

O-392-13

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION Nos. 2553232 & 2565294
BY ONESAVINGS BANK PLC
TO REGISTER THE TRADE MARKS
KRBS /krbs (a series of two)**

And


krbs
.com
kent reliance banking services

**IN CLASS 36
AND**

**IN THE MATTER OF CONSOLIDATED OPPOSITIONS
THERE TO UNDER Nos. 101156 & 101723 BY
THE ROYAL BANK OF SCOTLAND GROUP PLC**

BACKGROUND

1) Kent Reliance Building Society applied to register the following marks:

Mark	Number	Filing date	Class	Services
KRBS krbs a series of two marks	2553232	16.07.10	36	Financial affairs; building society services; provident society services; financial services provided via the Internet; provision of secured and unsecured loans; provision of loans secured by mortgage; mortgage services; mortgage brokerage services; investment portfolio management services; services for valuation of real estate; stock-broking services; payment processing services; provision of overdraft facilities; banking; banking and financial services provided via telecommunications networks, mobile phone networks, satellite networks, wireless networks, cable networks, the Internet and global computer networks; online banking services; credit card services; debit card services; currency exchange services; insurance; monetary affairs; real estate affairs; information, advice and consultancy in relation to all the aforesaid services.
	2565294	24.11.10	36	Banking services

2) The applications were examined and accepted, and subsequently published for opposition purposes on 6 August 2010 and 24 December 2010 in Trade Marks Journal Nos.6847 and 6867 respectively.

3) On 5 November 2010 and 29 March 2011 respectively, The Royal Bank of Scotland Group plc (hereinafter the opponent) filed notices of opposition subsequently amended. The grounds of opposition are in summary:

a) The opponent is the proprietor of the following trade marks:

Mark	Number	Date of application / registration	Class	Specification relied upon
RBS ROAD TO GERMANY RBS ROADTOGERMANY RBS ROADtoGERMANY RBS ROAD2GERMANY	2405852	09.11.05 04.08.06	36	Services relating to banking, financial, money, real estate, trust and insurance transactions of all types, financial management, operation of cash and self-service machines functioning with magnetic cards; banking

RBS ROAD 2 GERMANY Series of five marks				services including home banking and Internet banking; financial sponsorship; insurance and finance services including such services provided over the Internet or any other electronic network, discount services including discount card services; issue and redemption of tokens, vouchers and points; provision of electronic payment services including electronic fund transfer services and on-line transaction facilities; provision of investment and fund management information; administration of funds and investments; stock, shares and bond information and brokerage services; provision of information and advisory services relating to monetary affairs and the aforementioned services including the provision of information from a computer database, the Internet or other electronic network.
RBS ESSENTIALS	2409185	16.02.05 01.09.06	36	Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial advice and financial management relating to pensions; underwriting relating to pensions; financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; advisory, consultancy and information services relating to all of the aforesaid services.
RBS BLACK CARD	2431569	01.09.06 05.10.07	36	Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services;

				<p>cash management; investment management; safe deposit services; bankers clearing services; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; share registration services; advisory, consultancy and information services relating to all of the aforesaid services; financial information provided on-line from a computer database or from the Internet; information relating to financial, banking, insurance, economic and investment services provided on-line (not downloadable).</p>
<p>RBS OPENVU RBS Openvu</p> <p>A series of two</p>	2441303	12.12.06 04.04.08	36	<p>Insurance; financial affairs; monetary affairs; real estate affairs; banking services; financial services; insurance services; investment services; mortgage services; pension services; retirement planning services; savings services; bank account services; current account mortgage services; automated banking services; electronic banking, brokerage and funds transfer services; cash dispensing services; cash card services; credit card services; debit card services; home banking; telephone banking; Internet banking; on-line banking; business banking services; arranging and financing of loans; asset financing; brokerage of stocks, bonds and securities; credit services; business valuations; financial management; financial forecasting and planning; financial services, namely profit and cash flow forecasting and planning; international banking services; issuing letters or credit; provision of financial guarantees; electronic payment transfer services; telegraphic payment transfer services; issuing and redemption of bank drafts; currency account and exchange services; collection of payments against shipping documents and bills of exchange; financial planning for retirement; financial advice and information; insurance advice and information; investment advice and information;</p>

