

BL O/0889/25

TRADE MARKS ACT 1994

**IN THE MATTER OF
INTERNATIONAL REGISTRATIONS NO. WO0000001688992
DESIGNATING THE UK
BY WEB3 AGILITY PTY LTD
TO REGISTER THE FOLLOWING TRADE MARK:**

ARO TARGET

IN CLASSES 9, 35 AND 42

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NUMBER 440182
BY FIELD EFFECT SOFTWARE INC.**

BACKGROUND AND PLEADINGS

1. International trade mark 1688992 (*“the IR”*) consists of the trade mark shown on the cover page of this decision. The Holder is Web3 Agility Pty Ltd (*“the Holder”*). The IR is registered with effect from 12 August 2022. With effect from the same date, the Holder designated the UK as a territory in which it seeks to protect the IR under terms of the Protocol to the Madrid Agreement. The Holder seeks protection for the IR in relation to the following goods and services:

Class 9: Computer software; application software; computer software platforms, recorded or downloadable; computer software downloaded from the internet; computer software for business purposes; computer software programs for database management; computer software programs for spreadsheet management; computer software for processing and analysing market information; computer software for accounting systems; computer programs for financial reporting; data processing software; computer software designed to estimate and plan resource requirements; computer programs for sales purposes; computer software, application software and computer programs for business management and administration purposes; computer software, application software and computer programs for supporting and automating business strategy and planning processes; computer software, application software and computer programs for automating budgeting processes; computer software, application software and computer programs for processing, updating, managing, tracking and analysing business data; computer software, application software and computer programs for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; computer software, application software and computer programs for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; computer software, application software and computer programs for business data analysis.

Class 35: Business planning; business data analysis; business data management; business strategy services; business intelligence services; business consultancy; business advice; business administration; consultancy relating to business efficiency; business consultancy services relating to marketing; business consultancy relating to finance; data processing for businesses; economic forecasting for business purposes; economic forecasting analysis for business purposes; risk management consultancy (business); advisory services relating to business risk management; evaluation of business opportunities; computerised business records keeping; records management services for others; accounting; business accounts management; provision of business management, advisory and consultancy services for the purpose of assisting businesses with utilising customer, market and business data to support business intelligence, business planning, business strategy and business decision-making; provision of business management, advisory and consultancy services for the purpose of assisting businesses to identify, evaluate and realise business opportunities; computerised accounting; provision of information (including online) in respect of all of the foregoing.

Class 42: Software as a service (SaaS); software as a service (SaaS) for business management and administration purposes; software as a service (SaaS) for supporting and automating business strategy and planning processes; software as a service (SaaS) for automating budgeting processes; software as a service (SaaS) for processing, updating, managing, tracking and analysing business data; software as a service (SaaS) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; software as a service (SaaS) for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; software as a service (SaaS) for business data analysis; online provision of web-based software (non-downloadable); online

provision of web-based software (non-downloadable) for business management and administration purposes; online provision of web-based software (non-downloadable) for supporting and automating business strategy and planning processes; online provision of web-based software (non-downloadable) for automating budgeting processes; online provision of web-based software (non-downloadable) for processing, updating, managing, tracking and analysing business data; online provision of web-based software (non-downloadable) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; online provision of web-based software (non-downloadable) for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; online provision of web-based software (non-downloadable) for business data analysis; platform as a service (PaaS); platform as a service (PaaS) in respect of a platform for business management and administration purposes; platform as a service (PaaS) in respect of a platform for supporting and automating business strategy and planning processes; platform as a service (PaaS) in respect of a platform for automating budgeting processes; platform as a service (PaaS) in respect of a platform for processing, updating, managing, tracking and analysing business data; platform as a service (PaaS) in respect of a platform for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; platform as a service (PaaS) in respect of a platform for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; platform as a service (PaaS) for business data analysis; preparation of technical reports for businesses; preparation of technical reports relating to business management and administration; computerised data storage services; computerised business information storage; provision of information (including online) in respect of all of the foregoing.

2. The request to protect the IR was published on 13 January 2023. On 12 April 2023, Field Effect Software Inc., (“**the Opponent**”) opposed the protection of the IR in the UK based upon section 5(2)(b) of the Trade Marks Act 1994 (“**the Act**”). Within its Notice of Opposition, the Opponent indicated that the opposition is directed against all the goods and services of the application.

3. The Opponent relies upon the following trade mark (“**the Earlier Mark**”):

ARO

UK registration number: 3582867

Filing date: 21 January 2021; Registration date: 25 June 2021.

4. For the purpose of these proceedings the Opponent relies upon all the goods and services in Classes 9 and 42, for which the mark is registered, namely:

Class 9: Security software; downloadable electronic publications in the nature of customer reports on security risks, security threats and security events in the fields of computer, network and internet security.

Class 42: Computer, network and internet security services; computer services, namely, identifying, analyzing, reporting on and responding to security risks, security threats and security events; computer security consultancy; providing temporary use of online non-downloadable computer software for identifying security risks and threats in real and simulated environments; Providing temporary use of on-line non-downloadable security software; providing information in the field of computer, network and internet security risks, threats and events; providing technical information in the field of computer, network and internet security risks, threats and events.

5. Given the filing date, the Opponent’s mark is an earlier mark, in accordance with section 6 of the Act. However, as it had not been registered for five years or more at

the filing date of the application, it is not subject to the proof of use requirements specified within section 6A of the Act. As a consequence, the Opponent may rely upon all of the goods and services for which the earlier mark is registered without having to establish genuine use.

6. In its notice of opposition,¹ the Opponent states that because of its similarity to the Opponents ARO trade mark and that it covers identical and/or highly similar goods and services covered by the earlier right, there exists a likelihood of confusion on the part of the public, including a likelihood of association.

