

O/1004/25

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. 3972693
IN THE NAME OF JAHBARI POWELL
TO REGISTER THE FOLLOWING SERIES OF TRADE MARKS:**



IN CLASSES 9, 25 & 41

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 445828
BY O2 WORLDWIDE LIMITED**

Background and pleadings

1. On 27 October 2023, Jahbari Powell (“the applicant”) applied to register the series of two trade marks displayed on the cover page of this decision in the UK, under number 3972693. As the only difference between the marks comprising the series is the use of black and white, I will refer to them in the singular (i.e. “the applicant’s mark”) unless it becomes necessary to distinguish between them. Registration is sought for goods and services in classes 9, 25 and 41. These are set out in full in the annex to this decision, but broadly consist of music (digital and physical), clothing and music entertainment services.

2. Details of the application were published for opposition purposes on 10 November 2023. On 12 February 2024, O2 Worldwide Limited (“the opponent”) opposed the applicant’s mark under sections 5(2)(b) and 5(3) of the Trade Marks Act 1994 (“the Act”). The opponent relies upon the following trade marks:¹

The O₂

(i)

UK registration no. 917969766

Filing date: 18 October 2018

Registration date: 26 February 2020



(ii)

UK registration no. 918187768

¹ The marks shown at (i) and (ii) are comparable marks based upon the opponent’s EU trade mark (“EUTM”) nos. 17969766 and 18187768. On 1 January 2021, these comparable marks were automatically created in accordance with Article 54 of the Withdrawal Agreement between the UK and EU. They are now recorded on the UK register, have the same legal status as if they had been applied for and registered under UK law, and retain their original filing dates. Moreover, the mark shown at (v) was filed pursuant to Article 59 of the Withdrawal Agreement. This provision allowed those with a pending EUTM at the end of the transition period to file a UK application claiming the same filing and priority dates, provided they were filed within a period of nine months. I say more about the filing dates below.

Filing date: 24 January 2020

Registration date: 12 August 2020

(iii)

UK registration no. 3862223

Filing date: 23 December 2022

Registration date: 12 May 2023

(iv) **O2**

UK registration no. 3346463

Filing date: 18 October 2018

Registration date: 15 March 2019

(v)

UK registration no. 3587066

Filing dates: 7 January 2020, 24 January 2020 & 29 January 2021²

Registration date: 1 October 2021

² This application claims the filing dates of two EUTMs which were pending at the end of the transition period, but the UK application actually has three filing dates: 7 January 2020 for classes 9, 35, 36, 38, 41 and 42 (based on EUTM no. 18176369); 24 January 2020 for classes 3-6, 11, 12, 14-16, 18, 20-26, 28-33, 39, 43 and 44 (based on EUTM no. 18187776); and 29 January 2021 for classes 37 and 45, which were not covered by any pending EUTM and so were given a UK filing date in the ordinary way. Nothing turns on the different filing dates in these proceedings, since even the latest of these predates the filing of the applicant's mark.

3. These marks stand registered for an extremely wide range of goods and services. For the purposes of the opposition, the opponent only relies upon those in classes 9, 25, 35, 36, 38, 39, 41 and 43. These are outlined in the annex to this decision.³

4. Each mark qualifies as an 'earlier mark' in accordance with section 6 of the Act. As none had been registered for five years or more at the filing date of the applicant's mark, they are not subject to the use requirements in section 6A of the Act. Consequently, the opponent may rely upon all the goods and services identified, without having to establish genuine use.

5. Under section 5(2)(b), the opponent contends that the applicant's mark is similar to each of its marks and that the parties' respective goods and services are identical or similar. On this basis, the opponent submits that there is a likelihood of confusion, including the likelihood of association.

6. As for section 5(3), the opponent claims that its marks have a substantial reputation in respect of all the goods and services relied upon. It argues that use of the applicant's mark, without due cause, would take unfair advantage of, and be detrimental to, the repute and distinctive character of its marks. The opponent also claims that the relevant public will mistakenly believe that there is an economic connection between the users of the competing marks.

7. The applicant filed a counterstatement denying the grounds of opposition.

8. Only the opponent filed evidence. A hearing was requested and held before me, by video conference, on 22 October 2025. The opponent was represented by Julius Stobbs of Stobbs. The applicant was represented by Alice Andonyan of GCS Global Ltd.

³ Those relied upon under section 5(2)(b) are underlined, whilst those relied upon under section 5(3) are italicised.

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.

Evidence

10. The opponent's evidence is given in the witness statement of Carlos Gomez Bassy, dated 4 July 2024, together with 17 exhibits (CGB1-CGB17). Mr Bassy is O2 Brand Lead within the Telefónica Group of Companies, which includes the opponent. His evidence goes to the repute of the opponent's marks.

My approach

11. At the hearing, Mr Stobbs submitted that marks (i) and (ii) shown at paragraph two above represented the opponent's best case under both grounds, the former being the stronger of the two. This is consistent with my own view. Accordingly, I will determine the opponent's claims on the basis of mark (i) only (hereafter referring to it as "the opponent's mark"). If the opposition fails based on this mark, the opponent's other marks will not improve its position since they are clearly less similar to the applicant's mark.

Section 5(2)(b)

12. Sections 5(2)(b) and 5A of the Act read as follows:

"5(2) A trade mark shall not be registered if because -

[...]

(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.”

“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.”

13. 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, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his 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 great 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

14. At the hearing, Ms Andonyan suggested that the applicant would be open to reducing their goods and services. This was raised for the first time at the hearing, after Mr Stobbs had made his primary submissions. It had not been foreshadowed in a skeleton argument, meaning that I have not had sight of any potential alternative specifications, and was not formally presented as a ‘fall back’ position. In my view, the way in which this matter was raised and the timing of it was not appropriate. Nevertheless, for reasons that will become apparent, it is not necessary to consider it any further. At the hearing, Ms Andonyan also conceded that all the parties’ goods and services (as applied for and registered) are identical or highly similar. I will proceed on that basis.

Average consumer

15. As the case law indicates, I must determine who the average consumer is for the parties’ goods and services and how they are likely to be selected. The average consumer has been described in the following terms:⁴

“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 [...] 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.”

16. The average consumer of the majority of the goods and services at issue is likely to be a member of the general public. However, some of the services in class 41, such as, for example, *music publishing*, *music recording*, and *music production*, are more likely to be used by professionals in the music industry. The attentiveness shown

⁴ *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), paragraph 60

during the purchasing process is likely to vary depending on the particular good or service in question. For example, downloadable music is likely to be a relatively casual, regular, and inexpensive purchase, whereas live concerts may be attended less frequently and are typically more expensive, attracting more consideration during the purchasing process. When selecting items of clothing, the average consumer is likely to consider various factors, such as style, quality, size, fit and compatibility with other items. As such, I do not agree with Mr Stobbs that the level of attention will be below average for all the goods and services. Although I acknowledge that it may be lower for some goods and services, it is my view that it will be medium for most and slightly higher for others. Overall, I find that the average consumer will demonstrate a medium level of attention. This applies to the general public and professional users.

17. The goods are likely to be purchased in retail outlets or their online equivalents, where they will be self-selected from shelves and displays, or after viewing images and information on the internet. Consequently, I find that the purchasing process will be predominantly visual in nature. This is even more so in relation to the goods in class 25,⁵ but also applies to the goods in class 9. However, I do not exclude aural considerations entirely, as the average consumer may receive word-of-mouth recommendations or wish to discuss the products with a sales assistant. The services are likely to be purchased direct from the provider or through ticketing agencies, after viewing information on the internet or in brochures. As such, visual considerations are likely to be most important, but I do not discount that there may be an aural component to the purchasing process in the form of discussions with the provider or placing verbal orders over the telephone.

⁵ See the General Court's comments regarding the purchasing of clothing in *New Look Limited v OHIM*, Cases T-117/03 to T-119/03 and T-171/03.

Distinctive character of the earlier mark

18. In *Lloyd Schuhfabrik Meyer*, the Court of Justice of the European Union (“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 Attenberger* [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).”

19. Registered trade marks possess varying degrees of inherent distinctive character. The degree of distinctiveness is an important factor as it directly relates to whether there is a likelihood of confusion; the more distinctive the earlier mark, the greater the likelihood of confusion.

20. The opponent’s mark is figurative and consists of the words ‘The O₂’ in a very basic typeface. The distinctiveness of the mark lies in the words. The typeface provides no material distinctiveness over and above the words themselves. The word ‘The’ will be seen as the definite article, whilst ‘O₂’ is likely to be recognised as the chemical formula

for the breathable form of oxygen. In combination, the mark will be seen as referring to ‘the oxygen’. It has no descriptive or allusive qualities in respect of the goods and services at issue. Overall, I find that the opponent’s mark possesses a medium level of inherent distinctive character.

21. The distinctiveness of a mark can be enhanced as a result of it having been used in the market. At the hearing, Ms Andonyan conceded that the opponent’s mark has a reputation in respect of all the goods and services relied upon. Although I acknowledge that reputation and enhanced distinctive character are different, the nature, factors, and evidence used to prove them are the same.⁶ Moreover, a mark which has a reputation is highly likely to also benefit from enhanced distinctiveness.⁷ As such, I will proceed on the basis that the distinctive character of the opponent’s mark had been enhanced at the relevant date of 27 October 2023. For the purposes of this decision, I will assume that the opponent’s mark is factually distinctive to a very high level.

Comparison of trade marks

22. It is clear from *Sabel* that the average consumer normally perceives a 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 marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in *Bimbo* that:


“[...] 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.”

⁶ *O2 Worldwide Limited v CX02.COM (UK) Limited*, BL O/393/19, paragraph 39

⁷ *Crossfit LLC V Personal Trainer Ltd*, BL O/0330/23, paragraph 27

23. Therefore, it would be wrong to dissect the trade marks artificially, though it is necessary to take into account the distinctive and dominant components of the marks; due weight must be given to any other features which are not negligible and hence contribute to the overall impressions created by the marks.

24. The marks to be compared are as follows:

The opponent's mark	The applicant's mark
The O ₂	

Overall impressions

25. The opponent's mark is figurative and consists of the words 'The O₂' in a very basic, black typeface. The overall impression of the mark lies in the combination of these words. As the word 'The' is commonly used as a definite article, the word 'O₂' has more impact. The typeface, if noticed at all, plays a minimal role in the overall impression.

26. The marks in the applicant's series are figurative and comprise the words 'The One' in a script typeface. A line appears below the verbal elements, serving to underline the same. The first mark in the series is presented in white with a shadow effect, whereas the second is presented in black. The overall impression of both marks in the series is dominated by the words 'The One'. As the word 'The' is a commonly used definite article, the word 'One' has more impact. The typeface, underline and use of black/white will be seen as decorative and, therefore, play much lesser roles.

Visual comparison

27. In his skeleton argument, Mr Stobbs contended that the competing marks were visually similar because, *inter alia*, (i) the letters 'ne' in the applicant's mark would be viewed as being subscript (similar to the '2' in the opponent's mark) and (ii) the letter 'n' in the applicant's mark could be viewed as a sideways '2'. I disagree. This is because the letters which follow the 'O' in the applicant's mark combine with the same to form an easily identifiable, readily understood word in the English language. It seems extremely unlikely that this element would be seen as anything other than the word 'One'. To my mind, the letters 'ne' would be seen as lowercase letters which follow an uppercase one (as is entirely normal in a capitalised word), rather than subscript. Moreover, I do not consider the stylisation of the letter 'n' to be such that it could be perceived as a sideways '2'. For the avoidance of doubt, these arguments have not factored into the comparison which follows.

28. Visually, the competing marks are similar to the extent that they share four letters in the same order (i.e. 'The O') and use the same capitalisation. The shared letters appear at the beginning of the marks. As Mr Stobbs highlighted, they are also of a similar length (being five and six characters, respectively). The competing marks are visually different in that the shared letters are followed by a subscript '2' in the opponent's mark and the letters 'ne' in the applicant's mark. The latter two form part of the word 'One' in the applicant's mark. Although the beginnings of marks tend to have more impact,⁸ the different words 'O₂' and 'One' have the most impact in the overall impressions. Whilst the marks also differ in their use of different typefaces, as well as the underline and use of black/white in the applicant's mark, these elements all play lesser roles in the marks. Bearing in mind my assessment of the overall impressions, I find that there is between a low and medium degree of visual similarity between the competing marks.

