

o/1033/24

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. UK3783870
BY OLUWATOSIN OLUWOLE AJIBADE
TO REGISTER THE SERIES OF TRADE MARKS:**

MR EAZI

Mr Eazi

MrEazi

(SERIES OF 3)

IN CLASSES 9, 16, 25, 35, 38, 41 & 42

AND

**IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 436364
BY ASID REIGNZ ENTERPRISES LIMITED
TRADING AS ASID REIGNZ MUSIC**

Background and pleadings

1. On 3 May 2022, Oluwatosin Oluwole Ajibade (“the applicant”) applied to register the series of three trade marks shown on the cover page of this decision in the UK. The application was published for opposition purposes on 22 July 2022. Registration is sought for the goods and services shown in Annex 1:

2. The application was opposed by Asid Reignz Enterprises Limited trading as Asid Reignz Music (“the opponent”) on 21 September 2022. The opposition is based upon sections 5(1) and 5(2)(a) of the Trade Marks Act 1994 (“the Act”) against all of the goods and services applied for. The opponent initially also relied on section 5(3) of the Act but this was withdrawn as no evidence was filed in support.

3. The opponent relies on the following trade mark:

UK3266584

Mr Eazi

Filing date: 27 October 2017

Registration date: 26 January 2018

This mark has been revoked with effect from 27 January 2023 however, at the relevant date for these proceedings it was still extant and therefore can still be relied upon here.¹

Relying upon the services shown in Annex 2.

4. The opponent claims that the marks are identical and the goods and services are identical/similar to their own.

5. The applicant filed a counterstatement denying the claims made.

¹ *Cooper International Spirits LLC, Case C-622/18*

6. The applicant is represented by Joshi-IP.Law and the opponent is representing themselves.

7. Neither party filed evidence. Neither party requested a hearing nor filed submissions in lieu. This decision is therefore taken following careful consideration of the papers.

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

DECISION

9. Section 5(1) of the Act is as follows:

“5(1) A trade mark shall not be registered if it is identical with an earlier trade mark and the goods or services for which the trade mark is applied for are identical with the goods or services for which the earlier trade mark is protected.”

10. Section 5(2)(a) of the Act is also being relied upon and is as follows:

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

(a) it is identical with an earlier trade mark and is to be registered for goods or services similar to those for which the trade mark is protected...there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark”.

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

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

12. An earlier trade mark is defined in section 6 of the Act, the relevant parts of which state:

“6. (1) In this Act an “earlier trade mark” means –

a registered trade mark or international trade mark (UK) which has a date of application for registration earlier than that of the trade mark in question, taking account (where appropriate) of the priorities claimed in respect of the trade marks,

13. In these proceedings, the opponent is relying upon the trade mark shown in paragraph 3, which qualifies as an earlier trade mark under the above provisions. As this trade mark had not completed its registration process more than 5 years before the filing date of the application in suit, it is not subject to proof of use, as per section 6A of the Act. The opponent can, as a consequence, rely upon all of the goods and services they have identified.

Case law

14. 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 Office for Harmonisation in the Internal Market (Trade Marks and Designs) (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;

[...]

(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.

Identity of the marks

15. It is a prerequisite of sections 5(1) and 5(2)(a) that the trade marks are identical. In *S.A. Société LTJ Diffusion v. Sadas Vertbaudet SA*, Case C-291/00, the Court of Justice of the European Union (“CJEU”) held that:

“54...a sign is identical with the trademark where it reproduces, without any modification or addition, all the elements constituting the trade mark or where, viewed as a whole, it contains differences so insignificant that they may go unnoticed by the average consumer.”

16. The marks at issue are as follows:

Contested Marks	Earlier Mark
<p data-bbox="395 779 592 824">MR EAZI</p> <p data-bbox="411 943 576 987">Mr Eazi</p> <p data-bbox="416 1106 571 1151">MrEazi</p>	<p data-bbox="1007 864 1187 909">Mr Eazi</p>

17. Since the protection conferred by the registration of a word mark applies to the word stated in the application for registration and not to the individual graphic features that the mark might possess (T 254/06, *RadioCom*, EU:T:2008:165, § 43; *LA Superquimica v EUIPO*, Case T-24/17, § 39), it is irrelevant whether a word mark is depicted in lower- or upper-case letters, or in a combination thereof in a manner that does not depart from the usual way of writing. It is clear that the above marks are identical and the capitalisation of the ‘E’ on ‘Eazi’ gives a sense of separation between the two elements even though they are conjoined in the third mark. Therefore, such differences might go unnoticed by the average consumer, and I find the marks to be identical.

Comparison of goods and services

18. In the judgment of the Court of Justice of the European Union (“CJEU”) in *Canon*, Case C-39/97, the court stated at paragraph 23 that:

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

19. The relevant factors identified by Jacob J. (as he then was) in the *Treat* case, [1996] R.P.C. 281, for assessing similarity were:

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

20. In *Gérard Meric v Office for Harmonisation in the Internal Market* (OHIM) ('Meric'), Case T-133/05, the General Court ("the GC") stated that:

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

21. For the purposes of considering the issue of similarity of goods, it is permissible to consider groups of terms collectively where they are sufficiently comparable to be assessed in essentially the same way and for the same reasons (see *Separode Trade Mark* (BL O/399/10) and *BVBA Management, Training en Consultancy v. Benelux-Merkenbureau* [2007] ETMR 35 at paragraphs 30 to 38).

22. The parties' respective specifications are shown in Annex 3.

23. No submissions regarding the level of similarity were provided by the parties. As the list of goods and services for both parties is substantial, on 3 July 2024 the Registry wrote to the parties asking the opponent to identify their best case in relation to each term of the applicant's specification. The letter stated that if the information was not provided "then the Hearing Officer will proceed on the basis that the goods/services are dissimilar unless it is obvious to the Hearing Officer where the similarity lies". No response was received from the opponent. I note what was said by Iain Purvis KC as the Appointed Person in *Abus August Bremicket Sohne AG v Muhammad Ali*, Case BL O/0911/24 at paragraph 9 that:

"9. In a case like this where the marks cover a multitude of different goods, it is obviously necessary for the Opponent to identify with precision, both in its pleaded case and in any submissions made to the Registry, which goods of its own registrations are alleged to be similar to which goods of the Application. If this is not done, it is unfair to the Applicant and it is extremely difficult if not impossible for the Hearing Officer to decide the case."

24. I will therefore proceed on the basis as set out in my letter; I will only consider similarities where it is obvious to do so; otherwise, the goods and services will be found to be dissimilar.

Class 9:

Downloadable musical sound recordings; recorded musical performances and music videos

25. I find that there will be an overlap in users of the above goods with the opponent's 'Entertainment in the form of recorded music (Services providing -)'. They also share purpose and trade channels. They will differ in nature as one is the good itself and one is a service. They could be in competition – a consumer might choose to subscribe to the ongoing service rather than purchasing the individual recordings. They are not complementary. I therefore consider them to be similar to between a medium and a high degree.

Computer software for use in the delivery, distribution and transmission of musical recordings and related content; downloadable web-based application software in the nature of a mobile application downloadable to handheld and mobile digital electronic devices for use in downloading music, ring tones and video games; computer application software for mobile phones, portable media players, and handheld computers for use in downloading music, ring tones and video games;

26. As above, there could be an overlap between this software and the opponent's 'Entertainment in the form of recorded music (Services providing -)' although this software could also be purchased by musicians looking to distribute their own music. Again, they share purpose and trade channels. These are not likely to be in competition nor are they complementary. I therefore consider them to be similar to a medium degree.

Pre-recorded compact discs, cassettes, tapes, phonographic records, videotapes, videodiscs, and downloadable recordings; films; sound and video recordings; music and video recordings in digital form; recorded and unrecorded sound and image carriers of all types, in particular CDs, recording discs and video films; DVDs, CDs, and audio and visual sound recordings featuring musical performances; musical sound recordings; media streaming software;

27. In my view, there is an overlap in nature between the above goods and the opponent's 'Providing multi-media entertainment via a website; Providing video entertainment via a website;' in that both the goods and services allow the user to watch videos and listen to music and other sound recordings although the methods of use will differ as with the channels of trade. There could be an element of competition between the goods and services as the user may choose to purchase the applicant's goods over the services or vice versa. I therefore consider there to be a medium degree of similarity.

Photographic apparatus and instruments; cinematographic apparatus; sound recording apparatus; apparatus for the transmission of sound; sound reproduction apparatus; image recording apparatus; image transmission apparatus; image reproduction apparatus; digital recording media; apparatus and instruments for recording, transmission or reproduction of sound or images; recording discs; computers; electronic tablets; ordiphones [smartphones]; e-readers; computer peripherals; smart watches; handheld and mobile digital electronic devices, namely, tablet PCs, cellular phones, laptops, portable media players, handheld computers; 3D glasses; virtual reality headsets;

28. Although all of the above goods might be said to be used in the process of creating or accessing entertainment services (which the opponent's class 41 services are, broadly speaking), this is not enough on its own to consider the services to be similar. There is no overlap in nature, purpose or methods of use. The trade channels will be different and they will be provided and produced by different undertakings. They are neither in competition nor are they complementary. I therefore consider them to be dissimilar.

Game software; computer software (recorded programs); Downloadable video game software; Downloadable virtual goods, namely, computer software programs featuring in-game resources, tokens, and virtual currency for use in video games and online virtual worlds;

29. The above goods all involve (or could include) software for gaming or items within that. It is possible that the same businesses that sell the software might offer an online equivalent. There is therefore an overlap in user and trade channels with the opponent's 'Entertainment services, namely, providing on-line computer games'. The purpose is also the same. There will be a difference in nature and method of use. There might be competition but they are not complementary. I therefore consider them to be similar to a medium degree.

Diving suits; diving gloves; diving masks;

30. As with paragraph 28 above, although all of the above goods might be said to be used in the process of a sporting event (as the opponent has 'Organisation of events for cultural, entertainment and sporting purposes'), this is not enough on its own to consider the services to be similar. There is no overlap in nature, purpose or methods of use. The trade channels will be different and they will be provided and produced by different undertakings. They are neither in competition nor are they complementary. I therefore consider them to be dissimilar.