				<p>mortgage advice and information; pensions advice and information; bank account information and information relating to bank accounts; foreign exchange services and foreign exchange transaction services, financial transaction relating to currency swaps, foreign monetary exchange advisory services, provision of pricing information about foreign exchange rates, provision of pricing information about money market rates; forecasting of foreign exchange rates; online spot foreign exchange dealing platform; conducting a foreign monetary exchange services, namely, compiling, organizing and disseminating financial and exchange information; facilitating electronic trading orders; electronic processing of transactions involving orders for the purchase and sale of foreign currencies; providing currency data to others via a global computer network and other electronic means; providing currency via electronic means; information and advice relating to banking, finance, insurance, investment, mortgages, pensions and savings, provided on-line from a computer database, computer network, global computer network or the Internet; advisory, consultancy, information and helpline services relating to all the aforesaid services.</p>
<p>RBS FIX RBS FiX</p> <p>A series of two marks.</p>	2441467	14.12.06 21.03.08	36	<p>Insurance; financial affairs; monetary affairs; real estate affairs; banking services; financial services; insurance services; investment services; mortgage services; pension services; retirement planning services; savings services; bank account services; current account mortgage services; automated banking services; electronic banking, brokerage and funds transfer services; cash dispensing services; cash card services; credit card services; debit card services; home banking; telephone banking; Internet banking; on-line banking; business banking services; arranging and financing of loans; asset financing; brokerage of stocks, bonds and securities; credit services; business valuations; financial management; financial forecasting and planning; financial services, namely, profit and cash flow forecasting and planning; international banking services; issuing letters of credit; provision of financial guarantees; electronic payment transfer services; telegraphic payment transfer services; issuing and redemption of bank drafts; currency account and exchange services; collection of payments against shipping documents and bills of exchange; financial planning for retirement; financial advice and information; insurance advice and information; investment advice and information; mortgage advice and information; pensions advice and information; bank account information and information relating to bank accounts; foreign exchange services and foreign exchange transaction services, financial transactions relating to currency swaps, foreign monetary exchange advisory services, provision of pricing information about foreign exchange rates, provision of pricing information about money market rates; forecasting of foreign exchange rates; online spot foreign exchange dealing platform; conducting of foreign monetary exchange services, namely, compiling, organizing and disseminating financial and exchange information; electronic trading order services; electronic processing of transactions involving orders for the purchase and sale of foreign currencies; providing currency data to others via a global computer network and other electronic means; providing currency via</p>

				electronic means; information and advice relating to banking, finance, insurance, investment, mortgages, pensions and savings, provided on-line from a computer database, computer network, global computer network or the Internet; advisory, consultancy, information and helpline services relating to all the aforesaid services.
RBS TRADE RBS Trade A series of two marks.	2441468B	14.12.06 07.03.08	36	Insurance; financial affairs; monetary affairs; real estate affairs; banking services; financial services; insurance services; investment services; mortgage services; pension services; retirement planning services; savings services; bank account services; current account mortgage services; automated banking services; electronic banking, brokerage and funds transfer services; cash dispensing services; cash card services; credit card services; debit card services; home banking; telephone banking; Internet banking; on-line banking; business banking services; arranging and financing of loans; asset financing; brokerage of stocks, bonds and securities; credit services; business valuations; financial management; financial forecasting and planning; financial services, namely, profit and cash flow forecasting and planning; international banking services; issuing letters of credit; provision of financial guarantees; electronic payment transfer services; telegraphic payment transfer services; issuing and redemption of bank drafts; currency account and exchange services; collection of payments against shipping documents and bills of exchange; financial planning for retirement; financial advice and information; insurance advice and information; investment advice and information; mortgage advice and information; pensions advice and information; bank account information and information relating to bank accounts; foreign exchange services and foreign exchange transaction services, financial transactions relating to currency swaps, foreign monetary exchange advisory services, provision of pricing information about foreign exchange rates, provision of pricing information about money market rates; forecasting of foreign exchange rates; online spot foreign exchange dealing platform; conducting of foreign monetary exchange services, namely, compiling, organizing and disseminating financial and exchange information; electronic trading order services; electronic processing of transactions involving orders for the purchase and sale of foreign currencies; providing currency data to others via a global computer network and other electronic means; providing currency via electronic means; information and advice relating to banking, finance, insurance, investment, mortgages, pensions and savings, provided on-line from a computer database, computer network, global computer network or the Internet; advisory, consultancy, information and helpline services relating to all the aforesaid services.
RBS GLOBAL PAYMENTS LINK	2452587	16.04.07 01.02.08	36	Financial services; broking and brokerage services; banking services; bill payment services; treasury and capital markets services, foreign exchange services and foreign exchange transaction services; insurance services; financial affairs; monetary affairs information; advisory and consultancy services relating to all the aforesaid services, including information provided on-line; information relating to financial services, brokerage, financial markets and financial products, in electronic form supplied on-line from a database or from facilities provided on the Internet or other network (including