7. The Holder filed a counterstatement denying the grounds for opposition.

8. The Holder is represented by Howard Kennedy LLP and the Opponent is represented by Marks & Clerk LLP. A hearing was not requested and neither party filed evidence. The Opponent filed written submissions in lieu of a hearing. This decision is taken following a careful consideration of the papers.

RELEVANCE OF EU LAW

9. 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.

DECISION

Section 5(2)(b)

10. Section 5(2)(b) and 5A of the Act is as follows:

¹ Form TM7 and Statement of Grounds filed 12 April 2023 page 8, paragraph 1.

“5(2) A trade mark shall not be registered if because–

(a)...

(b) it is similar to an earlier trade mark and is to be registered for goods or services identical with or similar to those for which the earlier trade mark is protected,

there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.

11. Section 5A of the Act is as follows:

“5A Where grounds for refusal of an application for registration of a trade mark exist in respect of only some of the goods or services in respect of which the trade mark is applied for, the application is to be refused in relation to those goods and services only.”

12. The following principles are gleaned from the decisions of the EU courts in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas AG & Adidas Benelux BV*, Case C-425/98, *Matratzen Concord GmbH v OHIM*, Case C-3/03, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH*, Case C-120/04, *Shaker di L. Laudato & C. Sas v OHIM*, Case C-334/05P and *Bimbo SA v OHIM*, Case C-591/12P:

- a) the likelihood of confusion must be appreciated globally, taking account of all relevant factors;
- b) the matter must be judged through the eyes of the average consumer of the goods or services in question. The average consumer is deemed to be reasonably well informed and reasonably circumspect and observant, but someone who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them they have

kept in their mind, and whose attention varies according to the category of goods or services in question;

- c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;
- d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;
- e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;
- f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;
- g) a lesser degree of similarity between the goods or services may be offset by a greater degree of similarity between the marks and vice versa;
- h) there is a greater likelihood of confusion where the earlier mark has a highly distinctive character, either per se or because of the use that has been made of it;
- i) mere association, in the strict sense that the later mark brings the earlier mark to mind, is not sufficient;
- j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

- k) if the association between the marks creates a risk that the public might believe that the respective goods or services come from the same or economically-linked undertakings, there is a likelihood of confusion.

Comparison of goods and services

13. Section 60A of the Act provides:

“(1) For the purpose of this Act goods and services-

(a) are not to be regarded as being similar to each other on the ground that they appear in the same class under the Nice Classification.

(b) are not to be regarded as being dissimilar from each other on the ground that they appear in different classes under the Nice Classification.

(2) In subsection (1), the “Nice Classification” means the system of classification under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, which was last amended on 28 September 1975.”

14. When making the comparison, all relevant factors relating to the goods in the specifications should be taken into account. In the judgement of the Court of justice of the European Union (“CJEU”) in *Canon, Case C-39/97*, the court state at paragraph 23 that:

“In assessing the similarity of the goods or services concerned, as the French and United Kingdom Governments and the Commission have pointed out, all the relevant factors relating to those goods or services themselves should be taken into account. Those factors include, inter alia, their nature, their intended purpose and their method of use and whether they are in competition with each other or are complementary.”

15. Guidance on this issue has come from Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, where he identified the factors for assessing similarity as:

- (a) The respective uses of the respective goods or services;
- (b) The respective users of the respective goods or services;
- (c) The physical nature of the goods or acts of service;
- (d) The respective trade channels through which the goods or services reach the market;
- (e) In the case of self-serve consumer items, where in practice they are respectively found or likely to be found in supermarkets and, in particular, whether they are or are likely to be found on the same or different shelves;
- (f) The extent to which the respective goods or services are competitive. This inquiry may take into account how those in trade classify goods, for instance, whether market research companies, who of course act for industry, put the goods or services in the same or different sectors

16. In *Gérard Meric v OHIM*, Case T- 133/05, the General Court (“GC”) stated that:

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut für Lernsysteme v OHIM – Educational Services (ELS)* [2002] ECR II-4301, paragraph 53) or 10 where the goods designated by the trade mark application are included in a more general category designated by the earlier mark.”

17. In *Boston Scientific Ltd v OHIM*, Case T-325/06, the General Cour stated that “complementary” means: “... there is a close connection between them, in the sense

that one is indispensable or important for the use of the other in such a way that customers may think the responsibility for those goods lies with the same undertaking.”

18. In *YouView TV Ltd v Total Ltd*, [2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

“... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49]. Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of ‘dessert sauce’ did not include jam, or because the ordinary and natural description of jam was not ‘a dessert sauce’. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question.”

19. I bear in mind the following applicable principles of interpretation of terms within a specification from the judgement of *Sky v Skykick* [2024] UKSC 36:

“365. I agree with Sir Christopher Floyd and the other members of the Court of Appeal on this issue. The correct approach, as a matter of principle, in considering a specification of services which is defined by terms which are not clear or precise, is to confine the terms used to the substance or core of their possible meanings: see, for example, *Reed Executive plc v Reed Business Information Ltd* [2004] EWCA Civ 159; [2004] RPC 40, at para 43. So too, if a specification of goods is defined by terms which are ambiguous, then it should be confined to those goods which are clearly covered. These principles are consistent with first, the requirement that the specifications of goods and services must be clear and precise so that others know what they can and cannot do; and secondly, general fairness because any ambiguity is the responsibility of the owner of the mark. If despite this, the words used are still

unclear so that they cannot be interpreted, then it is permissible to disregard them. But, in my opinion, that will rarely be the case.”

20. For the purposes of considering the issue of similarity, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons.²

21. The competing goods and services are contained in the attached Annex.

Class 9

Computer software; computer software downloaded from the internet; application software.

22. The Holder’s class 9 goods relate to software, either in its simplest form “*Computer software*” or a wide range of software applications and programmes for a broad category of business services. I understand that software is a collection of data, instructions or programs that enable a computer to carry out specific tasks. The Opponent’s “Security software” will be encompassed within the Holder’s broad category of goods, “Computer software, computer software downloaded from the internet and application software”, and are therefore identical in line with the principle set out in *Meric*.