31. I find that the following goods in class 9 have no obvious overlap on the basis of the above authorities with the opponent's services and therefore consider them to be dissimilar:

Computer software to enable music artists and music labels to market and distribute their music; downloadable mobile applications for interacting with and funding artists and creators; computer software to facilitate the collection of royalties and revenues related to the foregoing; computer software for accessing information related to musical recordings; software for managing databases of recorded music files; computer programs for data analytics for the music industry; Scientific apparatus and instruments; nautical apparatus and instruments; surveying apparatus and

instruments; optical apparatus and instruments; weighing apparatus and instruments; measuring instruments and apparatus; signaling apparatus and instruments; verification (control) apparatus and instruments; teaching apparatus and instruments; mechanisms for coin-operated apparatus; cash registers; calculating machines; data processing equipment; detectors; Electric wires ; electrical relays; protective clothing against accidents, radiation and fire; personal protection devices against accidents; fire extinguishers ; glasses (optics); eyewear; spectacle cases; memory or microprocessor cards; bags designed for laptop computers; electric batteries; batteries for electronic cigarettes; charging stations for electric vehicles; Digital materials, namely, non-fungible tokens or NFTs; Downloadable digital media, namely, digital collectibles created with blockchain-based software technology; diagnostic apparatus not for medical purposes; Eyewear; sunglasses; sunglasses cases; cases and covers for mobile phones and mobile digital electronic devices, namely, laptops, cell phones, radio pagers, mobile computers; decorative magnets, eyewear, eyeglass cases; computer bags; graduated glassware.

Class 16:

Bookbinding materials; photographs; stationery; adhesives (sticky materials) for stationery or household use; materials for artists; paint brushes ; printing characters; paper ; cardboard; paper or cardboard boxes; posters; scrapbooks; cards; books ; newspapers; writing instruments; engraved works of art; lithographed works of art; pictures (paintings) framed or not; sewing patterns; drawings; drawing instruments; Printed matter; posters, calendars, decals, stickers, photographs, souvenir books; books in the field of music, motion pictures, musical performers; photographs; posters; baby books; stickers; print materials, namely, art prints, colour prints, concert programs, calendars, pens, post cards; trading cards;.

32. Again, all of the above goods might be said to be used in the process of an entertainment or cultural event (as the opponent has 'Organisation of events for cultural, entertainment and sporting purposes'), this is not enough on its own to consider the services to be similar. There is no overlap in nature, purpose or methods of use. The trade channels will be different and they will be provided and produced by

different undertakings. They are neither in competition nor are they complementary. I therefore consider them to be dissimilar.

33. I find that the following goods in class 16 have no obvious overlap on the basis of the above authorities with the opponent's services and therefore consider them to be dissimilar: *office requisites (except furniture); instructional or teaching material (except apparatus); flyers; pamphlets; calendars; paper pocket tissues; paper towels; paper table linen; toilet paper ; bags (envelopes, pouches) of paper or plastic for packaging; garbage bags of paper or plastic; gift bags; paper flags; paper baby bibs.*

34. I find that all the Class 25 goods being: *Clothes; shoes; millinery; shirts; leather clothing; belts (clothing); furs (clothing); gloves (clothing); scarves; ties; hosiery; socks; slippers; beach shoes; skiing boots; sport shoes; underwear*, do not overlap on the basis of the above authorities save for a very general overlap in user (i.e. the general public will wear clothing items and might also access some entertainment services); however, this on its own is not enough for a finding of similarity and, therefore, I consider these goods to be dissimilar to the opponent's services.

Class 35:

35. I find that the services in class 35 have no obvious overlap on the basis of the above authorities with the opponent's services and therefore consider them to be dissimilar.

Class 38:

Providing access to digital music web sites on the internet; broadcasting and transmission of streamed, up-loadable and downloadable music, audio, video and other multimedia content; streaming of audio and video over the internet;

36. I consider that the above services from the applicant's specification will overlap in nature, purpose and user with the opponent's 'providing multi-media entertainment via a website; Entertainment in the form of recorded music (Services providing -); Entertainment in the form of television programmes (Services providing -)' although I

note the class 38 services are focused on the broadcasting and transmissions whereas the class 41 services from the opponent's specification will likely be related to the accessing of those services. They are likely to overlap in trade channels. They are not in competition nor are they complementary. I therefore consider them to be similar to a between a medium and a high degree.

Providing community forums for the transmission of information and messages between users, in the field of music related entertainment; providing access to websites and databases on the Internet that presents artists, music albums and songs, entertainment services, namely, music related current events and entertainment news and that allow customers to programme audio, text, video and other multimedia content, including music related concerts, news, cultural events on a website and in mobile applications; provision of online forums;

37. I consider that there might be an overlap in users for the above services and the opponent's 'entertainment in the form of recorded music (Services providing -); Arranging of musical entertainment; musical entertainment' the nature will differ as will the purpose but there might be shared trade channels. They are not in competition but they could be complementary; the forums exist in order to transmit information/messages about the music entertainment services and it would not be unreasonable for the average consumer to believe they were provided by the same undertaking. I therefore consider the services to be similar to a medium degree.

Radio broadcasts; TV shows;

38. I believe that the same undertakings that produce/make radio broadcasts and television shows will be involved with their broadcasting and therefore, there is an overlap in users and purpose with the opponent's 'Radio and television entertainment; Radio and television entertainment services', The nature and method of use might differ but there might be an overlap in trade channels. I consider them to be similar to between a medium and a high degree.

39. I can find no overlap on the basis of the above authorities between the opponent's services and the following class 38 services; *webcasting services;*

Telecommunications; telecommunications information; communications by computer terminals; communications by fiber optic networks; radio communications; telephone calls; mobile radiotelephony; providing user access to global computer networks; provision of access to databases; electronic display services (telecommunications); connection by telecommunications to a global computer network; press agencies; news agencies (news); rental of telecommunications apparatus; teleconferencing services; videoconferencing services; electronic mail services; rental of access time to global computer networks.

Class 41:

40. The following services are found identically in both specifications: *entertainment; organization of competitions (education or entertainment); entertainment services; entertainment services in the nature of live musical performances.*

Providing audio material, concert information, and information about music albums, artists and songs, via a website; providing music and related information via the Internet;

41. I consider that the above term from the applicant's specification falls within the opponent's 'information about entertainment and entertainment events provided via online networks and the Internet' and therefore find them to be identical under the *Meric* principles.

Entertainment news and information in the field of music, provided via a website;

42. I consider that the above term from the applicant's specification falls within the opponent's 'information services relating to entertainment' and therefore find them to be identical under the *Meric* principles.

Entertainment services, namely, the provision of streamed, up-loadable, non-downloadable, or downloadable music, to online users via global or local computer networks; Entertainment services in the nature of providing online, non-downloadable

audio and video featuring musical performances; production, distribution, and presentation of sound and video recordings in the field of music;

43. I consider that the above services will fall within the opponent's 'music entertainment services' and therefore, they are identical under the *Meric* principles.

Music and musical publishing services;

44. I believe the above service will fall within the opponent's 'digital video, audio and multimedia entertainment publishing services' and therefore consider them to be identical under the *Meric* principles.

Providing education in the field of music through live and online workshops; Education; education information

45. The opponent has 'education' in their specification which I consider would include the above services from the applicant's specification and therefore, I find them to be identical under the *Meric* principles.

Training; vocational retraining

46. I consider that training/retraining is a type of education usually specifically tailored to a particular role or topic. Therefore, I consider that it falls within the term 'education' in the opponent's specification 'education' and find them to be identical under the *Meric* principles. If I am wrong in my finding, I consider there to be an overlap in purpose, trade channels, user and nature and find them to be similar to a high degree.

Sports and cultural activities;

47. I believe that the opponent's 'organising of events for cultural entertainment and sporting purposes' falls within the above term from the applicant's specification and therefore, I consider them to be identical under the *Meric* principles.

Provision of leisure facilities;

48. I consider that the above services would include the opponent's 'provision of facilities for entertainment' and therefore consider them to be identical under the *Meric* principles. In the event that I am wrong, I consider there to be an overlap in nature, user and purpose. They are not complementary nor are they in competition. There could be an overlap in trade channels and therefore, they are similar to between a medium and a high degree.

Publication of books;

49. The opponent's term 'publication of books relating to entertainment' falls within the wider category of the applicant's term and therefore, I find the services to be identical under the *Meric* principles.

Loan of books; rental of television sets; rental of show sets;

50. The opponent does not have any loan or rental services and I cannot see any other obvious overlaps with the opponent's specification on the basis of the above authorities and therefore, I consider these services to be dissimilar.

Providing films, not downloadable, through video-on-demand services;

51. 'Video entertainment services' is a wider term from the opponent's specification which I consider would encompass the above term from the applicant's specification and therefore, I consider the terms to be identical under the *Meric* principles.

Motion picture production;

52. I find that films and motion pictures can be interchangeable terms and therefore, the above term from the applicant's specification includes the opponent's 'film production for entertainment purposes' and therefore, I find the terms to be identical under the *Meric* principles.

Photography services;

53. I cannot see any obvious overlaps with the opponent's specification on the basis of the above authorities and therefore, I consider these services to be dissimilar.

Organization and conduct of conferences; organization and conduct of conferences;

54. The opponent's term 'Organisation of conferences related to entertainment' falls within the wider category of the applicant's term and therefore, I find the services to be identical under the *Meric* principles.

Organization and conduct of congresses;

55. I cannot see any other obvious overlaps with the opponent's specification on the basis of the above authorities and therefore, I consider these services to be dissimilar.

Organization of exhibitions for cultural or educational purposes;

56. I consider there to be an overlap in nature, user and trade channels with the opponent's 'Organising of exhibitions for entertainment purposes'. As stated within the terms, the purposes might differ. They are not complementary nor are they in competition. I therefore find them to be similar to between a medium and a high degree.