				websites); none of the aforesaid services being electronic payment card services for the dispensing of cash or services provided via ATMs (automated teller machines) or EFTPos (electronic funds transfer at point of sale) terminals.
RBS REVOLVE	2460461	05.07.07 18.01.08	36	Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index futures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; advisory, consultancy and information services relating to all of the aforesaid services.
RBS ROYAL BANKING	2484634	10.04.08 10.10.08	36	Financial services; banking services; monetary transfer; payment services; automated banking services; private banking services; home banking; Internet banking; mobile phone banking services; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds


				and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; pension services; sponsorship of sports, sports teams and sporting events; share registration services; advisory, consultancy and information services relating to all of the aforesaid services.
RBS SAVINGS ACCELERATOR RBS SAVINGS ACCELERATOR CARD A series of two	2492390C	10.07.08 26.06.09	36	Financial services; credit card, debit card, charge card, cash card and bank card services; banking services; mortgage services; monetary transfer; payment services; automated banking services; bill payment services; payment and credit services; account debiting services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financial consultation services; financial analysis and providing reports; financial information services; financial advisory services; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; travellers cheque services; providing loans and savings accounts services; providing savings bonds; managing saving and investments for others; providing savings accounts and services on-line; information services relating to credit, credit card services, mortgages, banking and finance; advisory, consultancy and information services relating to all of the aforesaid services; information services relating to credit, credit card services, mortgages, banking and finance.
RBS ROYAL PREFERRED BANKING	2494252	01.08.08 26.12.08	36	Financial services; banking services; investment banking services; merchant banking services; monetary transfer; payment services; automated banking services; private banking services; home banking; Internet banking; mobile phone banking services; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; arranging of loans; investment management; administration of investment funds; safe deposit services; bankers' clearing services; account debiting services; escrow services; cheque

				<p>encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); services of stockbrokers; brokerage in stocks and bonds and on the commodity futures market; share registration services; arbitrage (forex arbitrage) and trading in forward exchange rates; issue of bonds, warrants and documentary credits; discounting, drawing, negotiating, accepting, guaranteeing and endorsing of bills; trading in gold bars for third parties; financial consultation services; restructuring of debts; funds flow management and consultancy; financing of forward commodities; trading in forward transactions, in options and in fixed interest securities; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; financial valuation services; fiduciary services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index futures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities; providing stock market information; life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; actuarial services; mortgage services; pension services; discount card services; issuing of tokens of value in relation to incentive schemes; sponsorship of sports, sports teams and sporting events; funds raising for charitable purposes; information relating to financial, banking, insurance, economic and investment services provided on-line (not downloadable); advisory, consultancy and information services relating to all of the aforesaid services.</p>
<p>RBS YOUR POINTS RBS Your Points RBS YOURPOINTS RBS YourPoints</p> <p>A series of four marks</p>	2523040	06.08.09 20.11.09	36	<p>Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers clearing services; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management</p>




				services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index futures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; advisory, consultancy and information services relating to all of the aforesaid services; financial information provided on-line from a computer database or from the Internet; information relating to financial, banking, insurance, economic and investment services provided on-line (not downloadable)
RBS PayAway-IP	2534386	15 .12.09 02.04.10	36	Financial services; banking services; electronic banking services; monetary transfer services; payment services; electronic funds transfer and payment services; payment clearing services; automated payment services; remittance services; automated transfer of funds; trade payments; bill payment services; credit services; credit card, debit card, charge card, cash card and bank card services; direct debit collections; cash management; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; financing of loans; financial investment services; financial management services; financial guarantees (surety services); financial analysis and providing reports; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; acceptance of deposits; discount of bills (notes); money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; information, advisory and consultancy services relating to all of the aforesaid, including the aforesaid services provided on-line.
RBS COMMERCIAL SENSE	2474172B	28.11.07 21.05.10	36	Financial services; banking services; monetary transfer; payment services; automated banking services; private banking services; home banking; Internet banking; mobile phone banking services; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services;