Computer software platforms, recorded or downloadable.

23. A computer software platform is the environment that provides the infrastructure for running software. The best comparison lies in the Opponent’s “Security software”. The parties’ goods may overlap in users and trade channels but differ in nature and purpose, with the Opponent’s software preventing cyber security threats and the Holder’s platform being the infrastructure that enables software to be developed, run and managed. There will be no competition between these goods, however, they will be complimentary, as a computer software platform will be required to enable the

² See *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38.

security software to operate and consumers may assume the responsibility for these goods lies with the same undertaking. Taking these factors into account, I find a medium degree of similarity in the respective goods.

Computer software for business purposes; computer software programs for database management; computer software programs for spreadsheet management; computer software for processing and analysing market information; computer software for accounting systems; computer programs for financial reporting; data processing software; computer software designed to estimate and plan resource requirements; computer programs for sales purposes; computer software, application software and computer programs for business management and administration purposes; computer software, application software and computer programs for supporting and automating business strategy and planning processes; computer software, application software and computer programs for automating budgeting processes; computer software, application software and computer programs for processing, updating, managing, tracking and analysing business data; computer software, application software and computer programs for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; computer software, application software and computer programs for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; computer software, application software and computer programs for business data analysis.

24. I will compare the above terms, which are all types of business software, to the Opponent's "Security software". The competing goods overlap in nature, being software and method of use, being software that needs to run on hardware, However, they differ in their intended purpose, as the Holder's goods appertain to a broad range of business functions, whereas the Opponent's goods relate to security. I consider that the goods will be offered by different undertakings who specialise in the fields to which the goods relate, for example the Holders goods will likely be offered by undertakings that specialise in business administration, whereas the Opponent's software goods will be offered by undertakings that specialise in security. As such, the goods will differ in trade channels. There may be an overlap in end users however the goods will not be in competition with each other nor will they be complimentary. On this basis, and

without any evidence before me to the contrary, I find a low degree of similarity in the respective goods.

Class 35

Business planning; business data analysis; business data management; business strategy services; business intelligence services; business consultancy; business advice; business administration; consultancy relating to business efficiency; business consultancy services relating to marketing; business consultancy relating to finance; economic forecasting for business purposes; economic forecasting analysis for business purposes; risk management consultancy (business); advisory services relating to business risk management; evaluation of business opportunities; records management services for others; accounting; business accounts management; provision of business management, advisory and consultancy services for the purpose of assisting businesses with utilising customer, market and business data to support business intelligence, business planning, business strategy and business decision-making; provision of business management, advisory and consultancy services for the purpose of assisting businesses to identify, evaluate and realise business opportunities; provision of information (including online) in respect of all of the foregoing.

25. The Opponent submits³, that “*the contested services in class 35 are highly similar to the earlier “security software; downloadable electronic publications in the nature of customer reports on security risks, security threats and security events in the fields of computer, network and internet security” in class 9 as the relevant public and distribution channels are the same. In particular, both the relevant goods and services address professionals ... and overlap to the extent that they refer to core business functions (i.e. sales, accounting and finance, logistics, and in particular data management, and on the other hand, security which includes cybersecurity to protect data, financial information etc.)*. I am inclined to disagree with the Opponent, as I see no obvious similarity between the Holder’s services, being business administrative functions and the Opponent’s above class 9 goods, broadly being computer services

³ Opponent’s written submissions dated 27 August 2024, page 15, paragraph 29.

specifically relating to security. The goods and services clearly differ in nature and method of use. I do not consider that there would be an overlap in trade channels, as the Holder's services would be provided by business consultancy undertakings whereas the Opponent's goods would be provided by security specialists. They are not in competition with each other and are not complimentary. If the goods and services were to overlap in users, this is not enough on its own to establish similarity. Taking the above factors into account, I find these goods and services to be dissimilar.

26. For the sake of completeness, I also do not consider that the holder's above services would be similar to the opponent's services which also pertains to security software. The services do not overlap in nature, method of use or purpose as all of the holder's services relate to business whereas the opponent's services provide security software. I do not consider that there would be an overlap in trade channels, for the same reasons stated in paragraph 25 above. The services are clearly neither in competition nor complementary. I therefore find them to be dissimilar.

Data processing for businesses; computerised business records keeping; computerised accounting.

27. I consider that the above services all pertain to business administrative functions and therefore, for the same reasons set out in paragraph [25], I find the Holder's above services to be dissimilar to the Opponent's class 9 goods and class 42 services, all of which pertain to security software.

Provision of information (including online) in respect of all of the foregoing.

28. With regard to the Holder's term "provision of information (including online) in respect of all of the foregoing", to the extent that I have found no similarity between the Holder's class 35 services, and the Opponent's class 9 and 42 goods and services, I also find these services to be dissimilar.

Class 42

Software as a service (SaaS).

29. I understand, in broad terms that Software as a service [SAAS] refers to the delivery and management of software over the internet that does not need to be downloaded to be accessible, with the provider being the host of the software. I compare this service to the Opponent's, 'Providing temporary use of on-line non-downloadable security software' and 'Providing temporary use of online non-downloadable computer software for identifying security risks and threats in real and simulated environments'. As the respective services relate to the provision of non-downloadable software over the internet, the Opponent's services will be encompassed within the Holder's 'Software as a Service' and will therefore be identical in line with the principle set out in *Meric*.

Software as a service (SaaS) for business management and administration purposes; software as a service (SaaS) for supporting and automating business strategy and planning processes; software as a service (SaaS) for automating budgeting processes; software as a service (SaaS) for processing, updating, managing, tracking and analysing business data; software as a service (SaaS) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; software as a service (SaaS) for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; software as a service (SaaS) for business data analysis.