Reservation of tickets for shows;

57. I consider this term falls within the opponent's 'Arranging for ticket reservations for shows and other entertainment events' and therefore find them to be identical under the *Meric* principles.

Gaming services provided online from a computer network;

58. I consider this term falls within the opponent's 'gaming services for entertainment purposes' and therefore find them to be identical under the *Meric* principles.

Gambling services;

59. Gambling could be as a source of entertainment with the further opportunity to win sums of money. The opponent has 'entertainment services' within their specification which I consider to be a very broad term covering numerous types of entertainment. I therefore consider that the opponent's term could include gambling as a form of entertainment and that these services are identical under the *Meric* principles.

Electronic publication of books and periodicals online;

60. I consider that the opponent's 'Publication of books relating to entertainment' could include online publication and therefore, find these to be identical under the *Meric* principles.

Providing online video games, dance events by a recording artist, multimedia production services;

61. Providing online video games is found identically within the opponent's specification 'Entertainment services, namely, providing on-line computer games'². Providing dance events by a recording artist falls within the wider category of 'Arranging and conducting of entertainment events' and I find that they will be identical under the *Meric* principles. For the element 'providing multimedia production services' I consider this includes the opponent's 'Production of audio entertainment; Production of entertainment in the form of a television series; Production of entertainment in the form of sound recordings' and therefore consider them to be identical under the *Meric* principles.

² The Classification Addendum Section of the Trade Marks Manual states that specifications which include the wording 'namely' should be interpreted as covering only the named goods within that specification

Production of motion picture films, fan clubs

62. The above term from the applicant's specification is confusing and unclear. In the absence of submissions from the party I am minded to treat the terms as separate entities, that is: production of motion picture films; fan clubs.

63. I consider that fan clubs are self-evidently identical to the opponent's 'fan club services (entertainment)'.

64. I consider that the opponent's 'services in the production of animated motion picture entertainment' falls within the applicant's 'production of motion picture films' and therefore find them to be identical under the *Meric* principles.

Class 42

Computer services, namely, providing an online platform to allow music professionals to distribute and promote recorded music to online streaming services.

65. There could be an overlap between these services and the opponent's 'Entertainment in the form of recorded music (Services providing -)' as the online platform could be used by musicians looking to distribute their own music. They share purpose and trade channels. These are not likely to be in competition nor are they complementary. I therefore consider them to be similar to a medium degree.

66. In *eSure Insurance v Direct Line Insurance*, [2008] ETMR 77 CA, Lady Justice Arden stated that:

"49..... I do not find any threshold condition in the jurisprudence of the Court of Justice cited to us. Moreover I consider that no useful purpose is served by holding that there is some minimum threshold level of similarity that has to be shown. If there is no similarity at all, there is no likelihood of confusion to be considered. If there is some similarity, then the likelihood of confusion has to

be considered but it is unnecessary to interpose a need to find a minimum level of similarity.”

67. I have found no similarity for the applicant’s class 16, 25 and 35 goods and services and the following goods and services from classes 9, 38 and 41 and therefore the opposition fails in relation to them:

Class 9: Photographic apparatus and instruments; cinematographic apparatus; sound recording apparatus; apparatus for the transmission of sound; sound reproduction apparatus; image recording apparatus; image transmission apparatus; image reproduction apparatus; digital recording media; apparatus and instruments for recording, transmission or reproduction of sound or images; recording discs; computers; electronic tablets; ordiphones [smartphones]; e-readers; computer peripherals; smart watches; handheld and mobile digital electronic devices, namely, tablet PCs, cellular phones, laptops, portable media players, handheld computers; 3D glasses; virtual reality headsets; Diving suits; diving gloves; diving masks; Computer software to enable music artists and music labels to market and distribute their music; downloadable mobile applications for interacting with and funding artists and creators; computer software to facilitate the collection of royalties and revenues related to the foregoing; computer software for accessing information related to musical recordings; software for managing databases of recorded music files; computer programs for data analytics for the music industry; Scientific apparatus and instruments; nautical apparatus and instruments; surveying apparatus and instruments; optical apparatus and instruments; weighing apparatus and instruments; measuring instruments and apparatus; signaling apparatus and instruments; verification (control) apparatus and instruments; teaching apparatus and instruments; mechanisms for coin-operated apparatus; cash registers; calculating machines; data processing equipment; detectors; Electric wires ; electrical relays; protective clothing against accidents, radiation and fire; personal protection devices against accidents; fire extinguishers ; glasses (optics); eyewear; spectacle cases; memory or microprocessor cards; bags designed for laptop computers; electric batteries; batteries for electronic cigarettes; charging stations for electric vehicles; Digital materials, namely,

non-fungible tokens or NFTs; Downloadable digital media, namely, digital collectibles created with blockchain-based software technology; diagnostic apparatus not for medical purposes; Eyewear; sunglasses; sunglasses cases; cases and covers for mobile phones and mobile digital electronic devices, namely, laptops, cell phones, radio pagers, mobile computers; decorative magnets, eyewear, eyeglass cases; computer bags; graduated glassware.

Class 38: Webcasting services; Telecommunications; telecommunications information; communications by computer terminals; communications by fiber optic networks; radio communications; telephone calls; mobile radiotelephony; providing user access to global computer networks; provision of access to databases; electronic display services (telecommunications); connection by telecommunications to a global computer network; press agencies; news agencies (news); rental of telecommunications apparatus; teleconferencing services; videoconferencing services; electronic mail services; rental of access time to global computer networks.

Class 41: Loan of books; rental of television sets; rental of show sets; photography services; Organization and conduct of congresses;

68. In relation to the opposition under section 5(1), it is a requirement that the goods and services be identical as well as the marks, therefore the section 5(1) opposition is successful for the following services from the applicant's specification:

Class 41: Entertainment; organization of competitions (education or entertainment); Entertainment services; Entertainment services in the nature of live musical performances; Entertainment services, namely, the provision of streamed, up-loadable, non-downloadable, or downloadable music, to online users via global or local computer networks; Entertainment services in the nature of providing online, non-downloadable audio and video featuring musical performances; production, distribution, and presentation of sound and video recordings in the field of music; Music and musical publishing services; Providing audio material, concert information, and information about music albums, artists and songs, via a website; providing music and related

information via the Internet; Providing education in the field of music through live and online workshops; Education; education information Sports and cultural activities; Entertainment news and information in the field of music, provided via a website; Publication of books; Electronic publication of books and periodicals online; Providing films, not downloadable, through video-on-demand services; Motion picture production; Organization and conduct of conferences; organization and conduct of conferences; Reservation of tickets for shows; Gaming services provided online from a computer network; Gambling services; Providing online video games, dance events by a recording artist, multimedia production services; Production of motion picture films, fan clubs.

69. For the remaining goods and services where I have found some level of similarity, I will now proceed with the global assessment and likelihood of confusion considerations under the section 5(2)(a) opposition. The goods and services continuing under the section 5(2)(a) opposition are as follows:

Class 9: Downloadable musical sound recordings; recorded musical performances and music videos; Computer software for use in the delivery, distribution and transmission of musical recordings and related content; downloadable web-based application software in the nature of a mobile application downloadable to handheld and mobile digital electronic devices for use in downloading music, ring tones and video games; computer application software for mobile phones, portable media players, and handheld computers for use in downloading music, ring tones and video games; Pre-recorded compact discs, cassettes, tapes, phonographic records, videotapes, videodiscs, and downloadable recordings; films; sound and video recordings; music and video recordings in digital form; recorded and unrecorded sound and image carriers of all types, in particular CDs, recording discs and video films; DVDs, CDs, and audio and visual sound recordings featuring musical performances; musical sound recordings; media streaming software; Game software; computer software (recorded programs); Downloadable video game software; Downloadable virtual goods, namely, computer software programs

featuring in-game resources, tokens, and virtual currency for use in video games and online virtual worlds;

Class 38: Providing access to digital music web sites on the internet; broadcasting and transmission of streamed, up-loadable and downloadable music, audio, video and other multimedia content; streaming of audio and video over the internet; Providing community forums for the transmission of information and messages between users, in the field of music related entertainment; providing access to websites and databases on the Internet that presents artists, music albums and songs, entertainment services, namely, music related current events and entertainment news and that allow customers to programme audio, text, video and other multimedia content, including music related concerts, news, cultural events on a website and in mobile applications; provision of online forums; Radio broadcasts; TV shows;

Class 41: Training; vocational retraining; Provision of leisure facilities; Organization of exhibitions for cultural or educational purposes;

Class 42: Computer services, namely, providing an online platform to allow music professionals to distribute and promote recorded music to online streaming services.

Average consumer and the purchasing act

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

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

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

72. I consider that the average consumer of the remaining class 9 goods will most likely be members of the public but do not discount there could be professionals/business users. The costs of these goods and services can vary greatly from low to fairly high and the frequency of purchase can also range from one off to semi-regular (for example, Downloadable musical sound recordings vs portable media players, and handheld computers for use in downloading music, ring tones and video games). The average consumer will need to take into consideration the cost, compatibility, functionality and suitability of these goods in accordance with their needs. I therefore consider that the average consumer would pay a medium level of attention during the purchasing process. The above goods are likely to be selected from various retailers, websites, advertisements and displayed on shelves in technology retailers. I therefore believe that visual considerations will dominate the selection process. However, I do not discount the possibility that there could be aural considerations from word of mouth recommendations or advice from a sales assistant.

73. For the class 38 and 41 services, I consider the most likely consumers to again be members of the public (not discounting professionals and businesses, particularly for things like vocational retraining). I consider the costs will again vary from low to possibly fairly high (providing audio material, concert information, and information about music albums, artists and songs, via a website to organising of exhibitions) and that the services will be purchased fairly infrequently but perhaps on a recurring basis. The average consumer will likely consider cost, suitability and the level of interest. I therefore find they will pay a medium degree of attention. Once again, I consider that the visual considerations will dominate the selection process likely on websites or viewing the information in brochures but do not discount aural word of mouth recommendations or sales advice.