⁸ *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02

Aural comparison

29. The opponent's mark will be pronounced as "THE-OH-TOO". In his skeleton argument, Mr Stobbs submitted that the applicant's mark could be articulated as "THE-WAN" or, alternatively, "THE-OH-EN-EE". I find the former far more likely. The word 'One' is a dictionary word which will be pronounced in the ordinary way. I am not convinced that the average consumer (or a significant proportion thereof) would see the word 'One' and elect to articulate it as an initialism. The competing marks are aurally similar to the extent that their respective first words are identical. They clearly differ in the pronunciation of the remaining one or two syllables. Overall, I find that there is a low degree of aural similarity between the competing marks.

Conceptual comparison

30. At the hearing, Mr Stobbs submitted that the competing marks are conceptually similar because they are numerically sequential. 'One' plainly refers to a number. Further, the '2' part of the opponent's mark would be purely numeric in isolation. However, the latter does not appear in the opponent's mark in isolation; it combines with the letter 'O' to form the recognisable chemical formula for (breathable) oxygen. Therefore, it is my view that the opponent's mark will be understood as 'the oxygen', rather than an arbitrary combination of the word 'The', the letter 'O' and the number '2'. The applicant's mark may be understood in a number of ways. In my view, the most likely of these would be as a reference to the first number or as a reference to a person or thing of a specified kind (as in, 'this is the one' or 'they are the one'). Either way, there is no conceptual similarity between the competing marks when considered overall, notwithstanding their common use of the definite article 'The'.

31. I should add that I do not accept that the O2 Arena in London being temporarily "transformed into The O3" for a residency by Drake in April 2019 can have any impact on the conceptual comparison between the marks at issue. Firstly, no 'O3' marks are being relied upon in these proceedings. Further, the temporary renaming of the opponent's venue is not immediately apparent from the opponent's mark itself. Whilst

the evidence demonstrates that this temporary renaming did occur,⁹ this does not establish that the average consumer would have knowledge of it. In such circumstances, it seems tenuous (at best) to suggest that the average consumer would have knowledge of the temporary renaming when encountering the opponent's mark and, due to this, see the '2' as purely numeric, rather than combining with the letter 'O' to form the recognisable chemical formula for (breathable) oxygen.

Likelihood of confusion

32. 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. One such factor is the interdependency principle, i.e. a lesser degree of similarity between the competing marks may be offset by a greater degree of similarity between the respective goods and services, and vice versa. As mentioned above, it is necessary for me to keep in mind the distinctive character of the opponent's mark, the average consumer for the goods and services and the nature of the purchasing process. In doing so, I must be mindful 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 they have retained in their mind.

33. 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.

34. Earlier in this decision, I concluded that:

- The parties' goods and services are identical or highly similar;
- The average consumer is likely to be a member of the general public or a professional user demonstrating a medium level of attention, overall;

⁹ Exhibit CGB15

- The purchasing process is likely to be predominantly visual in nature, though aural considerations have not been discounted;
- The opponent's mark enjoys a very high level of enhanced distinctive character;
- The overall impression of the opponent's mark lies in the words 'The O₂' (with 'O₂' having most impact), whilst the typeface plays a minimal role, if any;
- The words 'The One' dominate the overall impression of the applicant's mark (with 'One' having most impact), whilst the typeface, underlining and use of black/white play much lesser roles;
- The competing marks are visually similar to between a low and medium degree, aurally similar to a low degree, and conceptually dissimilar.

35. At the hearing, Mr Stobbs argued that Ms Andonyan had admitted that there is a likelihood of confusion. This was because of her indication that the applicant would be open to narrowing their specification. Mr Stobbs felt that the implication of this was an acceptance that there is a likelihood of confusion between the parties' marks based upon their current specifications. I do not agree that Ms Andonyan's comments ought to be interpreted in this manner. To my mind, they did not constitute a clear and unequivocal concession. Ms Andonyan merely expressed a willingness on the part of the applicant to reduce their specification. In my view, it would be unfair to use that as a basis to find in the opponent's favour. Instead, I will conduct the global assessment in the usual way.

36. I acknowledge that the competing marks share four letters in the same order and that these appear at their respective beginnings. I also accept that the parties' goods and services are identical/highly similar and that the opponent's mark is assumed to be factually distinctive to a very high level. Nevertheless, taking all the above factors into account, it is my view that the differences between the competing marks are likely to be sufficient for the average consumer, even paying a lower level of attention, to distinguish between the competing marks and avoid mistaking one for the other.

Although, as I have already outlined, the beginnings of marks are generally considered to have most impact, this is a general rule which is not necessarily determinative.¹⁰ Aside from sharing the letter 'O', the second verbal elements of the competing marks are entirely different, being the chemical formula 'O₂' and the word 'One'. These differing words co-dominate the overall impressions of the competing marks and have more impact than the definite article 'The'. It is highly unlikely that they will be overlooked. Moreover, whilst I accept that it is not always the case, conceptual differences may counteract visual and aural similarities.¹¹ I consider that to be the case here; the competing marks in totality convey entirely different concepts. Consequently, even taking into account the principles of imperfect recollection and interdependency, I find that there is no likelihood of direct confusion.

37. That leaves indirect confusion to be considered. In *L.A. Sugar Limited v By Back Beat Inc*, BL O/375/10, Mr Iain Purvis QC, sitting 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:

¹⁰ *CureVac GmbH v OHIM*, T-80/08

¹¹ *The Picasso Estate v OHIM*, Case C-361/04 P

(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 sub-brand 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).”

38. These three categories are not exhaustive. Rather, they were intended to be illustrative of the general approach.¹² However, indirect confusion has its limits; such a finding should not be made merely because the competing marks share a common element. In this connection, it is not sufficient that a mark merely calls to mind another mark.¹³ It has also been emphasised that, where there is no direct confusion, there must be a proper basis for finding indirect confusion.¹⁴

39. Having regard to all the aforementioned factors and principles, I do not believe that the average consumer will assume that the opponent and the applicant are economically linked undertakings on the basis of the competing marks. I am not convinced that the average consumer will assume a commercial association, collaboration or licencing agreement between the parties merely because of the shared string ‘The O-’. The opponent’s mark may be factually distinctive to a very high level, but the distinctive character lies in ‘The O₂’ in totality, not just ‘The O’. The

¹² As was confirmed by the Court of Appeal in *Liverpool Gin Distillery and others v Sazerac Brands, LLC and others* [2021] EWCA Civ 1207, paragraph 12.

¹³ *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17

¹⁴ See the Court of Appeal’s comments in *Liverpool Gin Distillery*, paragraph 13.

average consumer would have no reason to dissect the mark and separate this string from the mark as a whole. Therefore, there is no sharing of an independent distinctive element which would give rise to this type of indirect confusion. Furthermore, I do not consider the differences between the competing marks to be simple additions or removals of non-distinctive elements, and they are not consistent with any logical brand extensions that would be familiar to the average consumer. I can see no reason why an undertaking would remove the '2' from the chemical formula for oxygen and add the letters 'ne', resulting in the dictionary word 'One'. The change is not, as Mr Stobbs contended, of the subscript '2' element, such that the competing marks are 'The O₂' and, for instance, 'The O' or 'The O₁'. The opponent may have won an award from the Marketing Society for "Extending the Brand [The O₂] into the Customer's Hearts and Minds" in 2009 (though I note that Mr Bassy does not provide any further information about this),¹⁵ but there still needs to be a proper basis for finding indirect confusion in a particular case. The brand extension still needs to be logical, even if, as Mr Stobbs argued, the opponent "has form" for brand extensions. In light of all this, I find that there is no likelihood of indirect confusion, even in respect of identical goods and services.

Conclusion

40. The opponent's claim under section 5(2)(b) is dismissed.

Section 5(3)

Legislation and case law

41. Sections 5(3) and 5(3A) of the Act state:

"(3) A trade mark which-

is identical with or similar to an earlier trade mark, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the

¹⁵ Witness statement of Carlos Gomez Bassy, paragraph 61

United Kingdom and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark”.

“(3A) Subsection (3) applies irrespective of whether the goods and services for which the trade mark is to be registered are identical with, similar to or not similar to those for which the earlier trade mark is protected”.

42. The relevant case law can be found in the following judgments of the CJEU: Case C-375/97, *General Motors*, Case 252/07, *Intel*, Case C-408/01, *Adidas-Salomon*, Case C-487/07, *L’Oréal v Bellure*, Case C-323/09, *Marks and Spencer v Interflora* and Case C383/12P, *Environmental Manufacturing LLP v OHIM*. The law appears to be as follows:

(a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors*, paragraph 24.

(b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors*, paragraph 26.

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls the earlier mark to mind; *Adidas-Salomon*, paragraph 29 and *Intel*, paragraph 63.

(d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark’s reputation and distinctiveness; *Intel*, paragraph 42.

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel*, paragraph

68; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel, paragraph 79*.

(f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel, paragraphs 76 and 77* and *Environmental Manufacturing, paragraph 34*.

(g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel, paragraph 74*.

(h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact of the earlier mark; *L'Oréal v Bellure NV, paragraph 40*.

(i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora, paragraph 74* and *the court's answer to question 1 in L'Oréal v Bellure*).

43. The conditions of section 5(3) are cumulative. Firstly, the opponent must show that its mark is similar to the applicant's mark.¹⁶ Secondly, the opponent must show that its mark has achieved a level of knowledge, or reputation, amongst a significant part of the public. Thirdly, the opponent must establish that the public will make a link between the marks, in the sense of its mark being brought to mind by the applicant's mark. Finally, assuming the foregoing conditions have been met, section 5(3) requires that one or more types of damage claimed by the opponent will occur. It is not necessary for the purposes of section 5(3) that the goods and services are similar, although the relative distance between them is one of the factors which must be assessed in deciding whether the public will make a link between the marks.

Reputation

44. At the hearing, Ms Andonyan conceded that the opponent's mark has a reputation in respect of all the goods and services relied upon. For the purposes of this decision, I will proceed on the basis that the opponent's mark had a very strong reputation at the relevant date, that being 27 October 2023 (the filing date of the applicant's mark).

Link

45. As noted above, my assessment of whether the public will make the required mental 'link' between the marks must take into account all relevant factors. The factors identified at paragraph 42 of *Intel* are:

The degree of similarity between the conflicting marks

I have found that the competing marks are visually similar to between a low and medium degree, aurally similar to a low degree and conceptually dissimilar.

The nature of the goods or services for which the conflicting marks are registered, or proposed to be registered, including the degree of closeness or

¹⁶ Given my findings at paragraphs 28 and 29, this condition is satisfied.

dissimilarity between those goods or services, and the relevant section of the public

As outlined above, Ms Andonyan conceded at the hearing that all the parties' goods and services are identical or highly similar. Whilst I appreciate that the goods and services relied upon under this ground differ from those relied upon under section 5(2), I did not understand Ms Andonyan's concession to be limited to that ground. Even if the issue was not meant to be conceded in relation to both grounds, I will proceed on the basis that all the goods and services are identical or highly similar.

The strength of the earlier mark's reputation

The opponent's mark is assumed to have a very strong reputation.

The degree of the earlier mark's distinctive character, whether inherent or acquired through use

I have found that the opponent's mark has a medium level of inherent distinctive character. The opponent's mark is assumed to be factually distinctive to a very high level.

Whether there is a likelihood of confusion

I have found that there is no likelihood of direct or indirect confusion. I acknowledge that the provisions of section 5(3) offer additional protection which takes into account the repute and distinctiveness of earlier trade marks. However, in the circumstances, I do not believe that the relevant public would be caused to believe that the user of the applicant's mark is economically connected to the user of the opponent's mark.

46. I acknowledge that the opponent's mark has a very strong reputation, that it is factually distinctive to a very high level, and that the parties' goods and services are identical or highly similar. These are all factors in the opponent's favour. Nevertheless,

it is my view that the opponent's mark will not be called to mind by the applicant's mark. Although the competing marks share the string 'The O-', this forms part of 'The O₂' and 'The One', respectively, which would be perceived as wholes and convey entirely distinct concepts. As a result, there is, to my mind, no risk of the opponent's mark being brought to mind by the applicant's mark, even in relation to identical/highly similar goods and services. If the opponent's mark is brought to mind, it is my view that such a link will be too fleeting to result in any damage arising.