30. I find that the Holder's above services are similar to the Opponent's 'Providing temporary use of on-line non-downloadable security software' and 'Providing temporary use of online non-downloadable computer software for identifying security risks and threats in real and simulated environments' on the basis that all of the services provide the user with software. Therefore, they overlap in nature and method of use. As for purpose, the Holder's services relate to a range of business functions and the Opponent's services relate to the protection of systems, networks and data from cyber security threats. Consequently, their purposes differ. However, there may be an overlap in users. There will be no overlap in trade channels and they will not be in competition with each other or complementary. Taking all these factors into account, I find that the respective services are similar to a low degree.

Online provision of web-based software (non-downloadable).

31. The Opponent's 'Providing temporary use of on-line non-downloadable security software' and 'Providing temporary use of online non-downloadable computer software for identifying security risks and threats in real and simulated environments' are types of online non-downloadable software and will be encompassed within the Holder's above services and are therefore identical in line with the principle set out in *Meric*.

Online provision of web-based software (non-downloadable) for business management and administration purposes; online provision of web-based software (non-downloadable) for supporting and automating business strategy and planning processes; online provision of web-based software (non-downloadable) for automating budgeting processes; online provision of web-based software (non-downloadable) for processing, updating, managing, tracking and analysing business data; online provision of web-based software (non-downloadable) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; online provision of web-based software (non-downloadable) for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; online provision of web-based software (non-downloadable) for business data analysis.

32. I compare the above services to the Opponent's, 'Providing temporary use of on-line non-downloadable security software' and 'Providing temporary use of online non-downloadable computer software for identifying security risks and threats in real and simulated environments'. The Holder's services are all types of online non-downloadable software relating to a broad range of business functions and the Opponent's services are online non-downloadable software related to protection of systems, networks and data from cyber security threats. As such, the respective services will differ in purpose but may overlap in nature and method of use. They may also overlap in users but will not overlap in trade channels as the Holder's services will be offered by undertakings that specialise in security. The services will not be in

competition with each other or complimentary. On balance, I find these services are similar to a low degree.

Platform as a service (PaaS).

33. Platform as a service [PAAS] is a type of cloud computing service that provides a cloud platform to build, develop and maintain a software application. The service provider hosts the servers, network, software, databases and development tools by way of a cloud access to which the user pays for, typically on a subscription basis. I compare the Holder's above service to the Opponent's, 'Providing temporary use of online non-downloadable computer software for identifying security risks and threats in real and simulated environments' and 'Providing temporary use of on-line non-downloadable security software', which relate to the provision of online applications over the internet, where the security software can be accessed remotely through the web. The nature of the services differ, as the Holder's is a platform for developing software, whilst the Opponent's services are software themselves. The respective services may overlap in users but differ in purpose, as the Opponent's services provide pre-developed security software and the Holder's relates to a platform for developing applications and software. The trade channels are unlikely to overlap as the Opponent's services will be provided by security software specialists and as such will not be provided, offered or distributed by the same undertakings. The services will not be complimentary however there may be a degree of competition in these services, as the consumer may choose to build their own software or purchase a pre-developed security software package, to suit their business needs. Overall, I find that the services are similar to a low degree.

Platform as a service (PaaS) in respect of a platform for business management and administration purposes; platform as a service (PaaS) in respect of a platform for supporting and automating business strategy and planning processes; platform as a service (PaaS) in respect of a platform for automating budgeting processes; platform as a service (PaaS) in respect of a platform for processing, updating, managing, tracking and analysing business data; platform as a service (PaaS) in respect of a platform for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; platform as a service (PaaS) in

respect of a platform for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; platform as a service (PaaS) for business data analysis.

34. I compare the above services to the Opponent's 'Providing temporary use of online non-downloadable computer software for identifying security risks and threats in real and simulated environments' and 'Providing temporary use of on-line non-downloadable security software'. Taking into account the limitations in the respective services, the Opponent's being concerned with security software and the Holder's relating to a range of business related software, for the reasons provided above in paragraph [33], I find that the services are similar to a low degree.

Computerised data storage services; computerised business information storage.

35. From my understanding, computerised data storage services, otherwise known as cloud storage, involves storing digital data on remote servers that are managed by a third-party provider and accessed through a network, such as the internet. Computerised business information storage refers to the process of managing and storing business data electronically, using hard disk drives, solid-state drives (SSD's) or cloud storage. I understand that software is required to manage the storage of computer data, therefore, I will compare the above services to the Opponent's, 'Providing temporary use of on-line non-downloadable security software'. Absent of any evidence before me, I find there will be no overlap in nature or method of use and as the Opponent's software pertains to security, the services will differ in purpose. Although users may overlap, I find no overlap in trade channels, as the Opponent's software will be offered by undertakings that specialise in security. The respective services will not be in competition with each other nor will they be complimentary. Therefore, I find the services are dissimilar.

Preparation of technical reports for businesses; preparation of technical reports relating to business management and administration.

36. The above services relate to the preparation of information relating to business services. The Opponent submits that these services are highly similar to the services

under class 42 of the earlier mark, which cover a broad range of security services, including the provision of information and provision of technical information in the field of computer, network and internet security⁴. However, the services clearly do not overlap in nature or method of use on the basis that the Holder's services prepare technical reports for businesses, which will include data, findings and conclusions for problems within the business, whereas the opponent's services only provide information in relation to internet security risks. As the Holder's services will either be provided in-house within a business by analysts or researchers, or the services can be provided by undertakings that specialise in carrying out technical reports for businesses, whilst the Opponent's undertakings will be provided by security specialists, On this basis, I find there to be no overlap in trade channels. I also do not consider that the respective services will be in competition with each other or complementary. I therefore find that the services are dissimilar.

Provision of information (including online) in respect of all of the foregoing.

37. The Holder's above service relates to the provision of information in relation to the Holder's class 42 services. For those services that I have found to be identical or similar to any degree with the Opponent's class 42 services, I find that there will be a low degree of similarity with the holder's provision of information for these services because the services would be provided by the same trade channels to the same users. However, there will be no overlap in nature and method of use and the services will not be in competition with each other or complimentary.