Distinctive Character of the Earlier Mark

74. In *Lloyd Schuhfabrik Meyer & Co. GmbH v Klijsen Handel BV*, Case C-342/97 the CJEU stated that:

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

75. Registered trade marks possess varying degrees of inherent distinctive character, being lower where they are allusive or suggestive of a characteristic of the goods and/or services, ranging up to those with high inherent distinctive character, such as invented words which have no allusive qualities. The distinctiveness of a mark can be enhanced by virtue of the use made of it. However, I have not been provided with any evidence of use and, consequently, I have only the inherent position to consider.

76. The earlier mark is a word mark comprising of the title 'Mr' and the word 'Eazi' which I consider to be a misspelling of the word 'easy'. Whilst I don't find there to be any direct descriptiveness or allusiveness to the goods and services that it is registered for, the term 'easy' could be a reference to the ease of use or access to the goods and services and therefore, this is not particularly distinctive. However, it's misspelling and juxtaposition with the 'Mr' title do raise the level somewhat. I therefore consider the mark to be similar to between a low and medium degree.

Likelihood of confusion

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

78. In the present case, as is necessary for all section 5(2)(a) claims, the marks are identical. I have found the remaining goods and services to range in similarity from a medium to a high degree. Even if the earlier mark is considered to be inherently distinctive to between a low and medium degree, the identity of the marks and the levels of similarity of the goods will mean the average consumer is likely to mistake one for the other. Therefore, I consider there to be a likelihood of direct confusion.

Conclusion

79. The opposition succeeds in relation to the following goods and services and, subject to any appeal, registration is refused for the following goods and services:

Class 9: Downloadable musical sound recordings; recorded musical performances and music videos; Computer software for use in the delivery, distribution and transmission of musical recordings and related content; downloadable web-based application software in the nature of a mobile application downloadable to handheld and mobile digital electronic devices for use in downloading music, ring tones and video games; computer application software for mobile phones, portable media players, and handheld computers for use in downloading music, ring tones and video games; Pre-recorded compact discs, cassettes, tapes, phonographic records, videotapes, videodiscs, and downloadable recordings; films; sound and video recordings; music and video recordings in digital form; recorded and unrecorded sound and image carriers of all types, in particular CDs, recording discs and video films; DVDs, CDs, and audio and visual sound recordings featuring musical performances; musical sound recordings; media streaming software; Game software; computer software (recorded programs); Downloadable video game software; Downloadable virtual goods, namely, computer software programs featuring in-game resources, tokens, and virtual currency for use in video games and online virtual worlds.

Class 38: Providing access to digital music web sites on the internet; broadcasting and transmission of streamed, up-loadable and downloadable music, audio, video and other multimedia content; streaming of audio and video over the internet; Providing community forums for the transmission of information and messages between users, in the field of music related entertainment; providing access to websites and databases on the Internet that presents artists, music albums and songs, entertainment services, namely, music related current events and entertainment news and that allow customers to programme audio, text, video and other multimedia content, including music

related concerts, news, cultural events on a website and in mobile applications; provision of online forums; Radio broadcasts; TV shows.

Class 41: Entertainment; organization of competitions (education or entertainment); Entertainment services; Entertainment services in the nature of live musical performances; Entertainment services, namely, the provision of streamed, up-loadable, non-downloadable, or downloadable music, to online users via global or local computer networks; Entertainment services in the nature of providing online, non-downloadable audio and video featuring musical performances; production, distribution, and presentation of sound and video recordings in the field of music; Music and musical publishing services; Providing education in the field of music through live and online workshops; Education; education information Sports and cultural activities; Publication of books; Providing films, not downloadable, through video-on-demand services; Motion picture production; Organization and conduct of conferences; organization and conduct of conferences; Reservation of tickets for shows; Gambling services; Providing online video games, dance events by a recording artist, multimedia production services; Production of motion picture films, fan clubs; Providing audio material, concert information, and information about music albums, artists and songs, via a website; providing music and related information via the Internet; Entertainment news and information in the field of music, provided via a website; Training; vocational retraining; Provision of leisure facilities; Organization of exhibitions for cultural or educational purposes; Gaming services provided online from a computer network; Electronic publication of books and periodicals online.

Class 42: Computer services, namely, providing an online platform to allow music professionals to distribute and promote recorded music to online streaming services.

80. The opposition fails in relation to following goods and services for which the mark may proceed to registration, subject to any appeal:

Class 9: Photographic apparatus and instruments; cinematographic apparatus; sound recording apparatus; apparatus for the transmission of sound; sound reproduction apparatus; image recording apparatus; image transmission apparatus; image reproduction apparatus; digital recording media; apparatus and instruments for recording, transmission or reproduction of sound or images; recording discs; computers; electronic tablets; ordiphones [smartphones]; e-readers; computer peripherals; smart watches; handheld and mobile digital electronic devices, namely, tablet PCs, cellular phones, laptops, portable media players, handheld computers; 3D glasses; virtual reality headsets; Diving suits; diving gloves; diving masks; Computer software to enable music artists and music labels to market and distribute their music; downloadable mobile applications for interacting with and funding artists and creators; computer software to facilitate the collection of royalties and revenues related to the foregoing; computer software for accessing information related to musical recordings; software for managing databases of recorded music files; computer programs for data analytics for the music industry; Scientific apparatus and instruments; nautical apparatus and instruments; surveying apparatus and instruments; optical apparatus and instruments; weighing apparatus and instruments; measuring instruments and apparatus; signaling apparatus and instruments; verification (control) apparatus and instruments; teaching apparatus and instruments; mechanisms for coin-operated apparatus; cash registers; calculating machines; data processing equipment; detectors; Electric wires ; electrical relays; protective clothing against accidents, radiation and fire; personal protection devices against accidents; fire extinguishers ; glasses (optics); eyewear; spectacle cases; memory or microprocessor cards; bags designed for laptop computers; electric batteries; batteries for electronic cigarettes; charging stations for electric vehicles; Digital materials, namely, non-fungible tokens or NFTs; Downloadable digital media, namely, digital collectibles created with blockchain-based software technology; diagnostic apparatus not for medical purposes; Eyewear; sunglasses; sunglasses cases; cases and covers for mobile phones and mobile digital electronic devices, namely, laptops, cell phones, radio pagers, mobile computers; decorative magnets, eyewear, eyeglass cases; computer bags; graduated glassware.

Class 16: Bookbinding materials; photographs; stationery; adhesives (sticky materials) for stationery or household use; materials for artists; paint brushes ; office requisites (except furniture); instructional or teaching material (except apparatus); printing characters; paper ; cardboard; paper or cardboard boxes; posters; scrapbooks; cards; books ; newspapers; flyers; pamphlets; calendars; writing instruments; engraved works of art; lithographed works of art; pictures (paintings) framed or not; sewing patterns; drawings; drawing instruments; paper pocket tissues; paper towels; paper table linen; toilet paper ; bags (envelopes, pouches) of paper or plastic for packaging; garbage bags of paper or plastic; Printed matter; posters, calendars, decals, stickers, photographs, souvenir books; books in the field of music, motion pictures, musical performers; photographs; posters; baby books; stickers; print materials, namely, art prints, colour prints, concert programs, calendars, pens, post cards; gift bags; paper flags; trading cards; paper baby bibs.

Class 25: Clothes; shoes; millinery; shirts; leather clothing; belts (clothing); furs (clothing); gloves (clothing); scarves; ties; hosiery; socks; slippers; beach shoes; skiing boots; sport shoes; underwear.

Class 35: Promoting the music of others through the distribution of recorded music to online streaming services via an online platform; business and sales monitoring and tracking services relating to online streaming music services. Advertising ; business management; business administration; office work; distribution of advertising material (tracts, prospectuses, printed matter, samples); newspaper subscription services (for others); subscription services to telecommunications services for others; presentation of goods on any means of communication for retail sale; advice on organization and business management; accounting ; reproduction of documents; employment agency services; computerized file management service; traffic optimization for websites; organization of exhibitions for commercial or advertising purposes; online advertising on a computer network; rental of advertising time on any means of communication; publication of publicity texts; rental of advertising space; dissemination of advertisements; communication advice (advertising);

public relations ; communication advice (public relations); company audits (commercial analyses); commercial intermediation services (conciierge).

Class 38: Webcasting services; Telecommunications; telecommunications information; communications by computer terminals; communications by fiber optic networks; radio communications; telephone calls; mobile radiotelephony; providing user access to global computer networks; provision of access to databases; electronic display services (telecommunications); connection by telecommunications to a global computer network; press agencies; news agencies (news); rental of telecommunications apparatus; teleconferencing services; videoconferencing services; electronic mail services; rental of access time to global computer networks.

Class 41: Loan of books; rental of television sets; rental of show sets; photography services; Organization and conduct of congresses.

Costs

81. The guidance for awards of costs are set out in TPN 2/2016.

82. On reviewing the matters at hand, I consider that both parties have had some level of success and some failure. It is my view that on this occasion, the fairest basis on which to deal with costs is for each party to bear their own costs in this matter.