Conclusion

47. The opponent's claim under section 5(3) is dismissed.

Overall outcome

48. The opposition under sections 5(2)(b) and 5(3) has failed. Subject to any appeal against this decision, the applicant's mark will proceed to registration in the UK.

Costs

49. The applicant has been successful and is entitled to a contribution towards their costs, based upon the scale published in Tribunal Practice Notice 1/2023. In the circumstances, I award the applicant the sum of £1150, which is calculated as follows:

Considering the opponent's statement and preparing a counterstatement	£450
Considering the opponent's evidence ¹⁷	£300
Preparing for and attending a hearing	£400

¹⁷ Whilst the award for this activity falls below the scale minimum, this part of the scale covers 'preparing evidence and considering and commenting on the other side's evidence'. Although the applicant is likely to have incurred costs associated with considering the opponent's evidence, they neither commented on it nor filed evidence of their own.

50. I consider it appropriate to make a reduction to the costs award associated with the hearing and have done so accordingly. This is because the applicant's conduct (and/or that of their representative) with respect to the same was far from ideal. Firstly, the applicant did not inform the Tribunal until the day before that they wished to attend, notwithstanding the Tribunal's directions in the official letter dated 25 June 2025 that this should be done at least seven days before the hearing and making further requests for this information on 16 October 2025 and 21 October 2025. Moreover, Ms Andonyan did not file a skeleton argument in advance of the hearing and arrived at the hearing itself slightly late. The issue of a potential 'fall back' specification (having not been foreshadowed in a skeleton argument) was also raised at the hearing for the first time, after Mr Stobbs had already made his submissions. All this was despite the applicant being professionally represented, as confirmed by Ms Andonyan at the hearing.

51. I order O2 Worldwide Limited to pay Jahbari Powell the sum of £1150. This sum is to be paid within 21 days of the expiry of the appeal period, or within 21 days of the final determination of the proceedings if any appeal against this decision is unsuccessful.

Dated this 29th day of October 2025

James Hopkins
For the Registrar

Annex

Goods and services of application no. 3972693

- Class 9: Music recordings; Musical recordings; Musical cassettes; Downloadable digital music; Musical sound recordings; Musical video recordings; Downloadable music sound recordings; Tape recordings of music; Optical discs featuring music; Prerecorded music audio tapes; Compact discs featuring music; Audio tapes featuring music; Downloadable musical sound recordings; Pre-recorded CDs featuring music; Downloadable video recordings featuring music; Prerecorded video tapes featuring music; Pre-recorded DVDs featuring music; Prerecorded audio tapes featuring music; Prerecorded video cassettes featuring music; Series of musical sound recordings; Digital music downloadable from the Internet; Pre-recorded laser discs featuring music; Digital music downloadable provided from the internet; Digital music downloadable provided from MP3 internet websites.
- Class 25: Clothing; Tops [clothing]; Bottoms [clothing]; Casual clothing; Ladies' clothing; Men's clothing; Articles of clothing; Clothes; Shirts; Tee-shirts; T-shirts; Casual shirts; Short-sleeved T-shirts; Short-sleeved shirts; Long-sleeved shirts; Short-sleeve shirts; Ladies wear; Menswear.
- Class 41: Music performances; Music concerts; Music publishing; Music recording; Music production; Musical entertainment; Musical performances; Live music concerts; Music publishing and music recording services; Music composition services; Performance of music; Music performance services; Live music performances; Live music shows; Live music services; Music concert services; Music entertainment services; Music production services; Production of music; Music publishing services; Recording of music; Music mixing services; Live musical performances; Musical concert services; Musical entertainment services; Music composition for others; Presentation of music concerts; Direction of music performances; Provision of live music; Publication of sheet music;

Arranging of music performances; Arranging of music shows; Production of music shows; Organisation of music concerts; Music recording studio services; Production of music concerts; Musical concerts by radio; Presentation of musical performance; Production of musical recordings; Publication of musical texts; Directing of musical shows; Production of musical videos; Organisation of musical events; Performance of musical programmes; Publishing of musical works; Musical concerts by television; Musical group entertainment services; Composition of music for others; Performing of music and singing; Providing online music, not downloadable; Entertainment services performed by musicians; Production of sound and music recordings; Providing on-line music, not downloadable; Providing digital music from the internet; Rental of audio tapes bearing recorded music; Providing digital music from mp3 internet web sites; Provision of downloadable music for temporary offline use; Production of musical works in a recording studio; Publication of lyrics of songs in sheet form; Songwriting; Song publishing; Song writing services; Singing concert services; Entertainment services performed by singers; Performance of music and singing; Entertainment services provided by vocalists; Entertainer services provided by musicians; Arranging of musical entertainment; Conducting of concerts (Arranging and -); Arranging and conducting of concerts; Arranging, conducting and organisation of concerts; Arranging and presenting of live performances; Arranging and conducting of live entertainment events; Arranging and conducting of music concerts; Live entertainment services; Presentation of live entertainment performances; Presentation of live entertainment events; Live stage shows; Provision of live shows; Provision of live musical performances; Services providing entertainment in the form of live musical performances; Publication of lyrics of songs in digital form; Publication of lyrics of songs in online; Providing online electronic publications in the field of music, not downloadable.

Goods and services of registration number 917969766 relied upon

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; aerials; alarms; apparatus for the transmission of sound and image; audio cassettes; audio discs; audio tapes; battery chargers; camera lenses; cameras; CDs, DVDs; chemistry apparatus and instruments; computer antivirus software; privacy protection software; computer application software; computer game software; computer games; computer games programs; computer hardware; computer peripheral devices; computer software applications, downloadable; computer software downloadable from the Internet; computer software for insurance purposes; computer software for security purposes; computer software recorded onto CD Rom; computer virus software; contact lenses; data processing apparatus; diagnostic apparatus, not for medical purposes; digital tablets; digital telecommunication apparatus and instruments; distance measuring apparatus; distance recording apparatus; downloadable electronic publications; downloadable image files; downloadable music files; downloadable ring tones for mobile phones; drivers software for telecommunications networks and for telecommunications apparatus; electric batteries; electric cables; electric monitoring apparatus; electronic notice boards; electronic tags for goods; encoded cards; eyepieces; glasses; global positioning system [GPS] apparatus; goggles for sports; hands free kits for phones; headphones; interactive touch screen terminals; intercommunication apparatus; laptop computers; loudspeakers; magnetic cards; magnetic data media; magnetic identity

cards; magnets; mathematical instruments; middleware for management of software functions on electronic devices; mobile device management apparatus; mobile phone application software; mobile software applications, downloadable applications for multimedia devices; mobile telecommunication apparatus; mobile telecommunications handsets; mobile telephone cases; mobile telephone covers; mobile telephones; modems; mouse mats; MP3 players; PDAs (Personal Digital Assistants); pocket PCs; protective clothing; protective glasses and cases therefor; protective helmets; recorded computer operating programs; recorded computer software; satellite navigation devices; SD-Cards (secure digital cards); security alarms; security cameras; security control apparatus; security surveillance apparatus; security warning apparatus; selfie sticks [hand-held monopods]; SIM cards; smart rings; smartphones; smartwatches; software applications; software for mobile device management; software for telecommunication; software for the processing of financial transactions; spectacle glasses; sunglasses; tablet computers; telecommunication transmitters; telecommunications apparatus; telecommunications network apparatus; television apparatus; televisions; testing apparatus not for medical purposes; video cassettes; video discs; video tapes; parts and fittings for all the aforesaid goods.

Class 25: Clothing, footwear, headgear; aprons [clothing]; articles of clothing; articles of outer clothing; articles of underclothing; athletic clothing; Bandanas [neckerchiefs]; Bath robes; Bathing caps; bathing costumes; Beach shoes; beachwear; Belts (Money -) [clothing]; Belts [clothing]; Berets; Bibs, not of paper; blouses; Boas [necklets]; Bodices [lingerie]; body warmers; boiler suits; Boot uppers; Boots; Brassieres; Breeches for wear; Camisoles; caps; cardigans; casual clothing; casual footwear; clothing for babies; clothing for children; Clothing for gymnastics; clothing for infants; Clothing of imitations of leather; Clothing of leather; Coats; Collar protectors; Corsets [underclothing]; costumes; Cuffs; Cyclists' clothing; denim jackets; Detachable collars; Dress shields; Dresses; Dressing gowns; dungarees; Ear muffs [clothing]; exercise

wear; Fishing vests; Fittings of metal for footwear; Football boots; Footmuffs, not electrically heated; formal wear; Frames (Hat -) [skeletons]; Fur stoles; Furs [clothing]; Gabardines [clothing]; Gaiters; Garters; Girdles; Gloves [clothing]; Goloshes; Gymnastic shoes; Hats; Headbands [clothing]; Headgear for wear; Heels; hooded sweatshirts; Hoods [clothing]; Hosiery; Inner soles; jackets; jeans; Jerseys [clothing]; jumpers; knitwear; Lace boots; ladies wear; Layettes [clothing]; Leg warmers; Leggings [trousers]; Linings (Ready-made -) [parts of clothing]; Liveries; Maniples; Mantillas; Masquerade costumes; men's clothing; Mittens; neckties; nightwear; Non-slipping devices for footwear; Overalls; Pants; pantyhose; Paper clothing; Parkas; Petticoats; Pinafore dresses; Pocket squares; Pockets for clothing; polo shirts; Ponchos; printed t-shirts; Pullovers; Pyjamas; rainproof clothing; Ready-made clothing; romper suits; Sandals; Saris; Sarongs; Sashes for wear; Scarves; Shawls; Shirt fronts; shirts; Shoes; shorts; Shoulder wraps; Shower caps; Singlets; Ski boots; Ski gloves; Skirts; Skorts; Skull caps; Sleep masks; sleepwear; Slippers; Slips [undergarments]; sneakers; Sock suspenders; Socks; Sports shoes; sportswear; Stocking suspenders; Stockings; Studs for football boots; Suits; Sun visors; Suspenders; sweat bottoms; sweat shirts; Sweat-absorbent underclothing [underwear]; Sweaters; Swimsuits; swimwear; Teddies [undergarments]; Tee-shirts; Tights; Top hats; Topcoats; tops; track suits; Trousers; t-shirts; Turbans; Underpants; Underwear; Uniforms; Veils [clothing]; vest tops; vests; Waistcoats; Waterproof clothing; Wet suits for water-skiing; wraps [clothing]; parts and fittings for all of the aforesaid goods.

