections.

CONCLUSION

5. In view of the above, and subject to any successful appeal, trade mark application numbers **UK00004138234** and **UK00004138229** by Marble Visions Inc. are refused registration for the following services, as amended to reflect the error in copying and pasting:

Class 35

Business management analysis using satellite data and geospatial data; providing business information derived from satellite data and geospatial data; providing business information on trend of individual industry derived from satellite data and geospatial data; providing market research statistical information derived from satellite

data and geospatial data; providing business information in the field of economics derived from satellite data and geospatial data; all the foregoing services being in the fields of satellite data processing, geospatial data processing, satellite operations and satellite-related systems; providing information concerning commercial sales derived from satellite data, geospatial data, location data and real estate information for route selection, site selection, trade area analysis, analysis of urban vitality, analysis of customer flows and traffic flows, and commercial location intelligence purposes; providing commercial information derived from satellite data, geospatial data, location data and real estate information for route selection, site selection, trade area analysis, analysis of urban vitality, analysis of customer flows and traffic flows, and commercial location intelligence purposes; provision of business statistical information derived from satellite data, geospatial data, location data and real estate information for route selection, site selection, trade area analysis, analysis of urban vitality, analysis of customer flows and traffic flows, and commercial location intelligence purposes; all the foregoing services being in the fields of satellite data processing, geospatial data processing, location intelligence derived from satellite data, geospatial data and location data, and satellite related systems.

Class 42

Computer software design; consultancy, advisory services and providing information relating to computer software design; computer system design, creating of computer systems; consultation, advisory services and providing information relating to computer system design, creating of computer systems; all the foregoing services being for processing satellite data and geospatial data and for use in satellite operations and satellite-related systems; computer software design in the field of 3D digital maps; consultancy, advisory services and providing information relating to computer software design in the field of 3D digital maps; all the foregoing services relating to satellite data, geospatial data, 3D digital maps, satellite operations and satellite-related systems; all the foregoing services being for software and systems used for processing satellite data and geospatial data and for use in satellite operations and satellite-related systems; research on building construction or city planning using satellite data, geospatial data, remote sensing and Earth observation technologies for urban planning, infrastructure monitoring and geospatial information purposes, and providing information relating thereto; testing or research on

prevention of pollution using satellite data, geospatial data, remote sensing and Earth observation technologies, and providing information relating thereto; testing or research on civil engineering using satellite data, geospatial data, remote sensing and Earth observation technologies for infrastructure monitoring, disaster prevention, urban planning and geospatial information purposes, and providing information relating thereto; designing of machines, apparatus, instruments (including their parts) or systems composed of such machines, apparatus and instruments for use in satellite operations, remote sensing, Earth observation, satellite data processing, geospatial data processing and satellite-related systems, and providing information relating thereto; computer graphics design services for visualisations derived from satellite data and geospatial data; design services for maps; all the foregoing services being provided using satellite data and geospatial data for urban planning, digital mapping, Earth observation and geospatial information purposes; design and development of satellites and launch facilities, and providing information relating thereto.

6. The applications may proceed to registration for the remaining goods and services:

Class 9 and 37 in their entirety (unopposed)

And

Class 35

Systemization and compilation of information into computer databases and providing information relating thereto; computerized digital data file management; computerized filing and organization of document and image data; all the foregoing services being for processing satellite data and geospatial data and for use in satellite operations and satellite-related systems; online retail store services or online wholesale store services for downloadable image files or video files featuring geospatial data.

Class 42

Computer programming, or maintenance of computer software; consultancy, advisory services and providing information relating to computer programming, or maintenance of computer software; maintenance of computer systems; consultation, advisory

services and providing information relating to maintaining of computer systems; technological consultancy services relating to security on communication network by the Internet, mobile telephone communication or other communication means; providing authentication of personal identification information; inspection, verification and authentication of existence of falsification of contents of electronic information; encryption of data for computers; providing user authentication services online; provision of services for authentication and verification of identity and/or personal data of communication network users; providing search engines by the Internet, mobile telephone communication or other communication means; data conversion of electronic sound, image and text information to sound, image and text signals by computers; data conversion to computer databases; conversion of images from physical to electronic media; information processing by computers; remote monitoring of computer systems; installation, upgrading, maintenance and configuration of computer programs; installation, upgrading, maintenance and configuration of computer programs relating to central processing units, electronic circuits, magnetic discs, magnetic tapes storing computer programs and other peripheral equipment; verification of connection between computers; testing services in relation to computer program behavior; computer software consulting concerning maintenance and installation of computer programs to apparatuses using computer programs or apparatuses used by computer systems; rental of computers and providing information relating thereto; providing computer programs on data network and providing information relating thereto; providing temporary use of on-line nondownloadable software and providing information relating thereto; all the foregoing services being for processing satellite data and geospatial data and for use in satellite operations and satellite-related systems; computer programming, and maintenance of computer software in the field of 3D digital maps; consultancy, advisory services and providing information relating to computer programming, or maintenance of computer software in the field of 3D digital maps; providing temporary use of on-line non-downloadable software for generating and viewing 3D digital maps, and providing information relating thereto; software as a service (SaaS) featuring computer software for generating and viewing 3D digital maps, and providing information relating thereto; platform as a service (PaaS) featuring computer software platforms for generating and viewing 3D digital maps, and providing information relating thereto; information technology (IT) consultancy in the field of 3D digital maps,

and providing information relating thereto; creating or maintaining home pages for others on the Internet; software as a service (SaaS) and providing information relating thereto; platform as a service (PaaS) and providing information relating thereto; information technology (IT) consultancy and providing information relating thereto; rental of web servers and providing information relating thereto; rental of memory space of servers for communication networks and providing information relating thereto; all the foregoing services relating to satellite data, geospatial data, 3D digital maps, satellite operations and satellite-related systems; technical writing for others, namely, writing of specialized user manuals for computers, computer programs and computer hardware; technical advice relating to operation of computers and computer software; all the foregoing services being for software and systems used for processing satellite data and geospatial data and for use in satellite operations and satellite-related systems; quality control of satellite data, geospatial data, satellite imagery, geospatial information systems and satellite-related systems; providing map information; providing map information using data obtained from satellites; providing online geographic maps, not downloadable, and providing information relating thereto; providing geographic information; cartography services and providing information relating thereto; architectural services and providing information relating thereto; surveying and providing information relating thereto; all the foregoing services being provided using satellite data and geospatial data for urban planning, digital mapping, Earth observation and geospatial information purposes; land surveying using data from satellites, and providing information relating thereto; scientific and technological research in the field of natural disasters using satellite data, geospatial data, remote sensing and Earth observation technologies; analysis of images and videos obtained from satellites for remote sensing, Earth observation and geospatial information purposes, and providing information relating thereto.

COSTS

7. I do not see that the typographical error unduly affects my finding that the parties have enjoyed a roughly equal share of success. Therefore, my direction that each party should bear its own costs stands.

8. Further, I give the parties notice that this supplementary decision corrects the irregularity and that any further appeal in respect of the supplementary decision begins from the date of this decision.

Dated this 23rd day of September 2026

**Suzanne Hitchings
For the Registrar,
the Comptroller-General**