83. I therefore make no award of costs.

Dated this 31st day of October 2024

L Nicholas

For the Registrar

Annex 1:

Class 9: Computer software to enable music artists and music labels to market and distribute their music; downloadable mobile applications for interacting with and funding artists and creators; computer software to facilitate the collection of royalties and revenues related to the foregoing; computer software for accessing information related to musical recordings; software for managing databases of recorded music files; computer programs for data analytics for the music industry; computer software for use in the delivery, distribution and transmission of musical recordings and related content; Downloadable musical sound recordings; media streaming software; Scientific apparatus and instruments; nautical apparatus and instruments; surveying apparatus and instruments; photographic apparatus and instruments; cinematographic apparatus; optical apparatus and instruments; weighing apparatus and instruments; measuring instruments and apparatus; signaling apparatus and instruments; verification (control) apparatus and instruments; teaching apparatus and instruments; sound recording apparatus; apparatus for the transmission of sound; sound reproduction apparatus; image recording apparatus; image transmission apparatus; image reproduction apparatus; digital recording media; mechanisms for coin-operated apparatus; cash registers; calculating machines; data processing equipment; computers; electronic tablets; ordiphones [smartphones]; e-readers; game software; computer software (recorded programs); computer peripherals; detectors; Electric wires ; electrical relays; diving suits; diving gloves; diving masks; protective clothing against accidents, radiation and fire; personal protection devices against accidents; fire extinguishers ; glasses (optics); 3D glasses; virtual reality headsets; eyewear; spectacle cases; memory or microprocessor cards; bags designed for laptop computers; smart watches; electric batteries; batteries for electronic cigarettes; charging stations for electric vehicles; diagnostic apparatus not for medical purposes; Digital materials, namely, non-fungible tokens or NFTs; Downloadable digital media, namely, digital collectibles created with blockchain-based software technology; Downloadable video game software; Downloadable virtual goods, namely, computer software programs featuring in-game resources, tokens, and virtual currency for use in video games and online virtual worlds; Pre-recorded compact discs, cassettes, tapes, phonographic records, videotapes, videodiscs, and downloadable recordings; apparatus and instruments for recording, transmission or reproduction of sound or

images; recording discs; recorded musical performances and music videos; films; Eyewear; sunglasses; sunglasses cases; sound and video recordings; music and video recordings in digital form; recorded and unrecorded sound and image carriers of all types, in particular CDs, recording discs and video films; DVDs, CDs, and audio and visual sound recordings featuring musical performances; musical sound recordings; computer application software for mobile phones, portable media players, and handheld computers for use in downloading music, ring tones and video games; handheld and mobile digital electronic devices, namely, tablet PCs, cellular phones, laptops, portable media players, handheld computers; cases and covers for mobile phones and mobile digital electronic devices, namely, laptops, cell phones, radio pagers, mobile computers; downloadable web-based application software in the nature of a mobile application downloadable to handheld and mobile digital electronic devices for use in downloading music, ring tones and video games; decorative magnets, eyewear, eyeglass cases; computer bags; graduated glassware.

Class 16: Bookbinding materials; photographs; stationery; adhesives (sticky materials) for stationery or household use; materials for artists; paint brushes ; office requisites (except furniture); instructional or teaching material (except apparatus); printing characters; paper ; cardboard; paper or cardboard boxes; posters; scrapbooks; cards; books ; newspapers; flyers; pamphlets; calendars; writing instruments; engraved works of art; lithographed works of art; pictures (paintings) framed or not; sewing patterns; drawings; drawing instruments; paper pocket tissues; paper towels; paper table linen; toilet paper ; bags (envelopes, pouches) of paper or plastic for packaging; garbage bags of paper or plastic; Printed matter; posters, calendars, decals, stickers, photographs, souvenir books; books in the field of music, motion pictures, musical performers; photographs; posters; baby books; stickers; print materials, namely, art prints, colour prints, concert programs, calendars, pens, post cards; gift bags; paper flags; trading cards; paper baby bibs.

Class 25: Clothes; shoes; millinery; shirts; leather clothing; belts (clothing); furs (clothing); gloves (clothing); scarves; ties; hosiery; socks; slippers; beach shoes; skiing boots; sport shoes; underwear.

Class 35: Promoting the music of others through the distribution of recorded music to online streaming services via an online platform; business and sales monitoring and tracking services relating to online streaming music services. Advertising ; business management; business administration; office work; distribution of advertising material (tracts, prospectuses, printed matter, samples); newspaper subscription services (for others); subscription services to telecommunications services for others; presentation of goods on any means of communication for retail sale; advice on organization and business management; accounting ; reproduction of documents; employment agency services; computerized file management service; traffic optimization for websites; organization of exhibitions for commercial or advertising purposes; online advertising on a computer network; rental of advertising time on any means of communication; publication of publicity texts; rental of advertising space; dissemination of advertisements; communication advice (advertising); public relations ; communication advice (public relations); company audits (commercial analyses); commercial intermediation services (concierge).

Class 38: Providing access to digital music web sites on the internet; broadcasting and transmission of streamed, up-loadable and downloadable music, audio, video and other multimedia content; streaming of audio and video over the internet; webcasting services; providing community forums for the transmission of information and messages between users, in the field of music related entertainment; providing access to websites and databases on the Internet that presents artists, music albums and songs, entertainment services, namely, music related current events and entertainment news and that allow customers to programme audio, text, video and other multimedia content, including music related concerts, news, cultural events on a website and in mobile applications; Telecommunications; telecommunications information; communications by computer terminals; communications by fiber optic networks; radio communications; telephone calls; mobile radiotelephony; providing user access to global computer networks; provision of online forums; provision of access to databases; electronic display services (telecommunications); connection by telecommunications to a global computer network; press agencies; news agencies (news); rental of telecommunications apparatus; radio broadcasts; TV shows; teleconferencing services; videoconferencing services; electronic mail services; rental of access time to global computer networks.

Class 41: Providing audio material, concert information, and information about music albums, artists and songs, via a website; entertainment news and information in the field of music, provided via a website; entertainment services, namely, the provision of streamed, up-loadable, non-downloadable, or downloadable music, to online users via global or local computer networks; Entertainment services in the nature of providing online, non-downloadable audio and video featuring musical performances; production, distribution, and presentation of sound and video recordings in the field of music; music and musical publishing services; providing education in the field of music through live and online workshops; Education; training; entertainment ; sports and cultural activities; entertainment information; education information; vocational retraining; provision of leisure facilities; publication of books; loan of books; providing films, not downloadable, through video-on-demand services; motion picture production; rental of television sets; rental of show sets; photography services; organization of competitions (education or entertainment); organization and conduct of conferences; organization and conduct of conferences; organization and conduct of congresses; organization of exhibitions for cultural or educational purposes; reservation of tickets for shows; gaming services provided online from a computer network; gambling services; electronic publication of books and periodicals online; Entertainment services; providing music and related information via the Internet; providing online video games, dance events by a recording artist, multimedia production services; Entertainment services in the nature of live musical performances; production of motion picture films, fan clubs.

Class 42: Computer services, namely, providing an online platform to allow music professionals to distribute and promote recorded music to online streaming services.

Annex 2:

Class 41: Entertainment agency services; Entertainment booking services; Entertainment by IP-TV; Entertainment by film; Entertainment by means of concerts; Entertainment by means of radio; Entertainment by means of roadshows; Entertainment by means of telephone; Entertainment by means of television; Entertainment by means of theatre productions; Entertainment by means of wireless television broadcasts; Entertainment club services; Entertainment in the form of live musical performances (Services providing -); Entertainment in the form of recorded music (Services providing -); Entertainment in the form of television programmes (Services providing -); Entertainment in the nature of a water park and amusement center; Entertainment in the nature of air shows; Entertainment in the nature of an amusement park ride; Entertainment in the nature of automobile races; Entertainment in the nature of ballet performances; Entertainment in the nature of baseball games; Entertainment in the nature of basketball games; Entertainment in the nature of beauty pageants; Entertainment in the nature of boxing contests; Entertainment in the nature of circuses; Entertainment in the nature of competitions in the field of spelling; Entertainment in the nature of dance performances; Entertainment in the nature of dinner theater productions; Entertainment in the nature of ethnic festival; Entertainment in the nature of fashion shows; Entertainment in the nature of fireworks displays; Entertainment in the nature of football games; Entertainment in the nature of golf tournaments; Entertainment in the nature of gymnastic performances; Entertainment in the nature of hockey games; Entertainment in the nature of ice hockey games; Entertainment in the nature of laser shows; Entertainment in the nature of light shows; Entertainment in the nature of live dance performances; Entertainment in the nature of live performances and personal appearances by a costumed character; Entertainment in the nature of live performances by musical bands; Entertainment in the nature of live performances by rock groups; Entertainment in the nature of magic shows; Entertainment in the nature of mobile phone television; Entertainment in the nature of on-going television programs in the field of variety; Entertainment in the nature of ongoing game shows; Entertainment in the nature of ongoing television programs in the field of variety; Entertainment in the nature of orchestra performances; Entertainment in the nature of prerecorded sex-oriented

messages by telephone; Entertainment services provided at country clubs; Entertainment services provided at discotheques; Entertainment services provided at nightclubs; Entertainment services provided by a music group; Entertainment services provided by a musical group; Entertainment services provided by a musical vocal group; Entertainment services provided by hotels; Entertainment services provided by performing artists; Entertainment services provided by radio; Entertainment services provided by telephone; Entertainment services provided by television; Entertainment services provided by vocalists; Entertainment services provided during intervals at sports events; Entertainment services provided for children; Entertainment services provided on-line from a computer database or the internet; Entertainment services relating to competitions; Entertainment services relating to quizzes; Entertainment services relating to sport; Entertainment services relating to ten pin bowling; Entertainment services relating to the playing of golf; Entertainment services sharing computer games; Entertainment services, namely, providing on-line computer games; Entertainment ticket agency services; Entertainment, education and instruction services; Entertainment, sporting and cultural activities; Advisory services relating to entertainment; Animated musical entertainment services; Arranging and conducting of competitions [education or entertainment]; Arranging and conducting of entertainment activities; Arranging and conducting of entertainment events; Arranging and conducting of entertainment events for charitable fundraising purposes; Arranging and conducting of entertainment events for charitable purposes; Arranging and conducting of live entertainment events; Arranging and conducting of live entertainment events for charitable purposes; Arranging and conducting of meetings in the field of entertainment; Arranging and conducting of wine tasting events for entertainment purposes; Arranging for ticket reservations for shows and other entertainment events; Arranging of competitions for education or entertainment; Arranging of competitions for entertainment purposes; Arranging of conferences relating to entertainment; Arranging of conventions for entertainment purposes; Arranging of demonstrations for entertainment purposes; Arranging of displays for entertainment purposes; Arranging of entertainment shows; Arranging of exhibitions for entertainment purposes; Arranging of festivals for entertainment purposes; Arranging of musical entertainment; Arranging of presentations for entertainment purposes; Arranging of seminars relating to entertainment; Arranging of visual and musical entertainment; Arranging of visual entertainment; Audio entertainment services; Audio-visual display presentation