Class 35: *Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty and incentive schemes; retail services and online retail services connected with the sale of 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; retail services and online retail services connected with the sale of 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, apparatus for the transmission of sound and image, telecommunications apparatus, mobile telecommunication apparatus, mobile telecommunications handsets; retail services and online retail services connected with the sale of digital telecommunication apparatus and instruments, digital tablets, computer hardware, computer application software, computer software downloadable from the Internet, recorded computer software, software applications, mobile software applications, downloadable applications for multimedia devices, computer games, computer game software, computer games programs, PDAs (Personal Digital Assistants); retail services and online retail services connected with the sale of pocket PCs, mobile telephones, laptop computers, telecommunications network apparatus, drivers software for telecommunications networks and for telecommunications apparatus, protective clothing, protective helmets, televisions, headphones, global positioning system [GPS] apparatus, satellite navigation devices, computer software recorded onto CD Rom, SD-Cards (secure digital cards), glasses, spectacle glasses, sunglasses; retail services and online retail services connected with the sale of protective glasses and cases therefor, contact lenses, cameras, camera lenses, MP3 players, audio tapes, audio cassettes, audio discs, audio-video tapes, audio-video cassettes, audio-video discs, video tapes, video cassettes, video discs, CDs, DVDs, downloadable electronic publications, downloadable image files, downloadable music files, mouse mats, magnets, mobile telephone covers, mobile telephone cases; retail services and online retail services connected with the sale of hands free kits for phones, magnetic cards, encoded cards, mobile phone application software, software for telecommunication, software for the processing of financial

transactions, electronic notice boards, electric batteries, battery chargers, security alarms, security cameras, security warning apparatus, security control apparatus, security surveillance apparatus, computer software for security purposes; retail services and online retail services connected with the sale of computer software for insurance purposes, SIM cards, aerials, alarms, electric cables, chemistry apparatus and instruments, recorded computer operating programs, computer peripheral devices, data processing apparatus, diagnostic apparatus, not for medical purposes, distance measuring apparatus, distance recording apparatus, downloadable ring tones for mobile phones, electronic tags for goods; retail services and online retail services connected with the sale of electronic tags for goods, eyepieces, goggles for sports, magnetic identity cards, intercommunication apparatus, loudspeakers, magnetic data media, mathematical instruments, modems, electric monitoring apparatus, television apparatus, testing apparatus not for medical purposes, telecommunication transmitters, paper, cardboard, printed matter, photographs, stationery; retail services and online retail services connected with the sale of office requisites, instructional and teaching material, packaging material, educational equipment, writing implements, writing instruments, writing materials, books, catalogues, cards, instruction manuals, magazines, mail order catalogues, newspapers, pamphlets, periodical publications, calendars, diaries, labels, maps, printed publications, postcards, posters, printed tariffs, printed forms; retail services and online retail services connected with the clothing, footwear, headgear, household or kitchen utensils and containers, cookware, tableware, food cooking equipment, cutlery, cleaning articles, gardening articles, jewellery, horological and chronometric instruments, musical instruments, apparatus for lighting, textiles, household textile articles, furniture, furnishing, bags, luggage, toiletries, cosmetics, pharmaceutical preparations, cleaning preparations; retail services and online retail services connected with the sale of bags, luggage, games and playthings, gymnastic articles, sporting articles, sporting equipment, meat, fish, poultry, game, food, foodstuffs, confectionery, desserts, baked goods, delicatessen products,

fruit, flowers, coffee, tea, cocoa, sugar, rice, beers, mineral waters, aerated waters and other non-alcoholic drinks, alcoholic beverages, matches, tobacco; retail services and online retail services relating to interactive touch screen terminals, selfie sticks [hand-held monopods], smart rings, smartphones, smartwatches, automobile accessories, automobile parts, vehicles, fuels, building materials, metal hardware, electronic components, recorded content; business management of retail outlets; arranging subscriptions to telecommunications for others; compilation and systemisation of information into computer databases; compilation of statistics; cost price analysis; arranging of competitions for advertising purposes; recruitment services; employment recruitment; employment consultancy; employment agencies; providing employment information; providing employment information in connection with youth programme schemes; commercial administration of the licensing of the goods and services of others; commercial information and advice for consumers [consumer advice shop]; opinion polling; personnel recruitment; price comparison services; procurement services for others [purchasing goods and services for other businesses]; rental of advertising space; rental of advertising time on communication media; sales promotion for others; sponsorship search; negotiation of business contracts for others; concierge services for others comprising of making personal arrangements in the nature of appointment scheduling services [office functions], confirming scheduled appointments for others, appointment reminder services [office functions], appointment scheduling services and telephone answering; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 39: *Transport; packaging and storage of goods; travel arrangement; arranging of cruises; arranging of tours; boat transport; booking of seats for travel; bus transport; car parking; car rental; car transport; carting;*

chauffeur services; courier services [messages or merchandise]; delivery of goods; delivery of goods by mail order; escorting of travellers; flower delivery; message delivery; newspaper delivery; packaging of goods; parcel delivery; parking place rental; passenger transport; pleasure boat transport; portage; rental of storage containers; river transport; sightseeing [tourism]; storage; storage information; storage of goods; physical storage of electronically-stored data or documents; taxi transport; traffic information; transport; transport of travellers; transport reservation; transportation information; travel reservation; wrapping of goods; provision of information relating to travel, transport, traffic, traffic flows and congestion; issuing of tickets for travel; concierge services for others comprising of making personal arrangements in the nature of travel reservation, booking and reservation services for tours, reservation of parking spaces and travel and transport reservation services; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 41: *Education; providing of training; entertainment; sporting and cultural activities; academies [education]; amusement parks; amusements; arranging and conducting of colloquiums; arranging and conducting of concerts; arranging and conducting of conferences; arranging and conducting of congresses; arranging and conducting of seminars; arranging and conducting of symposiums; arranging and conducting of workshops [training]; arranging of beauty contests; booking of seats for shows; cinema presentations; club services [entertainment or education]; coaching [training]; discotheque services; education information; educational examination; electronic desktop publishing; entertainer services; entertainment information; organisation of fashion shows for entertainment purposes; film production, other than advertising films; gambling; game services provided on-line from a computer network; games equipment rental; health club services [health*

and fitness training]; holiday camp services [entertainment]; music-halls; news reporters services; organization of shows [impresario services]; organization of sports competitions; party planning [entertainment]; personal trainer services [fitness training]; physical education; practical training [demonstration]; production of music; production of radio and television programmes; production of shows; providing amusement arcade services; providing karaoke services; providing on-line electronic publications, not downloadable; providing sports facilities; publication of books; publication of electronic books and journals on-line; publication of texts, other than publicity texts; radio entertainment; recording studio services; providing recreation facilities; sport camp services; subtitling; television entertainment; theatre productions; ticket agency services [entertainment]; timing of sports events; tuition; interactive entertainment services; electronic games services provided by means of any communications network; entertainment services provided by means of telecommunication networks; education, training, entertainment, sporting and cultural activities information provided by means of telecommunication networks; provision of news information; television production services; television programming services; television production and television programming services provided by means of Internet protocol technology; provision of musical events; entertainment club services; presentation of live performances; night clubs; rental of music venues and stadiums; casino services; ticket reservations for entertainment, sporting and cultural events; ticket information services for entertainment, sporting and cultural events; ticket agency services for entertainment, sporting and cultural events; provision of on-line computer games; rental of computer games programs; computer amusement services; provision of information, news and commentary in the field of computer games; arranging, organising and conducting computer game competitions; publishing services; arranging, organising and conducting of competitions, games and quizzes; arranging, organising and conducting of competitions, games and quizzes for entertainment, recreational, cultural and educational purposes; organisation of awards; conducting of phone-in competitions; booking

agency services connected with the issuing of tickets for entertainment events; employment training; concierge services for others comprising of making personal arrangements in the nature of reservation services for show tickets and ticket reservation and booking services for music concerts, cultural events, theatre shows, entertainment events, sporting events and esports events; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 43: *Services for providing food and drink; temporary accommodation; provision of food and drink for consumption both on and off premises; bar services; wine bars; brasserie services; cafeteria services; canteen services; café services; food and drink catering; self-service restaurants; snack-bar services; delicatessens [restaurants]; fast food services; food preparation services; restaurant services; restaurants; cocktail lounge services; rental of chairs, tables, table linen, glassware, cooking apparatus, meeting rooms, temporary accommodation; hotels; snack-bars; tea room services; banqueting services; provision of venues for parties, balls, weddings and events; boarding house services; rental of temporary accommodation; crèche services; concierge services for others comprising of making personal arrangements in the nature of hotel reservations, accommodation reservations, providing room reservation and hotel reservation services and reservation of restaurants; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.*

Goods and services of registration no. 918187768 relied upon

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; apparatus for the transmission of sound and image; telecommunications apparatus; mobile telecommunication apparatus; mobile telecommunications handsets; digital telecommunication apparatus and instruments; digital tablets; tablet computers; computer hardware; computer application software; computer software downloadable from the Internet; recorded computer software; software applications; mobile software applications, downloadable applications for multimedia devices; computer games; computer game software; computer software applications, downloadable; computer games programs; PDAs (Personal Digital Assistants); pocket PCs; mobile telephones; selfie sticks [hand-held monopods]; smart rings; smartphones; smartwatches; wearable technology; laptop computers; linear actuators [electric]; telecommunications network apparatus; drivers software for telecommunications networks and for telecommunications apparatus; protective clothing; protective helmets; televisions; headphones; global positioning system [GPS] apparatus; satellite navigation devices; sensors; Internet of Things [IOT] devices, sensors and gateways; computer hardware and software for use in and with Internet of Things [IOT] devices; computer software recorded onto CD Rom; SD-Cards (secure digital cards); smart meters; glasses; spectacle glasses; sunglasses; protective glasses and cases therefor; contact lenses; cameras; camera lenses; MP3 players; audio tapes, audio cassettes;

audio discs; audio-video tapes; audio-video cassettes; audio-video discs; video tapes; video cassettes; video discs; CDs, DVDs; downloadable electronic publications; downloadable image files; downloadable music files; mouse mats; magnets; mobile telephone covers; mobile telephone cases; hands free kits for phones; magnetic cards; encoded cards; mobile phone application software; software for telecommunication; software for the processing of financial transactions; electronic notice boards; electric batteries; battery chargers; security alarms; security cameras; security warning apparatus; security control apparatus; security surveillance apparatus; computer software for security purposes; computer software for insurance purposes; SIM cards; interactive touch screen terminals; aerials; alarms; electric cables; chemistry apparatus and instruments; recorded computer operating programs; computer peripheral devices; data processing apparatus; diagnostic apparatus, not for medical purposes; distance measuring apparatus; distance recording apparatus; downloadable ring tones for mobile phones; electronic tags for goods; eyepieces; goggles for sports; magnetic identity cards; intercommunication apparatus; loudspeakers; magnetic data media; mathematical instruments; modems; electric monitoring apparatus; television apparatus; testing apparatus not for medical purposes; telecommunication transmitters; mobile device management apparatus; software for mobile device management; middleware for management of software functions on electronic devices; computer virus software; computer antivirus software; smart home software and devices; home automation devices; in-car entertainment systems; privacy protection software; printers; printer programmes, servers, sharers, cables, hubs and converters; photo printers; parts and fittings for all the aforesaid goods.

Class 25: Clothing, footwear, headgear; aprons [clothing]; articles of clothing; articles of outer clothing; articles of underclothing; athletic clothing; Bandanas [neckerchiefs]; Bath robes; Bathing caps; bathing costumes; Beach shoes; beachwear; Belts (Money -) [clothing]; Belts [clothing]; Berets; Bibs, not of paper; blouses; Boas [necklets]; Bodices [lingerie];

body warmers; boiler suits; Boot uppers; Boots; Brassieres; Breeches for wear; Camisoles; caps; cardigans; casual clothing; casual footwear; clothing for babies; clothing for children; Clothing for gymnastics; clothing for infants; Clothing of imitations of leather; Clothing of leather; Coats; Collar protectors; Corsets [underclothing]; costumes; Cuffs; Cyclists' clothing; denim jackets; Detachable collars; Dress shields; Dresses; Dressing gowns; dungarees; Ear muffs [clothing]; exercise wear; Fishing vests; Fittings of metal for footwear; Football boots; Footmuffs, not electrically heated; formal wear; Frames (Hat -) [skeletons]; Fur stoles; Furs [clothing]; Gabardines [clothing]; Gaiters; Garters; Girdles; Gloves [clothing]; Goloshes; Gymnastic shoes; Hats; Headbands [clothing]; Headgear for wear; Heels; hooded sweatshirts; Hoods [clothing]; Hosiery; Inner soles; jackets; jeans; Jerseys [clothing]; jumpers; knitwear; Lace boots; ladies wear; Layettes [clothing]; Leg warmers; Leggings [trousers]; Linings (Ready-made -) [parts of clothing]; Liveries; Maniples; Mantillas; Masquerade costumes; men's clothing; Mittens; neckties; nightwear; Non-slipping devices for footwear; Overalls; Pants; pantyhose; Paper clothing; Parkas; Petticoats; Pinafore dresses; Pocket squares; Pockets for clothing; polo shirts; Ponchos; printed t-shirts; Pullovers; Pyjamas; rainproof clothing; Ready-made clothing; romper suits; Sandals; Saris; Sarongs; Sashes for wear; Scarves; Shawls; Shirt fronts; shirts; Shoes; shorts; Shoulder wraps; Shower caps; Singlets; Ski boots; Ski gloves; Skirts; Skorts; Skull caps; Sleep masks; sleepwear; Slippers; Slips [undergarments]; sneakers; Sock suspenders; Socks; Sports shoes; sportswear; Stocking suspenders; Stockings; Studs for football boots; Suits; Sun visors; Suspenders; sweat bottoms; sweat shirts; Sweat-absorbent underclothing [underwear]; Sweaters; Swimsuits; swimwear; Teddies [undergarments]; Tee-shirts; Tights; Top hats; Topcoats; tops; track suits; Trousers; t-shirts; Turbans; Underpants; Underwear; Uniforms; Veils [clothing]; vest tops; vests; Waistcoats; Waterproof clothing; Wet suits for water-skiing; wraps [clothing]; parts and fittings for all of the aforesaid goods.