38. For those services I have found to be dissimilar, there will be no overlap in nature, method of use or users. Trade channels will not overlap and the respective services will not be in competition with each other or be complementary. Therefore, the respective services will be dissimilar.

39. As some degree of similarity between the goods and services is essential to a finding of confusion: *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, the opposition fails at this point in relation to all the goods and services where I have

⁴ Opponent's written submissions filed 28 August 2024, page 12, paragraph 28.

failed to establish any similarity. For the remaining goods and services where I have found similarity, I will continue in my assessment under section 5(2)(b). These are as follows:

Class 9: Computer software; application software; computer software platforms, recorded or downloadable; computer software downloaded from the internet; computer software for business purposes; computer software programs for database management; computer software programs for spreadsheet management; computer software for processing and analysing market information; computer software for accounting systems; computer programs for financial reporting; data processing software; computer software designed to estimate and plan resource requirements; computer programs for sales purposes; computer software, application software and computer programs for business management and administration purposes; computer software, application software and computer programs for supporting and automating business strategy and planning processes; computer software, application software and computer programs for automating budgeting processes; computer software, application software and computer programs for processing, updating, managing, tracking and analysing business data; computer software, application software and computer programs for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; computer software, application software and computer programs for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; computer software, application software and computer programs for business data analysis.

Class 42: Software as a service (SaaS); software as a service (SaaS) for business management and administration purposes; software as a service (SaaS) for supporting and automating business strategy and planning processes; software as a service (SaaS) for automating budgeting

processes; software as a service (SaaS) for processing, updating, managing, tracking and analysing business data; software as a service (SaaS) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; software as a service (SaaS) for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; software as a service (SaaS) for business data analysis; online provision of web-based software (non-downloadable); online provision of web-based software (non-downloadable) for business management and administration purposes; online provision of web-based software (non-downloadable) for supporting and automating business strategy and planning processes; online provision of web-based software (non-downloadable) for automating budgeting processes; online provision of web-based software (non-downloadable) for processing, updating, managing, tracking and analysing business data; online provision of web-based software (non-downloadable) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; online provision of web-based software (non-downloadable) for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; online provision of web-based software (non-downloadable) for business data analysis; platform as a service (PaaS); platform as a service (PaaS) in respect of a platform for business management and administration purposes; platform as a service (PaaS) in respect of a platform for supporting and automating business strategy and planning processes; platform as a service (PaaS) in respect of a platform for automating budgeting processes; platform as a service (PaaS) in respect of a platform for processing, updating, managing, tracking and analysing business data; platform as a service (PaaS) in respect of a platform for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; platform as a service (PaaS) in respect of a platform for managing,

supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; platform as a service (PaaS) for business data analysis; provision of information (including online) in respect of all of the foregoing.

The average consumer and the nature of the purchasing act

40. The average consumer is deemed to be reasonably well informed and reasonably observant and circumspect. For the purpose of assessing the likelihood of confusion, it must be borne in mind that the average consumer's level of attention is likely to vary according to the category of goods or services in question (see *Lloyd Schuhfabrik Meyer*, Case C-342/97).

41. In *Hearst Holdings Inc, Fleischer Studios Inc v A.V.E.L.A. Inc, Poeticgem Limited, The Partnership (Trading) Limited, U Wear Limited, J Fox Limited*, [2014] EWHC 439 (Ch), Birss J. described the average consumer in these terms:

“60. The trade mark questions have to be approached from the point of view of the presumed expectations of the average consumer who is reasonably well informed and reasonably circumspect. The parties were agreed that the relevant person is a legal construct and that the test is to be applied objectively by the court from the point of view of that constructed person. The words “average” denotes that the person is typical. The term “average” does not denote some form of numerical mean, mode or median.”

42. I consider that the average consumer for these goods and services will be for the most part business users and professionals. However, I also bear in mind that these goods and services will be available to the general public. The goods and services are likely to be offered for sale through a range of both specialist and general providers and are likely to be presented to the consumer via online app stores, websites or physical premises through displays, signage or leaflets. It is likely that the selection process will be primarily visual although I do not discount an aural component playing a part, as word of mouth recommendations from a sales assistant or consultant may

influence consumer decisions. The cost of purchase is likely to vary as will the frequency. Various factors will be considered such as cost, suitability to meet the user's needs, software compatibility and reputational standing of the provider. I consider that the average consumer, whether it be a business user, a professional or a member of the general public, would pay the same degree of attention when selecting security software or software that pertains to business, to ensure specific requirements are met. Therefore, taking all these factors into account, I consider the average consumer of the goods and services at issue, will be pay a medium degree of attention during the purchasing process.

Comparison of marks

43. It is clear from *Sabel BV v. Puma AG* that the average consumer normally perceives a trade mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the trade marks must be assessed by reference to the overall impressions created by them, bearing in mind their distinctive and dominant components. The CJEU stated in *Bimbo SA v OHIM*, that:

“34. [...] it is necessary to ascertain, in each individual case, the overall impression made on the target public by the sign for which registration is sought, by means of, inter alia, an analysis of the components of a sign and of their relative weight in the perception of the target public, and then, in the light of that overall impression and all factors relevant to the circumstances of the case, to assess the likelihood of confusion.”

44. It would be wrong, therefore, to artificially dissect the trade marks, although it is necessary to take into account their distinctive and dominant components and to give due weight to any other features which are not negligible and therefore contribute to the overall impressions created by the trade marks

45. The trade marks to be compared are as follows:

Opponent's mark	Holder's IR
ARO	ARO TARGET

Overall Impression

46. The Holder's word mark consists of two words, "ARO TARGET". As I will come to discuss in the conceptual comparison, I find that ARO will be seen by a significant proportion of average consumers as an invented word which evokes no meaning. On this basis, I find that it plays a greater role in the overall impression of the mark, with the ordinary dictionary word "TARGET" playing a lesser role.