services for entertainment purposes; Booking of entertainment; Booking of entertainment halls; Booking of seats for entertainment events; Camp services (Holiday -) [entertainment]; Children's entertainment services; Cinema entertainment; Cinematographic entertainment services; Closed circuit television entertainment services; Club entertainment services; Club services [entertainment or education]; Competitions (Organising of entertainment -); Competitions (Organization of -) [education or entertainment]; Competitions (organisation of -) [education or entertainment]; Conducting entertainment exhibitions in magic shows; Conducting of entertainment activities; Conducting of entertainment events; Conducting of exhibitions for entertainment purposes; Conducting of live entertainment events; Consultancy services in the field of entertainment; Consultancy services in the field of entertainment provided via the Internet; Corporate hospitality (entertainment); Cruise ship entertainment services; Cultural, educational or entertainment services provided by art galleries; Digital video, audio and multimedia entertainment publishing services; Education and training in the field of music and entertainment; Education, entertainment and sport services; Education, entertainment and sports; Exhibition services for entertainment purposes; Fan club services (entertainment); Fashion shows for entertainment purposes (Organization of -); Festivals (Organisation of -) for entertainment purposes; Fetes (Organisation of -) for entertainment purposes; Film production for entertainment purposes; Gaming machine entertainment services; Gaming services for entertainment purposes; Holiday camp services [entertainment]; Holiday centre entertainment services; Hospitality services (entertainment); Hypnotist shows [entertainment]; Information (Entertainment -); Information about entertainment and entertainment events provided via online networks and the Internet; Information and advisory services relating to entertainment; Information relating to computer gaming entertainment provided online from a computer database or a global communication network; Information relating to entertainment, provided on-line from a computer database or the internet; Information services relating to entertainment; Interactive entertainment; Interactive entertainment services; Internet radio entertainment services; Interviewing of contemporary figures for entertainment purposes; Jazz music entertainment services; Kindergarten services [education or entertainment]; Laser show services [entertainment]; Lighting productions for entertainment purposes; Live demonstrations for entertainment; Live entertainment; Live entertainment production services; Live entertainment services; Multimedia

entertainment software publishing services; Music entertainment services; Musical entertainment; Musical entertainment services; Musical group entertainment services; Night club services [entertainment]; Nightclub services [entertainment]; On-line entertainment; On-line ticket agency services for entertainment purposes; Online entertainment services; Online interactive entertainment; Organisation of competitions (education or entertainment); Organisation of competitions [education and/or entertainment]; Organisation of competitions [education or entertainment]; Organisation of competitions for education or entertainment; Organisation of conferences related to entertainment; Organisation of entertainment activities for summer camps; Organisation of entertainment and cultural events; Organisation of entertainment competitions; Organisation of entertainment events; Organisation of entertainment for birthday parties; Organisation of entertainment services; Organisation of events for cultural, entertainment and sporting purposes; Organisation of fashion shows for entertainment purposes; Organisation of musical entertainment; Organisation of outings for entertainment; Organising events for entertainment purposes; Organising of competitions [entertainment] by telephone; Organising of competitions for entertainment; Organising of entertainment; Organising of entertainment competitions; Organising of exhibitions for entertainment purposes; Organising of meetings in the field of entertainment; Organising of shows for entertainment purposes; Organization of competitions [education or entertainment]; Organization of competitions for education or entertainment; Organization of cosplay entertainment events; Organization of entertainment competitions; Organization of fashion parades for entertainment purposes; Organization of fashion shows for entertainment purposes; Organizing and arranging exhibitions for entertainment purposes; Organizing and presenting displays of entertainment relating to style and fashion; Party planning [entertainment]; Planning (Party -) [entertainment]; Planning and conducting of parties [entertainment]; Play schemes [entertainment/education]; Popular entertainment services; Preparation of entertainment programmes for broadcasting; Preparation of entertainment programmes for the cinema; Preparation of special effects for entertainment purposes; Presentation of live entertainment events; Presentation of live entertainment performances; Production of audio entertainment; Production of audio tapes for entertainment purposes; Production of entertainment in the form of a television series; Production of entertainment in the form of sound recordings; Production of entertainment in the form of television programmes;

Production of entertainment in the form of video tapes; Production of entertainment shows featuring dancers; Production of entertainment shows featuring dancers and singers; Production of entertainment shows featuring instrumentalists; Production of entertainment shows featuring singers; Production of films for entertainment purposes; Production of live entertainment; Production of live entertainment events; Production of live entertainment features; Production of live television programmes for entertainment; Production of television entertainment features; Production of television entertainment programmes; Providing educational entertainment services for children in after-school centers; Providing entertainment in the nature of film clips via a website; Providing entertainment information; Providing entertainment information via a website; Providing facilities for entertainment; Providing information in the field of entertainment by means of a global computer network; Providing information on entertainment through computer networks; Providing multi-media entertainment via a website; Providing on-line information in the field of computer gaming entertainment; Providing online entertainment in the nature of fantasy sports leagues; Providing online entertainment in the nature of game shows; Providing online entertainment in the nature of game tournaments; Providing sports entertainment via a website; Providing video entertainment via a website; Providing will-call ticket services for entertainment, sporting and cultural events; Provision of club entertainment services; Provision of educational entertainment services for children in after school centers; Provision of entertainment; Provision of entertainment by telephone; Provision of entertainment facilities; Provision of entertainment facilities in hotels; Provision of entertainment information; Provision of entertainment information by electronic means; Provision of entertainment information via television, broadband, wireless and on-line services; Provision of entertainment information via the Internet; Provision of entertainment services for children; Provision of entertainment services through the media of audio tapes; Provision of entertainment services through the media of cine-films; Provision of entertainment services through the media of publications; Provision of entertainment services through the media of television; Provision of entertainment services through the media of video-films; Provision of entertainment via podcast; Provision of information relating to entertainment; Provision of information relating to entertainment online from a computer database of the Internet; Provision of live entertainment; Provision of multimedia entertainment programs by television, broadband, wireless and on-line services; Provision of musical

entertainment; Provision of on-line entertainment; Provision of online information in the field of computer games entertainment; Provision of radio and television entertainment services; Provision of rooms adapted for entertainment; Provision of rooms for entertainment; Publication of books relating to entertainment; Publication of online reviews in the field of entertainment; Radio and television entertainment; Radio and television entertainment services; Radio entertainment; Radio entertainment production; Radio entertainment services; Rendering of musical entertainment by instrumental groups; Rendering of musical entertainment by vocal groups; Rental of recorded data carriers for entertainment purposes; Rental of recorded entertainment; Road shows being entertainment services; Services for the production of entertainment in the form of film; Services for the production of entertainment in the form of television; Services for the production of entertainment in the form of video; Services in the production of animated motion picture entertainment; Services providing entertainment in the form of live musical performances; Showing of prerecorded entertainment; Social club services for entertainment purposes; Sound recording and video entertainment services; Sports entertainment services; Staged light entertainment services; Staging of light entertainment productions; Summer camps [entertainment and education]; Symposiums relating to entertainment; Telephone conversation services for entertainment purposes; Telephone information services relating to entertainment; Television and radio entertainment; Television and radio entertainment services; Television entertainment; Television entertainment services; Theatre entertainment; Ticket agency services [entertainment]; Ticket information services for entertainment events; Ticket procurement services for entertainment events; Ticket reservation and booking services for entertainment events; Tv entertainment services; Video entertainment services; Entertainment; Entertainment in the nature of roller derbys; Entertainment in the nature of soccer games; Entertainment in the nature of symphony orchestra performances; Entertainment in the nature of television news shows; Entertainment in the nature of tennis tournaments; Entertainment in the nature of theater productions; Entertainment in the nature of track and field competitions; Entertainment in the nature of weight lifting competitions; Entertainment in the nature of wrestling contests; Entertainment in the nature of yacht races; Entertainment information; Entertainment party planning; Entertainment provided by cable television; Entertainment provided by telephone; Entertainment provided by videotext systems; Entertainment provided during intervals

of sporting events; Entertainment provided via a global communication network; Entertainment provided via the internet; Entertainment relating to wine tasting; Entertainment services; Entertainment services by stage production and cabaret; Entertainment services featuring fictional characters; Entertainment services for children; Entertainment services for matching users with audio and video recordings; Entertainment services for matching users with computer games; Entertainment services for producing live shows; Entertainment services for sharing audio and video recordings; Entertainment services in the form of cinema performances; Entertainment services in the form of concert performances; Entertainment services in the form of motion pictures; Entertainment services in the form of musical group performances; Entertainment services in the form of musical vocal group performances; Entertainment services in the form of television programmes; Entertainment services in the nature of a wrestling club; Entertainment services in the nature of an amusement park show; Entertainment services in the nature of arranging social entertainment events; Entertainment services in the nature of competitions; Entertainment services in the nature of contests; Entertainment services in the nature of interactive television programmes; Entertainment services in the nature of live performances of roller skating exhibitions and competitions; Entertainment services in the nature of organizing social entertainment events; Entertainment services in the nature of skating events; Entertainment services in the nature of sporting events; Entertainment services in the nature of video games; Entertainment services in the nature of webcam television programmes; Entertainment services performed by a musical group; Entertainment services performed by musicians; Entertainment services performed by singers; Entertainment services provided at a motor racing circuit; Entertainment services provided at a race track; Video game entertainment services; Wedding celebrations (Organisation of entertainment for -); Wine tastings [entertainment services].