Class 35: *Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty and incentive schemes; retail services and online retail services connected with the sale of 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; retail services and online retail services connected with the sale of 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, apparatus for the transmission of sound and image, telecommunications apparatus, mobile telecommunication apparatus, mobile telecommunications handsets; retail services and online retail services connected with the sale of digital telecommunication apparatus and instruments, digital tablets, computer hardware, computer application software, computer software downloadable from the Internet, recorded computer software, software applications, mobile software applications, downloadable applications for multimedia devices, computer games, computer game software, computer games programs, PDAs (Personal Digital Assistants); retail services and online retail services connected with the sale of pocket PCs, mobile telephones, laptop computers, telecommunications network apparatus, drivers software for telecommunications networks and for telecommunications apparatus, protective clothing, protective helmets, televisions, headphones, global positioning system [GPS] apparatus, satellite navigation devices, computer software recorded onto CD Rom, SD-Cards (secure digital cards), glasses, spectacle glasses, sunglasses; retail services and online retail services connected with the sale of protective glasses and cases therefor, contact lenses, cameras, camera lenses, MP3 players, audio tapes, audio cassettes, audio discs, audio-video tapes, audio-*

video cassettes, audio-video discs, video tapes, video cassettes, video discs, CDs, DVDs, downloadable electronic publications, downloadable image files, downloadable music files, mouse mats, magnets, mobile telephone covers, mobile telephone cases; retail services and online retail services connected with the sale of hands free kits for phones, magnetic cards, encoded cards, mobile phone application software, software for telecommunication, software for the processing of financial transactions, electronic notice boards, electric batteries, battery chargers, security alarms, security cameras, security warning apparatus, security control apparatus, security surveillance apparatus, computer software for security purposes; retail services and online retail services connected with the sale of computer software for insurance purposes, SIM cards, aerials, alarms, electric cables, chemistry apparatus and instruments, recorded computer operating programs, computer peripheral devices, data processing apparatus, diagnostic apparatus, not for medical purposes, distance measuring apparatus, distance recording apparatus, downloadable ring tones for mobile phones, electronic tags for goods; retail services and online retail services connected with the sale of electronic tags for goods, eyepieces, goggles for sports, magnetic identity cards, intercommunication apparatus, loudspeakers, magnetic data media, mathematical instruments, modems, electric monitoring apparatus, television apparatus, testing apparatus not for medical purposes, telecommunication transmitters, paper, cardboard, printed matter, photographs, stationery; retail services and online retail services connected with the sale of office requisites, instructional and teaching material, packaging material, educational equipment, writing implements, writing instruments, writing materials, books, catalogues, cards, instruction manuals, magazines, mail order catalogues, newspapers, pamphlets, periodical publications, calendars, diaries, labels, maps, printed publications, postcards, posters, printed tariffs, printed forms; retail services and online retail services connected with the clothing, footwear, headgear, household or kitchen utensils and containers, cookware, tableware, food cooking equipment, cutlery, cleaning articles, gardening articles, jewellery, horological and

chronometric instruments, musical instruments, apparatus for lighting, textiles, household textile articles, furniture, furnishing, bags, luggage, toiletries, cosmetics, pharmaceutical preparations, cleaning preparations; retail services and online retail services connected with the sale of bags, luggage, games and playthings, gymnastic articles, sporting articles, sporting equipment, meat, fish, poultry, game, food, foodstuffs, confectionery, desserts, baked goods, delicatessen products, fruit, flowers, coffee, tea, cocoa, sugar, rice, beers, mineral waters, aerated waters and other non-alcoholic drinks, alcoholic beverages, matches, tobacco; retail services and online retail services relating to interactive touch screen terminals, selfie sticks [hand-held monopods], smart rings, smartphones, smartwatches, automobile accessories, automobile parts, vehicles, fuels, building materials, metal hardware, electronic components, recorded content; business management of retail outlets; arranging subscriptions to telecommunications for others; compilation and systemisation of information into computer databases; compilation of statistics; cost price analysis; arranging of competitions for advertising purposes; recruitment services; employment recruitment; employment consultancy; employment agencies; providing employment information; providing employment information in connection with youth programme schemes; commercial administration of the licensing of the goods and services of others; commercial information and advice for consumers [consumer advice shop]; opinion polling; personnel recruitment; price comparison services; procurement services for others [purchasing goods and services for other businesses]; rental of advertising space; rental of advertising time on communication media; sales promotion for others; sponsorship search; negotiation of business contracts for others; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 39: *Transport; packaging and storage of goods; travel arrangement; arranging of cruises; arranging of tours; boat transport; booking of seats for travel; bus transport; car parking; car rental; car transport; carting; chauffeur services; courier services [messages or merchandise]; delivery of goods; delivery of goods by mail order; escorting of travellers; flower delivery; message delivery; newspaper delivery; packaging of goods; parcel delivery; parking place rental; passenger transport; pleasure boat transport; portage; rental of storage containers; river transport; sightseeing [tourism]; storage; storage information; storage of goods; physical storage of electronically-stored data or documents; taxi transport; traffic information; transport; transport of travellers; transport reservation; transportation information; travel reservation; wrapping of goods; provision of information relating to travel, transport, traffic, traffic flows and congestion; issuing of tickets for travel; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.*

Class 41: *Education; providing of training; entertainment; sporting and cultural activities; academies [education]; amusement parks; amusements; arranging and conducting of colloquiums; arranging and conducting of concerts; arranging and conducting of conferences; arranging and conducting of congresses; arranging and conducting of seminars; arranging and conducting of symposiums; arranging and conducting of workshops [training]; arranging of beauty contests; booking of seats for shows; cinema presentations; club services [entertainment or education]; coaching [training]; discotheque services; education information; educational examination; electronic desktop publishing; entertainer services; entertainment information; organisation of fashion shows for entertainment purposes; film production, other than advertising films; gambling; game services provided on-line from a computer network; games equipment rental; health club services [health*

and fitness training]; holiday camp services [entertainment]; music-halls; news reporters services; organization of shows [impresario services]; organization of sports competitions; party planning [entertainment]; personal trainer services [fitness training]; physical education; practical training [demonstration]; production of music; production of radio and television programmes; production of shows; providing amusement arcade services; providing karaoke services; providing on-line electronic publications, not downloadable; providing sports facilities; publication of books; publication of electronic books and journals on-line; publication of texts, other than publicity texts; radio entertainment; recording studio services; providing recreation facilities; sport camp services; subtitling; television entertainment; theatre productions; ticket agency services [entertainment]; timing of sports events; tuition; interactive entertainment services; electronic games services provided by means of any communications network; entertainment services provided by means of telecommunication networks; education, training, entertainment, sporting and cultural activities information provided by means of telecommunication networks; provision of news information; television production services; television programming services; television production and television programming services provided by means of Internet protocol technology; provision of musical events; entertainment club services; presentation of live performances; night clubs; rental of music venues and stadiums; casino services; ticket reservations for entertainment, sporting and cultural events; ticket information services for entertainment, sporting and cultural events; ticket agency services for entertainment, sporting and cultural events; provision of on-line computer games; rental of computer games programs; computer amusement services; provision of information, news and commentary in the field of computer games; arranging, organising and conducting computer game competitions; publishing services; arranging, organising and conducting of competitions, games and quizzes; arranging, organising and conducting of competitions, games and quizzes for entertainment, recreational, cultural and educational purposes; organisation of awards; career advisory services; conducting of phone-

in competitions; booking agency services connected with the issuing of tickets for entertainment events; employment training; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 43: *Services for providing food and drink; temporary accommodation; provision of food and drink for consumption both on and off premises; bar services; wine bars; brasserie services; cafeteria services; canteen services; café services; food and drink catering; self-service restaurants; snack-bar services; delicatessens [restaurants]; fast food services; food preparation services; restaurant services; restaurants; cocktail lounge services; rental of chairs, tables, table linen, glassware, cooking apparatus, meeting rooms, temporary accommodation; hotels; snack-bars; tea room services; banqueting services; provision of venues for parties, balls, weddings and events; boarding house services; rental of temporary accommodation; crèche services; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.*

Goods and services of registration no. 3862223 relied upon

Class 9: Scientific, surveying, measuring, signalling, checking (supervision), life-saving apparatus and instruments none being goods relating to liquids or gases; nautical, photographic, cinematographic, optical, weighing, 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; apparatus for the transmission of sound
and image; telecommunications apparatus; mobile telecommunication
apparatus; mobile telecommunications handsets; digital
telecommunication apparatus and instruments; digital tablets; tablet
computers; computer hardware; computer application software;
computer software downloadable from the Internet; recorded computer
software; software applications; mobile software applications,
downloadable applications for multimedia devices; computer games;
computer game software; computer software applications,
downloadable; computer games programs; PDAs (Personal Digital
Assistants); pocket PCs; mobile telephones; selfie sticks [hand-held
monopods]; smart rings; smartphones; smartwatches; wearable
technology, namely wearable communication apparatus,
telecommunication apparatus, smart phones, watches, monitors,
displays, computer hardware, activity trackers, audio equipment, video
display monitors, digital electronic devices capable of providing access
to the Internet; laptop computers; linear actuators [electric];
telecommunications network apparatus; drivers software for
telecommunications networks and for telecommunications apparatus;
protective clothing; protective helmets; televisions; headphones; global
positioning system [GPS] apparatus; satellite navigation devices;
sensors none being goods relating to liquids or gases; Internet of Things
[IOT] electronic devices, sensors and gateways; computer hardware and
software for use in and with Internet of Things [IOT] devices none being
goods relating to liquids or gases; computer software recorded onto CD
Rom; SD-Cards (secure digital cards); smart meters; glasses; spectacle
glasses; sunglasses; protective glasses and cases therefor; contact
lenses ; cameras; camera lenses; MP3 players; audio tapes, audio
cassettes; audio discs; audio-video tapes; audio-video cassettes; audio-
video discs; video tapes; video cassettes; video discs; CDs, DVDs;
downloadable electronic publications; downloadable image files;

downloadable music files; mouse mats; magnets; mobile telephone covers; mobile telephone cases; hands free kits for phones; magnetic cards; encoded cards; mobile phone application software; software for telecommunication; software for the processing of financial transactions; electronic notice boards; electric batteries; battery chargers; security alarms; security cameras; security warning apparatus; security control apparatus; security surveillance apparatus; computer software for security purposes; computer software for insurance purposes; SIM cards; interactive touch screen terminals; aerials; alarms; electric cables; chemistry apparatus and instruments; recorded computer operating programs; computer peripheral devices; data processing apparatus; diagnostic apparatus, not for medical purposes; distance measuring apparatus; distance recording apparatus; downloadable ring tones for mobile phones; electronic tags for goods; eyepieces; goggles for sports; magnetic identity cards; intercommunication apparatus; loudspeakers; magnetic data media; mathematical instruments; modems; electric monitoring apparatus; television apparatus; testing apparatus not for medical purposes; telecommunication transmitters; mobile device management apparatus; software for mobile device management; middleware for management of software functions on electronic devices; computer virus software; computer antivirus software; smart home software; smart home devices, namely, smart doorbells, smart speakers, smart televisions, smart radios, smart alarms, smart security systems, smart video monitors, smart monitoring apparatus and instruments, smart telephones, smart meters, smart locks and padlocks, smart door locks; home automation devices; in-car entertainment systems; privacy protection software; printers; printer programmes, servers, sharers, cables, hubs and converters; photo printers; downloadable virtual goods, namely, digital art, photographs, videos, or audio recordings; downloadable digital artwork and images; downloadable software for providing access to, and related to, digital art and collectibles, crypto-collectibles, non-fungible tokens nfts, application tokens, and digital currencies; downloadable software for use in electronically buying, selling, receiving, sending, storing, trading, and processing transactions

to and related to digital art and collectibles, crypto-collectibles, nfts, application tokens, and digital currencies; downloadable software for providing information, communications, and authentications for social media, digital art and collectibles, crypto-collectibles, nfts, application tokens, and digital currencies; downloadable software for downloading, receiving, sending, and storing software, data, links, video files, and image files from the internet; downloadable software for providing access to digital marketplaces and auctions; computer application software for blockchain-based platforms; parts and fittings for all the aforesaid goods.