47. The Opponents word mark consists of one word "ARO". As such, the overall impression resides in the word itself.

Visual Comparison

48. Visually, the marks coincide in their use of the word 'ARO'. This forms the entirety of the Opponent's mark and is positioned at the beginning of the Holder's mark. I bear in mind that as a general rule, the beginnings of marks make more impact than the endings⁵. The marks differ in that the Holder's mark consists of the additional word element, 'TARGET'. On balance, I find that there is a medium degree of visual similarity between the marks.

Aural Comparison

49. The common element in the two marks, is the word 'ARO', which would be pronounced one of two ways, either letter by letter: A, R, O or as one word. I consider that a significant proportion of the general public are likely to pronounce the word 'ARO' in both marks as two syllables, 'AY-RO', although some consumers may

⁵ See El Corte Inglés, SA v OHIM, Cases T-183/02 and T-184/02

pronounce it as 'AH-RO'. The ordinary dictionary word 'TARGET', at the end of the Holder's mark, will be given its ordinary pronunciation. Regardless of how "ARO" is pronounced by the consumer, it will be pronounced the same way in both marks by the consumer, and therefore as the word "TARGET" is the only point of aural difference, I find that the marks are aurally similar to a medium degree.

Conceptual Comparison

50. For a conceptual message to be relevant it must be capable of immediate grasp by the average consumer. This is highlighted in numerous judgments of the GC and the CJEU including *Ruiz Picasso v OHIM* [2006] e.c.r.-I-643; [2006] E.T.M.R 29. The assessment must, therefore, be made from the point of view of the average consumer.

51. In paragraph 19 of its written submissions, the Opponent submits that "*the average consumer in the UK is likely to understand the word element 'ARO' as a misspelling of the English dictionary word 'arrow', given that they would be pronounced identically.*" I do not agree with the Opponent. While I accept that 'ARO' is a homophone of 'arrow', I note that 'ARO' is not a natural or known misspelling or abbreviation of the word 'arrow'. I also do not have any evidence before me to establish that 'ARO' is a known abbreviation of the word 'arrow' to UK consumers. On this basis, I do not consider that the average consumer will assign the meaning of 'arrow' to the word 'ARO' in the parties' marks. Instead, I consider that the average consumer will perceive 'ARO' as being an invented word with no conceptual meaning.

52. I bear in mind that the word, 'TARGET' in the holder's mark is an ordinary dictionary word which has multiple meanings such as a person, object or place selected as the aim of an attack, a result that you are trying to achieve or a group of people you are trying to appeal to or affect. As such, I find that 'TARGET' could be seen as denoting that the Holder's goods and services "target" business management, or business data, for example. I therefore find that it alludes to the purpose of the Holder's goods and services.

53. On the basis that I find that the average consumer will see the word 'ARO' as being invented, I find that this element in the parties' marks is conceptually neutral with

the additional word, 'TARGET' in the Holder's mark acting as a conceptual point of difference. Furthermore, I find that the words 'ARO' and 'TARGET' together, do not qualify each other, as their individual meanings are not altered.

Distinctive character of the earlier mark

54. The distinctive character of a trade mark can be measured only, first, by reference to the goods and/or services in respect of which registration is sought and, second, by reference to the way it is perceived by the relevant public. In *Lloyd Schuhfabrik Meyer*, the CJEU stated that:

“22. In determining the distinctive character of a mark and, accordingly, in assessing whether it is highly distinctive, the national court must make an overall assessment of the greater or lesser capacity of the mark to identify the goods or services for which it has been registered as coming from a particular undertaking, and thus to distinguish those goods or services from those of other undertakings (see, to that effect, judgment of 4 May 1999 in Joined Cases C-108/97 and C-109/97 *Windsurfing Chiemsee v Huber and Alternberger* [1999] ECR I-0000, paragraph 49).

23. In making that assessment, account should be taken, in particular, of the inherent characteristics of the mark, including the fact that it does or does not contain an element descriptive of the goods or services for which it has been registered, the market share held by the mark, how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark, the proportion of the relevant section of the public which, because of the mark, identifies the goods or services as originating from a particular undertaking, and statements from chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

55. Registered trade marks possess varying degrees of inherent distinctive character, ranging from the very low, because they are suggestive or allusive of a characteristic

of the goods, to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctive character of a mark can be enhanced by virtue of the use that has been made of it.

56. Although the distinctiveness of a mark can be enhanced by virtue of the use that has been made of it, the Opponent has not filed any evidence of use in relation to its mark. Consequently, I have only the inherent position to consider.

57. As noted above, I consider that the average consumer would see the Opponent's 'ARO' mark as an invented word with no conceptual meaning. It is clearly neither allusive nor descriptive of the opponent's goods and services. Therefore, the Opponent's mark is inherently distinctive to a high degree.

Likelihood of confusion

58. In determining whether there is likelihood of confusion, I must take all of the above factors into account and consider if there is a likelihood of confusion for the average consumer.

59. Confusion can be direct or indirect. Direct confusion involves the average consumer mistaking one mark for the other. While indirect confusion is where the average consumer realises the marks are not the same but puts the similarity that exists between the marks and the goods and services down to the responsible undertakings being the same or related. There is no scientific formula to apply in determining whether there is a likelihood of confusion; rather, it is a global assessment where a number of factors need to be borne in mind. The first is the interdependency principle i.e. a lesser degree of similarity between the respective goods and services may be offset by a greater degree of similarity between the marks and vice versa. I must bear in mind the distinctive character of the earlier mark, the average consumer for the goods and the nature of the purchasing act. To do so, I must recognise that the average consumer rarely has the opportunity to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them that he has retained in his mind.