Annex 3:

Applicant's goods and services	Opponent's goods and services
<p>Class 9: Computer software to enable music artists and music labels to market and distribute their music; downloadable mobile applications for interacting with and funding artists and creators; computer software to facilitate the collection of royalties and revenues related to the foregoing; computer software for accessing information related to musical recordings; software for managing databases of recorded music files; computer programs for data analytics for the music industry; computer software for use in the delivery, distribution and transmission of musical recordings and related content; Downloadable musical sound recordings; media streaming software; Scientific apparatus and instruments; nautical apparatus and instruments; surveying apparatus and instruments; photographic apparatus and instruments; cinematographic apparatus; optical apparatus and instruments; weighing apparatus and instruments; measuring instruments and apparatus; signaling apparatus and instruments; verification (control)</p>	<p>Class 41: Entertainment agency services; Entertainment booking services; Entertainment by IP-TV; Entertainment by film; Entertainment by means of concerts; Entertainment by means of radio; Entertainment by means of roadshows; Entertainment by means of telephone; Entertainment by means of television; Entertainment by means of theatre productions; Entertainment by means of wireless television broadcasts; Entertainment club services; Entertainment in the form of live musical performances (Services providing -); Entertainment in the form of recorded music (Services providing -); Entertainment in the form of television programmes (Services providing -); Entertainment in the nature of a water park and amusement center; Entertainment in the nature of air shows; Entertainment in the nature of an amusement park ride; Entertainment in the nature of automobile races; Entertainment in the nature of ballet performances; Entertainment in the nature of baseball games; Entertainment in the nature of basketball games;</p>

apparatus and instruments; teaching apparatus and instruments; sound recording apparatus; apparatus for the transmission of sound; sound reproduction apparatus; image recording apparatus; image transmission apparatus; image reproduction apparatus; digital recording media; mechanisms for coin-operated apparatus; cash registers; calculating machines; data processing equipment; computers; electronic tablets; ordiphones [smartphones]; e-readers; game software; computer software (recorded programs); computer peripherals; detectors; Electric wires ; electrical relays; diving suits; diving gloves; diving masks; protective clothing against accidents, radiation and fire; personal protection devices against accidents; fire extinguishers ; glasses (optics); 3D glasses; virtual reality headsets; eyewear; spectacle cases; memory or microprocessor cards; bags designed for laptop computers; smart watches; electric batteries; batteries for electronic cigarettes; charging stations for electric vehicles; diagnostic apparatus not for medical purposes; Digital materials, namely, non-fungible tokens or NFTs; Downloadable digital media, namely, digital collectibles created with blockchain-based software

Entertainment in the nature of beauty pageants; Entertainment in the nature of boxing contests; Entertainment in the nature of circuses; Entertainment in the nature of competitions in the field of spelling; Entertainment in the nature of dance performances; Entertainment in the nature of dinner theater productions; Entertainment in the nature of ethnic festival; Entertainment in the nature of fashion shows; Entertainment in the nature of fireworks displays; Entertainment in the nature of football games; Entertainment in the nature of golf tournaments; Entertainment in the nature of gymnastic performances; Entertainment in the nature of hockey games; Entertainment in the nature of ice hockey games; Entertainment in the nature of laser shows; Entertainment in the nature of light shows; Entertainment in the nature of live dance performances; Entertainment in the nature of live performances and personal appearances by a costumed character; Entertainment in the nature of live performances by musical bands; Entertainment in the nature of live performances by rock groups; Entertainment in the nature of magic shows; Entertainment in the nature of mobile phone television; Entertainment in the nature of on-going television

<p>technology; Downloadable video game software; Downloadable virtual goods, namely, computer software programs featuring in-game resources, tokens, and virtual currency for use in video games and online virtual worlds; Pre-recorded compact discs, cassettes, tapes, phonographic records, videotapes, videodiscs, and downloadable recordings; apparatus and instruments for recording, transmission or reproduction of sound or images; recording discs; recorded musical performances and music videos; films; Eyewear; sunglasses; sunglasses cases; sound and video recordings; music and video recordings in digital form; recorded and unrecorded sound and image carriers of all types, in particular CDs, recording discs and video films; DVDs, CDs, and audio and visual sound recordings featuring musical performances; musical sound recordings; computer application software for mobile phones, portable media players, and handheld computers for use in downloading music, ring tones and video games; handheld and mobile digital electronic devices, namely, tablet PCs, cellular phones, laptops, portable media players, handheld computers; cases and covers for mobile phones and mobile digital electronic devices, namely,</p>	<p>programs in the field of variety; Entertainment in the nature of ongoing game shows; Entertainment in the nature of ongoing television programs in the field of variety; Entertainment in the nature of orchestra performances; Entertainment in the nature of prerecorded sex-oriented messages by telephone; Entertainment services provided at country clubs; Entertainment services provided at discotheques; Entertainment services provided at nightclubs; Entertainment services provided by a music group; Entertainment services provided by a musical group; Entertainment services provided by a musical vocal group; Entertainment services provided by hotels; Entertainment services provided by performing artists; Entertainment services provided by radio; Entertainment services provided by telephone; Entertainment services provided by television; Entertainment services provided by vocalists; Entertainment services provided during intervals at sports events; Entertainment services provided for children; Entertainment services provided on-line from a computer database or the internet; Entertainment services relating to competitions; Entertainment services relating to quizzes; Entertainment</p>
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laptops, cell phones, radio pagers, mobile computers; downloadable web-based application software in the nature of a mobile application downloadable to handheld and mobile digital electronic devices for use in downloading music, ring tones and video games; decorative magnets, eyewear, eyeglass cases; computer bags; graduated glassware.

Class 16: Bookbinding materials; photographs; stationery; adhesives (sticky materials) for stationery or household use; materials for artists; paint brushes ; office requisites (except furniture); instructional or teaching material (except apparatus); printing characters; paper ; cardboard; paper or cardboard boxes; posters; scrapbooks; cards; books ; newspapers; flyers; pamphlets; calendars; writing instruments; engraved works of art; lithographed works of art; pictures (paintings) framed or not; sewing patterns; drawings; drawing instruments; paper pocket tissues; paper towels; paper table linen; toilet paper ; bags (envelopes, pouches) of paper or plastic for packaging; garbage bags of paper or plastic; Printed matter; posters, calendars, decals, stickers, photographs, souvenir books; books in the field of music, motion pictures,

services relating to sport; Entertainment services relating to ten pin bowling; Entertainment services relating to the playing of golf; Entertainment services sharing computer games; Entertainment services, namely, providing on-line computer games; Entertainment ticket agency services; Entertainment, education and instruction services; Entertainment, sporting and cultural activities; Advisory services relating to entertainment; Animated musical entertainment services; Arranging and conducting of competitions [education or entertainment]; Arranging and conducting of entertainment activities; Arranging and conducting of entertainment events; Arranging and conducting of entertainment events for charitable fundraising purposes; Arranging and conducting of entertainment events for charitable purposes; Arranging and conducting of live entertainment events; Arranging and conducting of live entertainment events for charitable purposes; Arranging and conducting of meetings in the field of entertainment; Arranging and conducting of wine tasting events for entertainment purposes; Arranging for ticket reservations for shows and other entertainment events; Arranging of competitions for education or

musical performers; photographs; posters; baby books; stickers; print materials, namely, art prints, colour prints, concert programs, calendars, pens, post cards; gift bags; paper flags; trading cards; paper baby bibs.

Class 25: Clothes; shoes; millinery; shirts; leather clothing; belts (clothing); furs (clothing); gloves (clothing); scarves; ties; hosiery; socks; slippers; beach shoes; skiing boots; sport shoes; underwear.

Class 35: Promoting the music of others through the distribution of recorded music to online streaming services via an online platform; business and sales monitoring and tracking services relating to online streaming music services. Advertising ; business management; business administration; office work; distribution of advertising material (tracts, prospectuses, printed matter, samples); newspaper subscription services (for others); subscription services to telecommunications services for others; presentation of goods on any means of communication for retail sale; advice on organization and business management; accounting ; reproduction of documents; employment agency services; computerized file management

entertainment; Arranging of competitions for entertainment purposes; Arranging of conferences relating to entertainment; Arranging of conventions for entertainment purposes; Arranging of demonstrations for entertainment purposes; Arranging of displays for entertainment purposes; Arranging of entertainment shows; Arranging of exhibitions for entertainment purposes; Arranging of festivals for entertainment purposes; Arranging of musical entertainment; Arranging of presentations for entertainment purposes; Arranging of seminars relating to entertainment; Arranging of visual and musical entertainment; Arranging of visual entertainment; Audio entertainment services; Audio-visual display presentation services for entertainment purposes; Booking of entertainment; Booking of entertainment halls; Booking of seats for entertainment events; Camp services (Holiday -) [entertainment]; Children's entertainment services; Cinema entertainment; Cinematographic entertainment services; Closed circuit television entertainment services; Club entertainment services; Club services [entertainment or education]; Competitions (Organising of entertainment -); Competitions

service; traffic optimization for websites; organization of exhibitions for commercial or advertising purposes; online advertising on a computer network; rental of advertising time on any means of communication; publication of publicity texts; rental of advertising space; dissemination of advertisements; communication advice (advertising); public relations ; communication advice (public relations); company audits (commercial analyses); commercial intermediation services (concierge).