Class 38: *Telecommunications; cable television broadcasting; cellular telephone communication; communications by computer terminals; communications by fiber [fibre] optic networks; communications by telephone; computer aided transmission of messages and images; electronic bulletin board services [telecommunications services]; electronic mail; facsimile transmission; information about telecommunication; message sending; paging services [radio, telephone or other means of electronic communication]; providing access to databases; providing internet chatrooms; providing telecommunication channels for teleshopping services; providing telecommunications connections to a global computer network; providing user access to global computer networks; radio broadcasting; rental of access time to global computer networks; rental of message sending apparatus; rental of modems; rental of telecommunication equipment; rental of telephones; satellite transmission; telecommunications routing and junction services; teleconferencing services; telegraph services; telephone services; television broadcasting; telex services; transmission of digital files; transmission of greeting cards online; transmission of telegrams; voice mail services; wire service; wireless broadcasting; telecommunications services; mobile telecommunications services; telecommunications portal services; access to content, websites and portals; providing access to platforms and portals on the Internet; provision of access to content, websites and portals; telecommunication*

services provided via platforms and portals on the Internet and other media; mobile telecommunications network services; fixed line telecommunication services; provision of broadband telecommunications access; broadband services; wireless communication services; digital communication services; broadcasting services; television broadcasting services; broadcasting services relating to Internet protocol TV; provision of access to Internet protocol TV; Internet access services; email and text messaging services; telecommunications information provided via telecommunication networks; services of a network provider, namely rental and handling of access time to data networks and databases, in particular the Internet; communications services for accessing a database; leasing of access time to a computer database; providing access to computer databases; rental of access time to a computer database; operation of a network, being telecommunication services; providing electronic bulletin board services; providing access to weblogs; providing access to podcasts; chatroom services for social networking; providing online forums; forums for social networking; providing electronic telecommunication connections; routing and connecting services for telecommunications; rental of telecommunications equipment; providing access to computer databases in the fields of social networking, social introduction and dating; leasing of mobile phones; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; telematics services; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 41: *Education; providing of training; entertainment; sporting and cultural activities; academies [education]; amusement parks; amusements; arranging and conducting of colloquiums; arranging and conducting of concerts; arranging and conducting of conferences; arranging and conducting of congresses; arranging and conducting of seminars; arranging and conducting of symposiums; arranging and conducting of workshops [training]; arranging of beauty contests; booking of seats for*

shows; cinema presentations; club services [entertainment or education]; coaching [training]; discotheque services; education information; educational examination; electronic desktop publishing; entertainer services; entertainment information; organisation of fashion shows for entertainment purposes; film production, other than advertising films; gambling; game services provided on-line from a computer network; games equipment rental; health club services [health and fitness training]; holiday camp services [entertainment]; music-halls; news reporters services; organization of shows [impresario services]; organization of sports competitions; party planning [entertainment]; personal trainer services [fitness training]; physical education; practical training [demonstration]; production of music; production of radio and television programmes; production of shows; providing amusement arcade services; providing karaoke services; providing on-line electronic publications, not downloadable; providing sports facilities; publication of books; publication of electronic books and journals on-line; publication of texts, other than publicity texts; radio entertainment; recording studio services; providing recreation facilities; sport camp services; subtitling; television entertainment; theatre productions; ticket agency services [entertainment]; timing of sports events; tuition; interactive entertainment services; electronic games services provided by means of any communications network; entertainment services provided by means of telecommunication networks; education, training, entertainment, sporting and cultural activities information provided by means of telecommunication networks; provision of news information; television production services; television programming services; television production and television programming services provided by means of Internet protocol technology; provision of musical events; entertainment club services; discotheque services; presentation of live performances; night clubs; rental of music venues and stadiums; casino services; ticket reservations for entertainment, sporting and cultural events; ticket information services for entertainment, sporting and cultural events; ticket agency services for entertainment, sporting and cultural events; provision of on-line computer games; rental of computer games

programs; computer and video game amusement services; provision of information, news and commentary in the field of computer games; arranging, organising and conducting computer game competitions; publishing services; providing on-line electronic publications, not downloadable; publication of books; publication of electronic books and journals on-line; publication of texts, other than publicity texts; arranging, organising and conducting of competitions, games and quizzes; arranging, organising and conducting of competitions, games and quizzes for entertainment, recreational, cultural and educational purposes; organisation of awards; career advisory services; conducting of phone-in competitions; booking agency services connected with the issuing of tickets for entertainment events; employment training; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; music recordings, concerts, performances, productions, publishing, instruction, competition services and composition services; musical performances and entertainment; live music services, concerts, shows and performances; music library services; recording of music; music entertainment services; music publishing and music recording services; music group services; tuition and teaching of music; music mixing services; music transcription services; musical performance, education and instruction services; musical composition for others; organisation of music concerts; entertainment services performed by musicians; consultancy on film and music production; rental of phonographic and music recordings; providing digital music [not downloadable] from the internet; ticket reservation and booking services for music concerts; education and training related to an online marketplace for the creation, display, sale, and transfer of non-fungible token (nft) artwork; education and training related to an online marketplace for buyers and sellers of nfts and crypto-collectibles; virtual reality arcade services; providing on-line non-downloadable images; provision of exhibitions via virtual reality and augmented reality; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Goods and services of registration no. 3346463 relied upon

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; aerials; alarms; apparatus for the transmission of sound and image; audio cassettes; audio discs; audio tapes; battery chargers; camera lenses; cameras; CDs, DVDs; chemistry apparatus and instruments; computer antivirus software; privacy protection software; computer application software; computer game software; computer games; computer games programs; computer hardware; computer peripheral devices; computer software applications, downloadable; computer software downloadable from the Internet; computer software for insurance purposes; computer software for security purposes; computer software recorded onto CD Rom; computer virus software; contact lenses; data processing apparatus; diagnostic apparatus, not for medical purposes; digital tablets; digital telecommunication apparatus and instruments; distance measuring apparatus; distance recording apparatus; downloadable electronic publications; downloadable image files; downloadable music files; downloadable ring tones for mobile phones; drivers software for telecommunications networks and for telecommunications apparatus; electric batteries; electric cables; electric monitoring apparatus; electronic notice boards; electronic tags for goods; encoded cards; eyepieces; glasses; global positioning system [GPS] apparatus; goggles for sports; hands free kits for phones; headphones; interactive touch screen terminals; intercommunication apparatus; laptop computers; loudspeakers; magnetic cards; magnetic data media; magnetic identity

cards; magnets; mathematical instruments; middleware for management of software functions on electronic devices; mobile device management apparatus; mobile phone application software; mobile software applications, downloadable applications for multimedia devices; mobile telecommunication apparatus; mobile telecommunications handsets; mobile telephone cases; mobile telephone covers; mobile telephones; modems; mouse mats; MP3 players; PDAs (Personal Digital Assistants); pocket PCs; protective clothing; protective glasses and cases therefor; protective helmets; recorded computer operating programs; recorded computer software; satellite navigation devices; SD-Cards (secure digital cards); security alarms; security cameras; security control apparatus; security surveillance apparatus; security warning apparatus; selfie sticks [hand-held monopods]; SIM cards; smart rings; smartphones; smartwatches; software applications; software for mobile device management; software for telecommunication; software for the processing of financial transactions; spectacle glasses; sunglasses; tablet computers; telecommunication transmitters; telecommunications apparatus; telecommunications network apparatus; television apparatus; televisions; testing apparatus not for medical purposes; video cassettes; video discs; video tapes; parts and fittings for all the aforesaid goods.

Class 25: Clothing, footwear, headgear; aprons [clothing]; articles of clothing; articles of outer clothing; articles of underclothing; athletic clothing; Bandanas [neckerchiefs]; Bath robes; Bathing caps; bathing costumes; Beach shoes; beachwear; Belts (Money -) [clothing]; Belts [clothing]; Berets; Bibs, not of paper; blouses; Boas [necklets]; Bodices [lingerie]; body warmers; boiler suits; Boot uppers; Boots; Brassieres; Breeches for wear; Camisoles; caps; cardigans; casual clothing; casual footwear; clothing for babies; clothing for children; Clothing for gymnastics; clothing for infants; Clothing of imitations of leather; Clothing of leather; Coats; Collar protectors; Corsets [underclothing]; costumes; Cuffs; Cyclists' clothing; denim jackets; Detachable collars; Dress shields; Dresses; Dressing gowns; dungarees; Ear muffs [clothing]; exercise

wear; Fishing vests; Fittings of metal for footwear; Football boots; Footmuffs, not electrically heated; formal wear; Frames (Hat -) [skeletons]; Fur stoles; Furs [clothing]; Gabardines [clothing]; Gaiters; Garters; Girdles; Gloves [clothing]; Goloshes; Gymnastic shoes; Hats; Headbands [clothing]; Headgear for wear; Heels; hooded sweatshirts; Hoods [clothing]; Hosiery; Inner soles; jackets; jeans; Jerseys [clothing]; jumpers; knitwear; Lace boots; ladies wear; Layettes [clothing]; Leg warmers; Leggings [trousers]; Linings (Ready-made -) [parts of clothing]; Liveries; Maniples; Mantillas; Masquerade costumes; men's clothing; Mittens; neckties; nightwear; Non-slipping devices for footwear; Overalls; Pants; pantyhose; Paper clothing; Parkas; Petticoats; Pinafore dresses; Pocket squares; Pockets for clothing; polo shirts; Ponchos; printed t-shirts; Pullovers; Pyjamas; rainproof clothing; Ready-made clothing; romper suits; Sandals; Saris; Sarongs; Sashes for wear; Scarves; Shawls; Shirt fronts; shirts; Shoes; shorts; Shoulder wraps; Shower caps; Singlets; Ski boots; Ski gloves; Skirts; Skorts; Skull caps; Sleep masks; sleepwear; Slippers; Slips [undergarments]; sneakers; Sock suspenders; Socks; Sports shoes; sportswear; Stocking suspenders; Stockings; Studs for football boots; Suits; Sun visors; Suspenders; sweat bottoms; sweat shirts; Sweat-absorbent underclothing [underwear]; Sweaters; Swimsuits; swimwear; Teddies [undergarments]; Tee-shirts; Tights; Top hats; Topcoats; tops; track suits; Trousers; t-shirts; Turbans; Underpants; Underwear; Uniforms; Veils [clothing]; vest tops; vests; Waistcoats; Waterproof clothing; Wet suits for water-skiing; wraps [clothing]; parts and fittings for all of the aforesaid goods.