60. Earlier in this decision, I have found:

- that the goods and services range from a low degree of similarity to *Meric* identity.
- the average consumer will be a business user or professional, as well as the general public, who will select the goods and services predominantly by visual means but I do not discount aural considerations, and will pay a medium degree of attention during the selection of the goods and services at issue.
- the marks are visually and aurally similar to a medium degree.
- the 'ARO' elements in the marks are conceptually neutral, with the word element 'TARGET' in the Holder's mark acting as a point of conceptual difference.
- the Opponent's earlier mark is inherently distinctive to a high degree.

61. Taking all of the factors listed above into account, even bearing in mind the principle of imperfect recollection, I am satisfied that the parties' marks are unlikely to be mistakenly recalled as each other. I do not consider that a consumer paying a medium degree of attention during the purchasing process will overlook the word "TARGET" at the end of the Holder's IR, which acts as a conceptual point of difference between the marks. I therefore do not consider there to be a likelihood of direct confusion.

62. I will now go on to consider indirect confusion. I acknowledge that a finding of indirect confusion should not be made merely because the two marks share a common element. However, it is not sufficient that a mark merely calls to mind another mark:⁶ this is mere association not indirect confusion.

⁶ *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17

63. In *LA. Sugar Limited v By Back Beat Inc*, Case BL O/375/10, by Iain Purvis Q.C. (as he then was), as the Appointed Person, explained that:

“16. Although direct confusion and indirect confusion both involve mistakes on the part of the consumer, it is important to remember that these mistakes are very different in nature. Direct confusion involves no process of reasoning – it is a simple matter of mistaking one mark for another. Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (‘26 RED TESCO’ would no doubt be such a case).

b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a subbrand or brand extension (terms such as ‘LITE’, ‘EXPRESS’, ‘WORLDWIDE’, ‘MINI’ etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (‘FAT FACE’ to ‘BRAT FACE’ for example)”.

64. Further, in *Liverpool Gin Distillery Ltd & Ors v Sazerac Brands, LLC & Ors* [2021] EWCA Civ 1207, Arnold LJ referred to the comments of James Mellor QC (as he then was), sitting as the Appointed Person in *Cheeky Italian Ltd v Sutaria* (O/219/16), where he said at [16] that “a finding of a likelihood of indirect confusion is not a consolation prize for those who fail to establish a likelihood of direct confusion”. Arnold LJ agreed, pointing out that there must be a “proper basis” for concluding that there is a likelihood of indirect confusion where there is no likelihood of direct confusion.

65. I consider that the shared common use of the invented word ‘ARO’ in the parties’ marks (which is inherently distinctive to a high degree) will lead the average consumer to conclude that the marks originate from the same or economically linked undertakings. Firstly, I bear in mind that the words ARO and TARGET in the Holder’s mark do not qualify each other, this means that they do not link together to create a unitary meaning. The individual meanings of the words are not altered. Therefore, I find that in the context of the goods, the average consumer would see the word ‘TARGET’ at the end of the Holder’s mark as indicating and alluding to their goods and services that ‘target’ a broad range of business services. Consequently, the average consumer will see the addition of the ‘TARGET’ element and perceive it as a sub-brand (ARO being the house brand and ARO TARGET being the sub-brand mark focussing on targeting a range of business services).

66. Furthermore, considering the high distinctiveness of the shared invented word element, ‘ARO’, referring to *LA. Sugar Limited*, above in paragraph [62], subsection 17(a), the average consumer would assume that no-one else but the brand owner would be using it in a trade mark. Therefore, I find that there is a likelihood of indirect confusion for all the goods and services at issue, whether I have found them to be *Meric* identical or similar to any degree, due to the effect of the interdependency principle.

Conclusion

67. The opposition based on s5(2)(b) of the Act has been partially successful, as such the following goods and services will not proceed to registration:

Class 9: Computer software; application software; computer software platforms, recorded or downloadable; computer software downloaded from the internet; computer software for business purposes; computer software programs for database management; computer software programs for spreadsheet management; computer software for processing and analysing market information; computer software for accounting systems; computer programs for financial reporting; data processing software; computer software designed to estimate and plan resource requirements; computer programs for sales purposes; computer software, application software and computer programs for business management and administration purposes; computer software, application software and computer programs for supporting and automating business strategy and planning processes; computer software, application software and computer programs for automating budgeting processes; computer software, application software and computer programs for processing, updating, managing, tracking and analysing business data; computer software, application software and computer programs for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; computer software, application software and computer programs for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; computer software, application software and computer programs for business data analysis.

Class 42: Software as a service (SaaS); software as a service (SaaS) for business management and administration purposes; software as a service (SaaS) for supporting and automating business strategy and planning processes; software as a service (SaaS) for automating budgeting processes; software as a service (SaaS) for processing, updating, managing, tracking and analysing business data; software as a service (SaaS) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data;

software as a service (SaaS) for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; software as a service (SaaS) for business data analysis; online provision of web-based software (non-downloadable); online provision of web-based software (non-downloadable) for business management and administration purposes; online provision of web-based software (non-downloadable) for supporting and automating business strategy and planning processes; online provision of web-based software (non-downloadable) for automating budgeting processes; online provision of web-based software (non-downloadable) for processing, updating, managing, tracking and analysing business data; online provision of web-based software (non-downloadable) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; online provision of web-based software (non-downloadable) for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; online provision of web-based software (non-downloadable) for business data analysis; platform as a service (PaaS); platform as a service (PaaS) in respect of a platform for business management and administration purposes; platform as a service (PaaS) in respect of a platform for supporting and automating business strategy and planning processes; platform as a service (PaaS) in respect of a platform for automating budgeting processes; platform as a service (PaaS) in respect of a platform for processing, updating, managing, tracking and analysing business data; platform as a service (PaaS) in respect of a platform for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; platform as a service (PaaS) in respect of a platform for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; platform as a service (PaaS) for business data analysis;

provision of information (including online) in respect of all of the foregoing.