				<p>account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; advisory, consultancy and information services relating to all of the aforesaid services; but none of the aforementioned services relating to charitable fundraising services, charitable fundraising, charitable collections and provision of housing accommodation.</p>
RBS SENSE	2474172C	28.11.07 21.05.10	36	<p>Financial services; banking services; monetary transfer; payment services; automated banking services; private banking services; home banking; Internet banking; mobile phone banking services; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes);</p>


				domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index futures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; advisory, consultancy and information services relating to all of the aforesaid services; but none of the aforementioned services relating to charitable fundraising services, charitable fundraising, charitable collections and provision of housing accommodation.
RBS BUSINESS SENSE	2488621	28.05.08 21.05.10	36	Financial services; banking services; monetary transfer; payment services; automated banking services; private banking services; home banking; Internet banking; mobile phone banking services; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index futures, securities options, overseas market securities futures, underwriting securities, selling securities, offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; advisory,


				consultancy and information services relating to all of the aforesaid services; but none of the aforementioned services relating to charitable fundraising services, charitable, fundraising, charitable collections and provision of housing accommodation.
RBS FIRMSTART	2506331	14.01.09 18.12.09	36	Insurance; financial services; real estate agency services; building society services; banking; stockbroking; financial services provided via the Internet; issuing of tokens of value in relation to bonus and loyalty schemes; provision of financial information.
RBS AUTOPAY RBS AUTO PAY RBS AUTO-PAY RBS AutoPay A series of four	2394774B	21.06.05 19.01.07	36	Banking services; financial services; accounting debiting services; financial transaction authorisation; electronic funds transfer services and electronic payment services; financial electronic data exchange services; provision of data interchange services; bill payment services; all of the aforesaid provided on-line from a computer database or via the Internet or provided by other means; information services relating to all of the aforesaid services; all included in Class 36.
 RBS DIRECT TRADER	2425627A	27.06.06 27.11.09	36	Financial services; investment services; investment management and advisory services; savings plans; capital investment programmes; brokerage services; stockbroking services; financial and investment consultancy services; financial, investment and stock exchange information services.
RBS SECURE	2430228	18.08.06 09.03.07	36	Financial services; insurance services; financing of loans; provision of financial loans against security; financial investment services; capital investment services; trustee services; financial management services; brokerage of bonds and other securities; financial advice services; safe deposit services; financial guarantees; surety services; financial analysis and the provision of financial reports; financial information and financial research services; financing services; advice and enquiry services relating to the provision of credit; credit brokerage.
RBS HelpMe Mortgage	2509152B	19.02.09 07.08.09	36	Financial services; banking services; monetary transfer; payment services; automated banking services; private banking services; home banking; Internet banking; mobile phone banking services; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land


				fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index futures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; pension services; share registration services; sponsorship of sports, sports teams and sporting events; advisory, consultancy and information services relating to all of the aforesaid services.
RBS LIQUIDITY MANAGER	2513143A	06.04.09 13.11.09	36	Business, commercial and corporate bank account services.
RBS LIQUIDITY SELECT	2513143B	06.04.09 13.11.09	36	Business, commercial and corporate bank account services.
RBS ROYALTIES RBS ROYALTIES GOLD RBS ROYALTIES PREMIER A series of three	2399116B	11.08.05 11.08.06	36	Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; safe deposit services; bankers' clearing services; account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services; automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; financial services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; financial services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index futures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; discount card services; advisory, consultancy and information services relating to all of the aforesaid