Class 35: *Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty and incentive schemes; retail services and online retail services connected with the sale of 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; retail services and online retail services connected with the sale of 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, apparatus for the transmission of sound and image, telecommunications apparatus, mobile telecommunication apparatus, mobile telecommunications handsets; retail services and online retail services connected with the sale of digital telecommunication apparatus and instruments, digital tablets, computer hardware, computer application software, computer software downloadable from the Internet, recorded computer software, software applications, mobile software applications, downloadable applications for multimedia devices, computer games, computer game software, computer games programs, PDAs (Personal Digital Assistants); retail services and online retail services connected with the sale of pocket PCs, mobile telephones, laptop computers, telecommunications network apparatus, drivers software for telecommunications networks and for telecommunications apparatus, protective clothing, protective helmets, televisions, headphones, global positioning system [GPS] apparatus, satellite navigation devices, computer software recorded onto CD Rom, SD-Cards (secure digital cards), glasses, spectacle glasses, sunglasses; retail services and online retail services connected with the sale of protective glasses and cases therefor, contact lenses, cameras, camera lenses, MP3 players, audio tapes, audio cassettes, audio discs, audio-video tapes, audio-video cassettes, audio-video discs, video tapes, video cassettes, video discs, CDs, DVDs, downloadable electronic publications, downloadable image files, downloadable music files, mouse mats, magnets, mobile telephone covers, mobile telephone cases; retail services and online retail services connected with the sale of hands free kits for phones, magnetic cards, encoded cards, mobile phone application software, software for telecommunication, software for the processing of financial

transactions, electronic notice boards, electric batteries, battery chargers, security alarms, security cameras, security warning apparatus, security control apparatus, security surveillance apparatus, computer software for security purposes; retail services and online retail services connected with the sale of computer software for insurance purposes, SIM cards, aerials, alarms, electric cables, chemistry apparatus and instruments, recorded computer operating programs, computer peripheral devices, data processing apparatus, diagnostic apparatus, not for medical purposes, distance measuring apparatus, distance recording apparatus, downloadable ring tones for mobile phones, electronic tags for goods; retail services and online retail services connected with the sale of electronic tags for goods, eyepieces, goggles for sports, magnetic identity cards, intercommunication apparatus, loudspeakers, magnetic data media, mathematical instruments, modems, electric monitoring apparatus, television apparatus, testing apparatus not for medical purposes, telecommunication transmitters, paper, cardboard, printed matter, photographs, stationery; retail services and online retail services connected with the sale of office requisites, instructional and teaching material, packaging material, educational equipment, writing implements, writing instruments, writing materials, books, catalogues, cards, instruction manuals, magazines, mail order catalogues, newspapers, pamphlets, periodical publications, calendars, diaries, labels, maps, printed publications, postcards, posters, printed tariffs, printed forms; retail services and online retail services connected with the clothing, footwear, headgear, household or kitchen utensils and containers, cookware, tableware, food cooking equipment, cutlery, cleaning articles, gardening articles, jewellery, horological and chronometric instruments, musical instruments, apparatus for lighting, textiles, household textile articles, furniture, furnishing, bags, luggage, toiletries, cosmetics, pharmaceutical preparations, cleaning preparations; retail services and online retail services connected with the sale of bags, luggage, games and playthings, gymnastic articles, sporting articles, sporting equipment, meat, fish, poultry, game, food, foodstuffs, confectionery, desserts, baked goods, delicatessen products,

fruit, flowers, coffee, tea, cocoa, sugar, rice, beers, mineral waters, aerated waters and other non-alcoholic drinks, alcoholic beverages, matches, tobacco; retail services and online retail services relating to interactive touch screen terminals, selfie sticks [hand-held monopods], smart rings, smartphones, smartwatches, automobile accessories, automobile parts, vehicles, fuels, building materials, metal hardware, electronic components, recorded content; business management of retail outlets; arranging subscriptions to telecommunications for others; compilation and systemisation of information into computer databases; compilation of statistics; cost price analysis; arranging of competitions for advertising purposes; recruitment services; employment recruitment; employment consultancy; employment agencies; providing employment information; providing employment information in connection with youth programme schemes; commercial administration of the licensing of the goods and services of others; commercial information and advice for consumers [consumer advice shop]; opinion polling; personnel recruitment; price comparison services; procurement services for others [purchasing goods and services for other businesses]; rental of advertising space; rental of advertising time on communication media; sales promotion for others; sponsorship search; negotiation of business contracts for others; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 36: *Insurance; financial affairs; monetary affairs; real estate affairs; financial information and advice relating to tariffs; information and advice relating to finance and insurance; financial payment services; payment processing services; electronic payment services; automated payment services; payment collection agencies; processing of payment transactions via the Internet; money transfer services; electronic funds transfer services; bill payment services; Internet banking; mobile phone banking services; issuing of vouchers and coupons; issuing tokens of*

value, namely gift cards; issuing of tokens of value in relation to customer loyalty schemes; sponsorship of sports, sports teams and sports events; insurance administration; insurance for telecommunication apparatus and instruments; insurance for mobile telecommunication apparatus and instruments; insurance for digital apparatus and instruments; insurance for digital tablets; insurance for computer software and hardware; travel insurance services; vehicle insurance services; home insurance services; charitable fund raising; credit card services; debit card services; debt collection agencies; financial sponsorship; repair costs evaluation [financial appraisal]; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 38: *Telecommunications; cable television broadcasting; cellular telephone communication; communications by computer terminals; communications by fiber [fibre] optic networks; communications by telephone; computer aided transmission of messages and images; electronic bulletin board services [telecommunications services]; electronic mail; facsimile transmission; information about telecommunication; message sending; paging services [radio, telephone or other means of electronic communication]; providing access to databases; providing internet chatrooms; providing telecommunication channels for teleshopping services; providing telecommunications connections to a global computer network; providing user access to global computer networks; radio broadcasting; rental of access time to global computer networks; rental of message sending apparatus; rental of modems; rental of telecommunication equipment; rental of telephones; satellite transmission; telecommunications routing and junction services; teleconferencing services; telegraph services; telephone services; television broadcasting; telex services; transmission of digital files; transmission of greeting cards online; transmission of telegrams; voice mail services; wire service; wireless broadcasting;*

telecommunications services; mobile telecommunications services; telecommunications portal services; access to content, websites and portals; providing access to platforms and portals on the Internet; provision of access to content, websites and portals; telecommunication services provided via platforms and portals on the Internet and other media; mobile telecommunications network services; fixed line telecommunication services; provision of broadband telecommunications access; broadband services; wireless communication services; digital communication services; broadcasting services; television broadcasting services; broadcasting services relating to Internet protocol TV; provision of access to Internet protocol TV; Internet access services; email and text messaging services; telecommunications information provided via telecommunication networks; services of a network provider, namely rental and handling of access time to data networks and databases, in particular the Internet; communications services for accessing a database; leasing of access time to a computer database; providing access to computer databases; rental of access time to a computer database; operation of a network, being telecommunication services; providing electronic bulletin board services; providing access to weblogs; providing access to podcasts; chatroom services for social networking; providing online forums; forums for social networking; providing electronic telecommunication connections; routing and connecting services for telecommunications; rental of telecommunications equipment; providing access to computer databases in the fields of social networking, social introduction and dating; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 41: *Education; providing of training; entertainment; sporting and cultural activities; academies [education]; amusement parks; amusements; arranging and conducting of colloquiums; arranging and conducting of*

concerts; arranging and conducting of conferences; arranging and conducting of congresses; arranging and conducting of seminars; arranging and conducting of symposiums; arranging and conducting of workshops [training]; arranging of beauty contests; booking of seats for shows; cinema presentations; club services [entertainment or education]; coaching [training]; discotheque services; education information; educational examination; electronic desktop publishing; entertainer services; entertainment information; organisation of fashion shows for entertainment purposes; film production, other than advertising films; gambling; game services provided on-line from a computer network; games equipment rental; health club services [health and fitness training]; holiday camp services [entertainment]; music-halls; news reporters services; organization of shows [impresario services]; organization of sports competitions; party planning [entertainment]; personal trainer services [fitness training]; physical education; practical training [demonstration]; production of music; production of radio and television programmes; production of shows; providing amusement arcade services; providing karaoke services; providing on-line electronic publications, not downloadable; providing sports facilities; publication of books; publication of electronic books and journals on-line; publication of texts, other than publicity texts; radio entertainment; recording studio services; providing recreation facilities; sport camp services; subtitling; television entertainment; theatre productions; ticket agency services [entertainment]; timing of sports events; tuition; interactive entertainment services; electronic games services provided by means of any communications network; entertainment services provided by means of telecommunication networks; education, training, entertainment, sporting and cultural activities information provided by means of telecommunication networks; provision of news information; television production services; television programming services; television production and television programming services provided by means of Internet protocol technology; provision of musical events; entertainment club services; discotheque services; presentation of live performances; night clubs; rental of music venues and stadiums; casino services; ticket

reservations for entertainment, sporting and cultural events; ticket information services for entertainment, sporting and cultural events; ticket agency services for entertainment, sporting and cultural events; provision of on-line computer games; rental of computer games programs; computer amusement services; provision of information, news and commentary in the field of computer games; arranging, organising and conducting computer game competitions; publishing services; providing on-line electronic publications, not downloadable; publication of books; publication of electronic books and journals on-line; publication of texts, other than publicity texts; arranging, organising and conducting of competitions, games and quizzes; arranging, organising and conducting of competitions, games and quizzes for entertainment, recreational, cultural and educational purposes; organisation of awards; conducting of phone-in competitions; booking agency services connected with the issuing of tickets for entertainment events; employment training; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Goods and services of registration no. 3587066 relied upon

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; apparatus for the transmission of sound and image; telecommunications apparatus; mobile telecommunication

apparatus; mobile telecommunications handsets; digital telecommunication apparatus and instruments; digital tablets; tablet computers; computer hardware; computer application software; computer software downloadable from the Internet; recorded computer software; software applications; mobile software applications, downloadable applications for multimedia devices; computer games; computer game software; computer software applications, downloadable; computer games programs; PDAs (Personal Digital Assistants); pocket PCs; mobile telephones; selfie sticks [hand-held monopods]; smart rings; smartphones; smartwatches; wearable technology, namely wearable communication apparatus, telecommunication apparatus, smart phones, watches, monitors, displays, computer hardware, activity trackers, audio equipment, video display monitors, wearable digital electronic devices capable of providing access to the Internet; laptop computers; linear actuators [electric]; telecommunications network apparatus; drivers software for telecommunications networks and for telecommunications apparatus; protective clothing; protective helmets; televisions; headphones; global positioning system [GPS] apparatus; satellite navigation devices; sensors; IOT devices, namely computer hardware capable of Internet of Things [IOT] connectivity, sensors and gateways; computer hardware and software for use in and with Internet of Things [IOT] devices; computer software recorded onto CD Rom; SD-Cards (secure digital cards); smart meters; glasses; spectacle glasses; sunglasses; protective glasses and cases therefor; contact lenses; cameras; camera lenses; MP3 players; audio tapes, audio cassettes; audio discs; audio-video tapes; audio-video cassettes; audio-video discs; video tapes; video cassettes; video discs; CDs, DVDs; downloadable electronic publications; downloadable image files; downloadable music files; mouse mats; magnets; mobile telephone covers; mobile telephone cases; hands free kits for phones; magnetic cards; encoded cards; mobile phone application software; software for telecommunication; software for the processing of financial transactions; electronic notice boards; electric batteries; battery chargers; security alarms; security

cameras; security warning apparatus; security control apparatus; security surveillance apparatus; computer software for security purposes; computer software for insurance purposes; SIM cards; interactive touch screen terminals; aerials; alarms; electric cables; chemistry apparatus and instruments; recorded computer operating programs; computer peripheral devices; data processing apparatus; diagnostic apparatus, not for medical purposes; distance measuring apparatus; distance recording apparatus; downloadable ring tones for mobile phones; electronic tags for goods; eyepieces; goggles for sports; magnetic identity cards; intercommunication apparatus; loudspeakers; magnetic data media; mathematical instruments; modems; electric monitoring apparatus; television apparatus; testing apparatus not for medical purposes; telecommunication transmitters; mobile device management apparatus; software for mobile device management; middleware for management of software functions on electronic devices; computer virus software; computer antivirus software; smart home software and devices; home automation devices; in-car entertainment systems; privacy protection software; parts and fittings for all the aforesaid goods.