Class 38: Providing access to digital music web sites on the internet; broadcasting and transmission of streamed, up-loadable and downloadable music, audio, video and other multimedia content; streaming of audio and video over the internet; webcasting services; providing community forums for the transmission of information and messages between users, in the field of music related entertainment; providing access to websites and databases on the Internet that presents artists, music albums and songs, entertainment services, namely, music related current events and entertainment news and that allow customers to programme audio, text, video and other multimedia content,

(Organization of -) [education or entertainment]; Competitions (organisation of -) [education or entertainment]; Conducting entertainment exhibitions in magic shows; Conducting of entertainment activities; Conducting of entertainment events; Conducting of exhibitions for entertainment purposes; Conducting of live entertainment events; Consultancy services in the field of entertainment; Consultancy services in the field of entertainment provided via the Internet; Corporate hospitality (entertainment); Cruise ship entertainment services; Cultural, educational or entertainment services provided by art galleries; Digital video, audio and multimedia entertainment publishing services; Education and training in the field of music and entertainment; Education, entertainment and sport services; Education, entertainment and sports; Exhibition services for entertainment purposes; Fan club services (entertainment); Fashion shows for entertainment purposes (Organization of -); Festivals (Organisation of -) for entertainment purposes; Fetes (Organisation of -) for entertainment purposes; Film production for entertainment purposes; Gaming machine entertainment services;

<p>including music related concerts, news, cultural events on a website and in mobile applications; Telecommunications; telecommunications information; communications by computer terminals; communications by fiber optic networks; radio communications; telephone calls; mobile radiotelephony; providing user access to global computer networks; provision of online forums; provision of access to databases; electronic display services (telecommunications); connection by telecommunications to a global computer network; press agencies; news agencies (news); rental of telecommunications apparatus; radio broadcasts; TV shows; teleconferencing services; videoconferencing services; electronic mail services; rental of access time to global computer networks.</p> <p>Class 41: Providing audio material, concert information, and information about music albums, artists and songs, via a website; entertainment news and information in the field of music, provided via a website; entertainment services, namely, the provision of streamed, uploadable, non-downloadable, or downloadable music, to online users via global or local computer networks; Entertainment services in the nature of</p>	<p>Gaming services for entertainment purposes; Holiday camp services [entertainment]; Holiday centre entertainment services; Hospitality services (entertainment); Hypnotist shows [entertainment]; Information (Entertainment -); Information about entertainment and entertainment events provided via online networks and the Internet; Information and advisory services relating to entertainment; Information relating to computer gaming entertainment provided online from a computer database or a global communication network; Information relating to entertainment, provided on-line from a computer database or the internet; Information services relating to entertainment; Interactive entertainment; Interactive entertainment services; Internet radio entertainment services; Interviewing of contemporary figures for entertainment purposes; Jazz music entertainment services; Kindergarten services [education or entertainment]; Laser show services [entertainment]; Lighting productions for entertainment purposes; Live demonstrations for entertainment; Live entertainment; Live entertainment production services; Live entertainment services; Multimedia entertainment software publishing services; Music entertainment services;</p>
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<p>providing online, non-downloadable audio and video featuring musical performances; production, distribution, and presentation of sound and video recordings in the field of music; music and musical publishing services; providing education in the field of music through live and online workshops; Education; training; entertainment ; sports and cultural activities; entertainment information; education information; vocational retraining; provision of leisure facilities; publication of books; loan of books; providing films, not downloadable, through video-on-demand services; motion picture production; rental of television sets; rental of show sets; photography services; organization of competitions (education or entertainment); organization and conduct of conferences; organization and conduct of conferences; organization and conduct of congresses; organization of exhibitions for cultural or educational purposes; reservation of tickets for shows; gaming services provided online from a computer network; gambling services; electronic publication of books and periodicals online; Entertainment services; providing music and related information via the Internet; providing online video games, dance events by a</p>	<p>Musical entertainment; Musical entertainment services; Musical group entertainment services; Night club services [entertainment]; Nightclub services [entertainment]; On-line entertainment; On-line ticket agency services for entertainment purposes; Online entertainment services; Online interactive entertainment; Organisation of competitions (education or entertainment); Organisation of competitions [education and/or entertainment]; Organisation of competitions [education or entertainment]; Organisation of competitions for education or entertainment; Organisation of conferences related to entertainment; Organisation of entertainment activities for summer camps; Organisation of entertainment and cultural events; Organisation of entertainment competitions; Organisation of entertainment events; Organisation of entertainment for birthday parties; Organisation of entertainment services; Organisation of events for cultural, entertainment and sporting purposes; Organisation of fashion shows for entertainment purposes; Organisation of musical entertainment; Organisation of outings for entertainment; Organising events for entertainment purposes;</p>
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recording artist, multimedia production services; Entertainment services in the nature of live musical performances; production of motion picture films, fan clubs.

Class 42: Computer services, namely, providing an online platform to allow music professionals to distribute and promote recorded music to online streaming services.

Organising of competitions [entertainment] by telephone; Organising of competitions for entertainment; Organising of entertainment; Organising of entertainment competitions; Organising of exhibitions for entertainment purposes; Organising of meetings in the field of entertainment; Organising of shows for entertainment purposes; Organization of competitions [education or entertainment]; Organization of competitions for education or entertainment; Organization of cosplay entertainment events; Organization of entertainment competitions; Organization of fashion parades for entertainment purposes; Organization of fashion shows for entertainment purposes; Organizing and arranging exhibitions for entertainment purposes; Organizing and presenting displays of entertainment relating to style and fashion; Party planning [entertainment]; Planning (Party -) [entertainment]; Planning and conducting of parties [entertainment]; Play schemes [entertainment/education]; Popular entertainment services; Preparation of entertainment programmes for broadcasting; Preparation of entertainment programmes for the cinema; Preparation of special effects for

	<p>entertainment purposes; Presentation of live entertainment events; Presentation of live entertainment performances; Production of audio entertainment; Production of audio tapes for entertainment purposes; Production of entertainment in the form of a television series; Production of entertainment in the form of sound recordings; Production of entertainment in the form of television programmes; Production of entertainment in the form of video tapes; Production of entertainment shows featuring dancers; Production of entertainment shows featuring dancers and singers; Production of entertainment shows featuring instrumentalists; Production of entertainment shows featuring singers; Production of films for entertainment purposes; Production of live entertainment; Production of live entertainment events; Production of live entertainment features; Production of live television programmes for entertainment; Production of television entertainment features; Production of television entertainment programmes; Providing educational entertainment services for children in after-school centers; Providing entertainment in the nature of film clips via a website; Providing entertainment information; Providing entertainment information via</p>
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	<p>a website; Providing facilities for entertainment; Providing information in the field of entertainment by means of a global computer network; Providing information on entertainment through computer networks; Providing multi-media entertainment via a website; Providing on-line information in the field of computer gaming entertainment; Providing online entertainment in the nature of fantasy sports leagues; Providing online entertainment in the nature of game shows; Providing online entertainment in the nature of game tournaments; Providing sports entertainment via a website; Providing video entertainment via a website; Providing will-call ticket services for entertainment, sporting and cultural events; Provision of club entertainment services; Provision of educational entertainment services for children in after school centers; Provision of entertainment; Provision of entertainment by telephone; Provision of entertainment facilities; Provision of entertainment facilities in hotels; Provision of entertainment information; Provision of entertainment information by electronic means; Provision of entertainment information via television, broadband, wireless and on-line services; Provision of entertainment</p>
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	<p>information via the Internet; Provision of entertainment services for children; Provision of entertainment services through the media of audio tapes; Provision of entertainment services through the media of cine-films; Provision of entertainment services through the media of publications; Provision of entertainment services through the media of television; Provision of entertainment services through the media of video-films; Provision of entertainment via podcast; Provision of information relating to entertainment; Provision of information relating to entertainment online from a computer database of the Internet; Provision of live entertainment; Provision of multimedia entertainment programs by television, broadband, wireless and on-line services; Provision of musical entertainment; Provision of on-line entertainment; Provision of online information in the field of computer games entertainment; Provision of radio and television entertainment services; Provision of rooms adapted for entertainment; Provision of rooms for entertainment; Publication of books relating to entertainment; Publication of online reviews in the field of entertainment; Radio and television entertainment; Radio and television</p>
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	<p>entertainment services; Radio entertainment; Radio entertainment production; Radio entertainment services; Rendering of musical entertainment by instrumental groups; Rendering of musical entertainment by vocal groups; Rental of recorded data carriers for entertainment purposes; Rental of recorded entertainment; Road shows being entertainment services; Services for the production of entertainment in the form of film; Services for the production of entertainment in the form of television; Services for the production of entertainment in the form of video; Services in the production of animated motion picture entertainment; Services providing entertainment in the form of live musical performances; Showing of prerecorded entertainment; Social club services for entertainment purposes; Sound recording and video entertainment services; Sports entertainment services; Staged light entertainment services; Staging of light entertainment productions; Summer camps [entertainment and education]; Symposiums relating to entertainment; Telephone conversation services for entertainment purposes; Telephone information services relating to entertainment; Television and radio</p>
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	<p>entertainment; Television and radio entertainment services; Television entertainment; Television entertainment services; Theatre entertainment; Ticket agency services [entertainment]; Ticket information services for entertainment events; Ticket procurement services for entertainment events; Ticket reservation and booking services for entertainment events; Tv entertainment services; Video entertainment services; Entertainment; Entertainment in the nature of roller derbys; Entertainment in the nature of soccer games; Entertainment in the nature of symphony orchestra performances; Entertainment in the nature of television news shows; Entertainment in the nature of tennis tournaments; Entertainment in the nature of theater productions; Entertainment in the nature of track and field competitions; Entertainment in the nature of weight lifting competitions; Entertainment in the nature of wrestling contests; Entertainment in the nature of yacht races; Entertainment information; Entertainment party planning; Entertainment provided by cable television; Entertainment provided by telephone; Entertainment provided by videotext systems; Entertainment provided during intervals of sporting events; Entertainment provided via a</p>
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	<p>global communication network; Entertainment provided via the internet; Entertainment relating to wine tasting; Entertainment services; Entertainment services by stage production and cabaret; Entertainment services featuring fictional characters; Entertainment services for children; Entertainment services for matching users with audio and video recordings; Entertainment services for matching users with computer games; Entertainment services for producing live shows; Entertainment services for sharing audio and video recordings; Entertainment services in the form of cinema performances; Entertainment services in the form of concert performances; Entertainment services in the form of motion pictures; Entertainment services in the form of musical group performances; Entertainment services in the form of musical vocal group performances; Entertainment services in the form of television programmes; Entertainment services in the nature of a wrestling club; Entertainment services in the nature of an amusement park show; Entertainment services in the nature of arranging social entertainment events; Entertainment services in the nature of competitions; Entertainment services in</p>
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	<p>the nature of contests; Entertainment services in the nature of interactive television programmes; Entertainment services in the nature of live performances of roller skating exhibitions and competitions; Entertainment services in the nature of organizing social entertainment events; Entertainment services in the nature of skating events; Entertainment services in the nature of sporting events; Entertainment services in the nature of video games; Entertainment services in the nature of webcam television programmes; Entertainment services performed by a musical group; Entertainment services performed by musicians; Entertainment services performed by singers; Entertainment services provided at a motor racing circuit; Entertainment services provided at a race track; Video game entertainment services; Wedding celebrations (Organisation of entertainment for -); Wine tastings [entertainment services].</p>
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