68. However, the opposition fails in respect of the following services, which subject to any successful appeal may proceed to registration:

Class 35: Business planning; business data analysis; business data management; business strategy services; business intelligence services; business consultancy; business advice; business administration; consultancy relating to business efficiency; business consultancy services relating to marketing; business consultancy relating to finance; data processing for businesses; economic forecasting for business purposes; economic forecasting analysis for business purposes; risk management consultancy (business); advisory services relating to business risk management; evaluation of business opportunities; computerised business records keeping; records management services for others; accounting; business accounts management; provision of business management, advisory and consultancy services for the purpose of assisting businesses with utilising customer, market and business data to support business intelligence, business planning, business strategy and business decision-making; provision of business management, advisory and consultancy services for the purpose of assisting businesses to identify, evaluate and realise business opportunities; computerised accounting; provision of information (including online) in respect of all of the foregoing.

Class 42: Computerised data storage services; computerised business information storage; preparation of technical reports for businesses; preparation of technical reports relating to business management and administration; provision of information (including online) in respect of all of the foregoing.

COSTS

69. Both parties have had some success, with the greater part going to the Opponent. Therefore, the Opponent is entitled to a contribution towards its costs, based upon the scale published in Tribunal Practice Notice 1/2023⁷. I award the Opponent the sum of £400 as a contribution towards its costs. The sum is calculated as follows:

Preparing a statement and considering the other side's statement:	£150
Preparation of written submissions	£150
Official fee:	£100
Total:	£400

70. I therefore order Web3 Agility Pty Ltd to pay Field Effect Software Inc., the sum of £400. This sum should be paid within twenty-one days of the expiry of the appeal period or, if there is an appeal, within twenty-one days of the conclusion of the appeal proceedings.

Dated this 24th day of September 2025

Mrs Joanne Roberts
For the Registrar

⁷ As the proceedings were commenced after 01 February 2023

Annex

Opponent's goods and services	Holder's goods and services
<p>Class 9: Security software; downloadable electronic publications in the nature of customer reports on security risks, security threats and security events in the fields of computer, network and internet security.</p>	<p>Class 9: Computer software; application software; computer software platforms, recorded or downloadable; computer software downloaded from the internet; computer software for business purposes; computer software programs for database management; computer software programs for spreadsheet management; computer software for processing and analysing market information; computer software for accounting systems; computer programs for financial reporting; data processing software; computer software designed to estimate and plan resource requirements; computer programs for sales purposes; computer software, application software and computer programs for business management and administration purposes; computer software, application software and computer programs for supporting and automating business strategy and planning processes; computer software, application software and computer programs for automating budgeting processes; computer software, application software and</p>

	<p>computer programs for processing, updating, managing, tracking and analysing business data; computer software, application software and computer programs for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; computer software, application software and computer programs for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; computer software, application software and computer programs for business data analysis.</p>
	<p>Class 35: Business planning; business data analysis; business data management; business strategy services; business intelligence services; business consultancy; business advice; business administration; consultancy relating to business efficiency; business consultancy services relating to marketing; business consultancy relating to finance; data processing for businesses; economic forecasting for business purposes; economic forecasting analysis for business</p>

	<p>purposes; risk management consultancy (business); advisory services relating to business risk management; evaluation of business opportunities; computerised business records keeping; records management services for others; accounting; business accounts management; provision of business management, advisory and consultancy services for the purpose of assisting businesses with utilising customer, market and business data to support business intelligence, business planning, business strategy and business decision-making; provision of business management, advisory and consultancy services for the purpose of assisting businesses to identify, evaluate and realise business opportunities; computerised accounting; provision of information (including online) in respect of all of the foregoing.</p>
<p>Class 42: Computer, network and internet security services; computer services, namely, identifying, analyzing, reporting on and responding to security risks, security threats and security events; computer security consultancy; providing temporary use of online</p>	<p>Class 42: Software as a service (SaaS); software as a service (SaaS) for business management and administration purposes; software as a service (SaaS) for supporting and automating business strategy and planning processes; software as a service (SaaS) for automating</p>

<p>non-downloadable computer software for identifying security risks and threats in real and simulated environments; Providing temporary use of on-line non-downloadable security software; providing information in the field of computer, network and internet security risks, threats and events; providing technical information in the field of computer, network and internet security risks, threats and events.</p>	<p>budgeting processes; software as a service (SaaS) for processing, updating, managing, tracking and analysing business data; software as a service (SaaS) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; software as a service (SaaS) for business management, including for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; software as a service (SaaS) for business data analysis; online provision of web-based software (non-downloadable); online provision of web-based software (non-downloadable) for business management and administration purposes; online provision of web-based software (non-downloadable) for supporting and automating business strategy and planning processes; online provision of web-based software (non-downloadable) for automating budgeting processes; online provision of web-based software (non-downloadable) for processing, updating, managing, tracking and analysing business data; online provision of web-based</p>
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	<p>software (non-downloadable) for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; online provision of web-based software (non-downloadable) for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; online provision of web-based software (non-downloadable) for business data analysis; platform as a service (PaaS); platform as a service (PaaS) in respect of a platform for business management and administration purposes; platform as a service (PaaS) in respect of a platform for supporting and automating business strategy and planning processes; platform as a service (PaaS) in respect of a platform for automating budgeting processes; platform as a service (PaaS) in respect of a platform for processing, updating, managing, tracking and analysing business data; platform as a service (PaaS) in respect of a platform for forecasting factors that may impact business performance, value, strategy and processes based on past and real-time data; platform as a service (PaaS)</p>
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	<p>in respect of a platform for managing, supporting, implementing and integrating sales, marketing, operations, logistics, accounting, finance and other business functions and processes; platform as a service (PaaS) for business data analysis; preparation of technical reports for businesses; preparation of technical reports relating to business management and administration; computerised data storage services; computerised business information storage; provision of information (including online) in respect of all of the foregoing.</p>
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