Class 25: Clothing, footwear, headgear; aprons [clothing]; articles of clothing; articles of outer clothing; articles of underclothing; athletic clothing; Bandanas [neckerchiefs]; Bath robes; Bathing caps; bathing costumes; Beach shoes; beachwear; Belts (Money -) [clothing]; Belts [clothing]; Berets; Bibs, not of paper; blouses; Boas [necklets]; Bodices [lingerie]; body warmers; boiler suits; Boot uppers; Boots; Brassieres; Breeches for wear; Camisoles; caps; cardigans; casual clothing; casual footwear; clothing for babies; clothing for children; Clothing for gymnastics; clothing for infants; Clothing of imitations of leather; Clothing of leather; Coats; Collar protectors; Corsets [underclothing]; costumes; Cuffs; Cyclists' clothing; denim jackets; Detachable collars; Dress shields; Dresses; Dressing gowns; dungarees; Ear muffs [clothing]; exercise wear; Fishing vests; Fittings of metal for footwear; Football boots; Footmuffs, not electrically heated; formal wear; Frames (Hat -)

[skeletons]; Fur stoles; Furs [clothing]; Gabardines [clothing]; Gaiters; Garters; Girdles; Gloves [clothing]; Goloshes; Gymnastic shoes; Hats; Headbands [clothing]; Headgear for wear; Heels; hooded sweatshirts; Hoods [clothing]; Hosiery; Inner soles; jackets; jeans; Jerseys [clothing]; jumpers; knitwear; Lace boots; ladies wear; Layettes [clothing]; Leg warmers; Leggings [trousers]; Linings (Ready-made -) [parts of clothing]; Liveries; Maniples; Mantillas; Masquerade costumes; men's clothing; Mittens; neckties; nightwear; Non-slipping devices for footwear; Overalls; Pants; pantyhose; Paper clothing; Parkas; Petticoats; Pinafore dresses; Pocket squares; Pockets for clothing; polo shirts; Ponchos; printed t-shirts; Pullovers; Pyjamas; rainproof clothing; Ready-made clothing; romper suits; Sandals; Saris; Sarongs; Sashes for wear; Scarves; Shawls; Shirt fronts; shirts; Shoes; shorts; Shoulder wraps; Shower caps; Singlets; Ski boots; Ski gloves; Skirts; Skorts; Skull caps; Sleep masks; sleepwear; Slippers; Slips [undergarments]; sneakers; Sock suspenders; Socks; Sports shoes; sportswear; Stocking suspenders; Stockings; Studs for football boots; Suits; Sun visors; Suspenders; sweat bottoms; sweat shirts; Sweat-absorbent underclothing [underwear]; Sweaters; Swimsuits; swimwear; Teddies [undergarments]; Tee-shirts; Tights; Top hats; Topcoats; tops; track suits; Trousers; t-shirts; Turbans; Underpants; Underwear; Uniforms; Veils [clothing]; vest tops; vests; Waistcoats; Waterproof clothing; Wet suits for water-skiing; wraps [clothing]; parts and fittings for all of the aforesaid goods.

Class 35: *Advertising; business management; business administration; office functions; organisation, operation and supervision of loyalty and incentive schemes; retail services and online retail services connected with the sale of 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; retail*

services and online retail services connected with the sale of 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, apparatus for the transmission of sound and image, telecommunications apparatus, mobile telecommunication apparatus, mobile telecommunications handsets; retail services and online retail services connected with the sale of digital telecommunication apparatus and instruments, digital tablets, computer hardware, computer application software, computer software downloadable from the Internet, recorded computer software, software applications, mobile software applications, downloadable applications for multimedia devices, computer games, computer game software, computer games programs, PDAs (Personal Digital Assistants); retail services and online retail services connected with the sale of pocket PCs, mobile telephones, laptop computers, telecommunications network apparatus, drivers software for telecommunications networks and for telecommunications apparatus, protective clothing, protective helmets, televisions, headphones, global positioning system [GPS] apparatus, satellite navigation devices, computer software recorded onto CD Rom, SD-Cards (secure digital cards), glasses, spectacle glasses, sunglasses; retail services and online retail services connected with the sale of protective glasses and cases therefor, contact lenses, cameras, camera lenses, MP3 players, audio tapes, audio cassettes, audio discs, audio-video tapes, audio-video cassettes, audio-video discs, video tapes, video cassettes, video discs, CDs, DVDs, downloadable electronic publications, downloadable image files, downloadable music files, mouse mats, magnets, mobile telephone covers, mobile telephone cases; retail services and online retail services connected with the sale of hands free kits for phones, magnetic cards, encoded cards, mobile phone application software, software for telecommunication, software for the processing of financial transactions, electronic notice boards, electric batteries, battery chargers, security alarms, security cameras, security warning apparatus,

security control apparatus, security surveillance apparatus, computer software for security purposes; retail services and online retail services connected with the sale of computer software for insurance purposes, SIM cards, aerials, alarms, electric cables, chemistry apparatus and instruments, recorded computer operating programs, computer peripheral devices, data processing apparatus, diagnostic apparatus, not for medical purposes, distance measuring apparatus, distance recording apparatus, downloadable ring tones for mobile phones, electronic tags for goods; retail services and online retail services connected with the sale of electronic tags for goods, eyepieces, goggles for sports, magnetic identity cards, intercommunication apparatus, loudspeakers, magnetic data media, mathematical instruments, modems, electric monitoring apparatus, television apparatus, testing apparatus not for medical purposes, telecommunication transmitters, paper, cardboard, printed matter, photographs, stationery; retail services and online retail services connected with the sale of office requisites, instructional and teaching material, packaging material, educational equipment, writing implements, writing instruments, writing materials, books, catalogues, cards, instruction manuals, magazines, mail order catalogues, newspapers, pamphlets, periodical publications, calendars, diaries, labels, maps, printed publications, postcards, posters, printed tariffs, printed forms; retail services and online retail services connected with the clothing, footwear, headgear, household or kitchen utensils and containers, cookware, tableware, food cooking equipment, cutlery, cleaning articles, gardening articles, jewellery, horological and chronometric instruments, musical instruments, apparatus for lighting, textiles, household textile articles, furniture, furnishing, bags, luggage, toiletries, cosmetics, pharmaceutical preparations, cleaning preparations; retail services and online retail services connected with the sale of bags, luggage, games and playthings, gymnastic articles, sporting articles, sporting equipment, meat, fish, poultry, game, food, foodstuffs, confectionery, desserts, baked goods, delicatessen products, fruit, flowers, coffee, tea, cocoa, sugar, rice, beers, mineral waters, aerated waters and other non-alcoholic drinks, alcoholic beverages,

matches, tobacco; retail services and online retail services relating to interactive touch screen terminals, selfie sticks [hand-held monopods], smart rings, smartphones, smartwatches, automobile accessories, automobile parts, vehicles, fuels, building materials, metal hardware, electronic components, recorded content; business management of retail outlets; arranging subscriptions to telecommunications for others; compilation and systemisation of information into computer databases; compilation of statistics; cost price analysis; arranging of competitions for advertising purposes; recruitment services; employment recruitment; employment consultancy; employment agencies; providing employment information; providing employment information in connection with youth programme schemes; commercial administration of the licensing of the goods and services of others; commercial information and advice for consumers [consumer advice shop]; opinion polling; personnel recruitment; price comparison services; procurement services for others [purchasing goods and services for other businesses]; rental of advertising space; rental of advertising time on communication media; sales promotion for others; sponsorship search; negotiation of business contracts for others; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 36: *Insurance; financial affairs; monetary affairs; real estate affairs; financial information and advice relating to tariffs; information and advice relating to finance and insurance; financial payment services; payment processing services; electronic payment services; automated payment services; payment collection agencies; processing of payment transactions via the Internet; money transfer services; electronic funds transfer services; bill payment services; Internet banking; mobile phone banking services; issuing of phone card services; issuing of vouchers and coupons; issuing tokens of value, namely gift cards; issuing of tokens of value in relation to customer loyalty schemes; sponsorship of*

sports, sports teams and sports events; insurance administration; insurance for telecommunication apparatus and instruments; insurance for mobile telecommunication apparatus and instruments; insurance for digital apparatus and instruments; insurance for digital tablets; insurance for computer software and hardware; travel insurance; vehicle insurance; home insurance; charitable fund raising; credit card services; debit card services; debt collection agencies; financial sponsorship; repair costs evaluation [financial appraisal]; building leasing; financial evaluation [insurance, banking, real estate]; housing agents; real estate management services relating to office premises; leasing of offices; property leasing; leasing of shopping premises; leasing of real estate; leasing of office space; real estate agencies; real estate appraisal; real estate management; rent collection; rental of offices [real estate]; renting of flats; stamp appraisal; financial leasing; property and building management services; estate management; leasing of mobile phones, computers and tablet computers; hire purchase financing; information and advisory services relating to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.

Class 38: *Telecommunications; cable television broadcasting; cellular telephone communication; communications by computer terminals; communications by fiber [fibre] optic networks; communications by telephone; computer aided transmission of messages and images; electronic bulletin board services [telecommunications services]; electronic mail; facsimile transmission; information about telecommunication; message sending; paging services [radio, telephone or other means of electronic communication]; providing access to databases; providing internet chatrooms; providing telecommunication channels for teleshopping services; providing telecommunications connections to a global computer network; providing user access to global computer networks; radio broadcasting; rental of access time to*

global computer networks; rental of message sending apparatus; rental of modems; rental of telecommunication equipment; rental of telephones; satellite transmission; telecommunications routing and junction services; teleconferencing services; telegraph services; telephone services; television broadcasting; telex services; transmission of digital files; transmission of greeting cards online; transmission of telegrams; voice mail services; wire service; wireless broadcasting; telecommunications services; mobile telecommunications services; telecommunications portal services; access to content, websites and portals; providing access to platforms and portals on the Internet; provision of access to content, websites and portals; telecommunication services provided via platforms and portals on the Internet and other media; mobile telecommunications network services; fixed line telecommunication services; provision of broadband telecommunications access; broadband services; wireless communication services; digital communication services; broadcasting services; television broadcasting services; broadcasting services relating to Internet protocol TV; provision of access to Internet protocol TV; Internet access services; email and text messaging services; telecommunications information provided via telecommunication networks; services of a network provider, namely rental and handling of access time to a computer database, global computer networks and database servers; communications services for accessing a database; leasing of access time to a computer database; providing access to computer databases; rental of access time to a computer database; operation of a network, being telecommunication services; providing electronic bulletin board services; providing access to weblogs; providing access to podcasts; chatroom services for social networking; providing online forums; forums for social networking; providing electronic telecommunication connections; routing and connecting services for telecommunications; rental of telecommunications equipment; providing access to computer databases in the fields of social networking, social introduction and dating; information and advisory services relating to the aforesaid; information and advisory

services relating to the aforesaid services provided on-line from a computer database or the Internet; telematics services; information and advisory services relating to the aforesaid services provided over a telecommunications network; leasing of mobile phones.

Class 41: Education; providing of training; entertainment; sporting and cultural activities; academies [education]; amusement parks; amusements; arranging and conducting of colloquiums; arranging and conducting of concerts; arranging and conducting of conferences; arranging and conducting of congresses; arranging and conducting of seminars; arranging and conducting of symposiums; arranging and conducting of workshops [training]; arranging of beauty contests; booking of seats for shows; cinema presentations; club services [entertainment or education]; coaching [training]; discotheque services; education information; educational examination; electronic desktop publishing; entertainer services; entertainment information; organisation of fashion shows for entertainment purposes; film production, other than advertising films; gambling; game services provided on-line from a computer network; games equipment rental; health club services [health and fitness training]; holiday camp services [entertainment]; music-halls; news reporters services; organization of shows [impresario services]; organization of sports competitions; party planning [entertainment]; personal trainer services [fitness training]; physical education; practical training [demonstration]; production of music; production of radio and television programmes; production of shows; providing amusement arcade services; providing karaoke services; providing on-line electronic publications, not downloadable; providing sports facilities; publication of books; publication of electronic books and journals on-line; publication of texts, other than publicity texts; radio entertainment; recording studio services; providing recreation facilities; sport camp services; subtitling; television entertainment; theatre productions; ticket agency services [entertainment]; timing of sports events; tuition; interactive entertainment services; electronic games services provided by means of any communications network; entertainment services provided by means of

telecommunication networks; education, training, entertainment, sporting and cultural activities information provided by means of telecommunication networks; provision of news information; television production services; television programming services; television production and television programming services provided by means of Internet protocol technology; provision of musical events; entertainment club services; presentation of live performances; night clubs; rental of music venues and stadiums; casino services; ticket reservations for entertainment, sporting and cultural events; ticket information services for entertainment, sporting and cultural events; ticket agency services for entertainment, sporting and cultural events; provision of on-line computer games; rental of computer games programs; computer and video games amusement services; provision of information, news and commentary in the field of computer games; arranging, organising and conducting computer game competitions; publishing services; arranging, organising and conducting of competitions, games and quizzes; arranging, organising and conducting of competitions, games and quizzes for entertainment, recreational, cultural and educational purposes; organisation of awards; career advisory services; conducting of phone-in competitions; booking agency services connected with the issuing of tickets for entertainment events; employment training; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services relating to the aforesaid services provided over a telecommunications network.