				services.
	2433941	26.09.06 07.03.08	36	Online banking services, but not including such services relating to account reporting systems and cash management systems; credit card authorisation services; electronic funds transfer and payment services, namely collection, administration, clearing and payment of funds by electronic means; currency exchange services; financial risk management; financial services; insurance; monetary affairs.
RBS Coutts RBS COUTTS A series of two	2466277	07.09.07 23.05.08	36	Insurance; financial affairs; monetary affairs; real estate affairs; banking services; financial services; insurance services; banking services; investment services; mortgage services; pension services; retirement planning services; savings services; bank account services; current account services; mortgage services; automated banking services; electronic banking, brokerage and funds transfer services; cash dispensing services; cash card services; credit card services; debit card services; home banking; telephone banking; Internet banking; on-line banking; business banking services; foreign exchange services and foreign exchange transactions services, financial transaction relating to currency swaps, foreign monetary advisory service, provision of pricing information about money market rates; forecasting of foreign exchange rates; arranging and financing of loans; asset financing; brokerage of stocks, bonds and securities; credit services; business valuations; financial managements; financial forecasting and planning; profit and cash flow forecasting and planning; international banking services; issuing letters of credit; provision of financial guarantees; electronic payment transfer services; telegraphic payment transfer services; issuing and redemption of bank drafts; currency account and exchange services; collection of payment against shipping documents and bills of exchange; financial planning for retirement; financial advice and information; insurance advice and information; investment advice and information; mortgage advice and information; pensions advice and information; bank account information and information relating to bank accounts; financial services provided on-line from a computer database, computer network, global computer network or the Internet (including websites); information and advice relating to banking, finance, insurance, investment, mortgages, pensions and savings, provided on-line from a computer database, computer network, global computer network or the Internet; advisory, consultancy, information and helpline services relating to all the aforesaid services.
  A series of two marks	2466278	07.09.07 13.06.08	36	Insurance; financial affairs; monetary affairs; real estate affairs; banking services; financial services; insurance services; banking services; investment services; mortgage services; pension services; retirement planning services; savings services; bank account services; current account services; mortgage services; automated banking services; electronic banking, brokerage and funds transfer services; cash dispensing services; cash card services; credit card services; debit card services; home banking; telephone banking; Internet banking; on-line banking; business banking services; foreign exchange services and foreign exchange transactions services, financial transaction relating to currency swaps, foreign monetary advisory service, provision of pricing information about money market rates; forecasting of foreign exchange rates; arranging and financing of loans;

				asset financing; brokerage of stocks, bonds and securities; credit services; business valuations; financial managements; financial forecasting and planning; profit and cash flow forecasting and planning; international banking services; issuing letters of credit; provision of financial guarantees; electronic payment transfer services; telegraphic payment transfer services; issuing and redemption of bank drafts; currency account and exchange services; collection of payment against shipping documents and bills of exchange; financial planning for retirement; financial advice and information; insurance advice and information; investment advice and information; mortgage advice and information; pensions advice and information; bank account information and information relating to bank accounts; financial services provided on-line from a computer database, computer network, global computer network or the Internet (including websites); information and advice relating to banking, finance, insurance, investment, mortgages, pensions and savings, provided on-line from a computer database, computer network, global computer network or the Internet; advisory, consultancy, information and helpline services relating to all the aforesaid services.
RBS	*2004617	23.11.94 05.01.96	36	Banking services (financial); insurance services; financing of loans; provision of financial loans against security; financial investment services; capital investment services; trustee services; financial management services; brokerage of bonds and other securities; financial advice services; safe deposit services; financial guarantees, surety services; financial analysis and the provision of financial reports; financial information and financial research services; financing services; advice and enquiry services relating to the provision of credit; credit brokerage.
RBS	*CTM 5244561	02.11.04 04.06.07	36	Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of

				credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; information related to financial, banking, insurance, economic and investment services provided on-line (not downloadable); financial information provided on-line from a computer database or from the Internet; advisory, consultancy and information services relating to all of the aforesaid services.
RBS	*CTM 7457419	11.12.08 24.12.09	36	Share registration services.
RBS	*CTM 97469	01.04.96 23.03.98	36	Banking, financial and insurance services.
 <p>A series of two</p>	*2443803	16.01.07 28.12.07	36	Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services; automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; share registration services; information relating to financial, banking,

				insurance, economic and investment services provided on-line (not downloadable) advisory and information services relating to all of the aforesaid services; information to all the aforesaid services provided on-line from a computer database or from the Internet.
 A series of two	*2366760	21.01.05 25.06.14		Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; safe deposit services; bankers' clearing services; account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index futures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; share registration services; advisory, consultancy and information services relating to all of the aforesaid services.
 A series of two	*2443802	16.01.07 28.12.07	36	Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial

				<p>analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; share registration services; information relating to financial, banking, insurance, economic and investment services provided on-line (not downloadable) advisory, consultancy and information services relating to all of the aforesaid services; information to all the aforesaid services provided on line from a computer database or from the Internet.</p>
	*2472849	20.11.07 30.05.08	36	<p>Financial services; banking services; monetary transfer; payment services; automated banking services; private banking services; home banking; Internet banking; mobile phone banking services; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index</p>

				fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; share registration services; ` advisory, consultancy and information services relating to all of the aforesaid services.
 <p>A series of five</p>	*2404847	26.10.05 23.06.06	36	Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; Internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; share registration services; advisory, consultancy and information services relating to all of the aforesaid services.
	*2474175	20.11.07 11.07.08	36	Financial services; banking services; monetary transfer; payment services; automated banking services; private banking services; home banking; Internet banking; mobile phone banking services; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services,

				<p>automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; advisory, consultancy and information services relating to all of the aforesaid services.</p>
RBS BANK	CTM 5255071	11.08.06 02.08.07	36	<p>Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers clearing services; account debiting services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index</p>

				<p>fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; advisory, consultancy and information services relating to all of the aforesaid services; financial information provided on-line from a computer database or from the Internet; information relating to financial, banking, insurance, economic and investment services provided on-line (not downloadable).</p>
RBS BANKLINE	CTM 5519798	15.11.06 22.10.09	36	<p>Financial services; banking services; monetary transfer; payment services; automated banking services; home banking; internet banking; savings services; bill payment services; payment and credit services; credit card, debit card, charge card, cash card and bank card services; cash management; investment management; safe deposit services; bankers' clearing services; account debiting services; personnel (payroll) services; escrow services; cheque encashment services; credit brokerage; automatic cash dispensing services, automatic teller machine services; insurance services; financing of loans; loans (financial) against security; financial investment services; capital investment services; trustee services; financial management services; brokers and agents (for bonds and other securities); financial consultation services; investment advice; financial guarantees (surety services); financial analysis and providing reports; financial information services; financial research services; financing services (securing funds for others); financial advisory services; services for the provision and purchase of financial and/or credit information; administration of financial affairs; computerised financial services; advice and enquiries regarding credit; services for the provision of credit; acceptance of deposits; discount of bills (notes); domestic remittance, liability guarantee, acceptance of bills, lending securities, acquisition and transfer of monetary claims; trustee services; trusteeship of money; futures contracts; securities, monetary claims, personal property, land, land fixture surface rights and land leasing rights; money exchange, foreign exchange transactions, currency exchange services, travellers cheque services; letter of credit-related business, securities trading, index fixtures, securities options, overseas market securities futures, underwriting securities, selling securities, handling subscriptions and offerings of securities, providing stock market information, life insurance brokerage, life insurance underwriting, agencies for non-life insurance, claim adjustment for non-life insurance, non-life insurance underwriting, insurance actuarial services; mortgage services; sponsorship of sports, sports teams and sporting events; share registration services; information relating to financial, banking, insurance, economic and investment services provided on-line (not downloadable); financial information provided on-line from a computer database or from the Internet; advisory, consultancy and information services relating to all of the aforesaid services.</p>

* denotes registrations relied upon for Section 5(3) on both cases

b) The opponent states that it owns a large number of subsidiary companies including, inter alia, National Westminster Bank plc, Ulster Bank plc, Direct Line Insurance, Churchill Insurance Company Ltd, Dixon Motors Ltd and Tracker Network (UK) Ltd. The opponent states that it is the owner of the trade mark RBS and a large family of trade marks which contain the mark RBS. It states that its marks consist of the initials RBS on its own or in combination with a device or secondary word element. It states that in all its marks the initials RBS retain an independent distinctive role within the mark as a whole. The opponent states that it is common for the first letter of a mark to be “dropped” or misheard; and that the mark in suit would be pronounced with a break between the letter “K” and the rest of the mark. The opponent contends that the mark in suit is very similar to its marks and that the services in Class 36 of the mark applied for are identical or similar to the services for which its marks are, inter alia, registered. The mark in suit therefore offends against Section 5(2)(b) of the Act.

c) The opponent contends that it has used its RBS mark since 1727 in relation to baking, financial, real estate and related services and that it enjoys significant reputation. The opponent contends that use of the mark in suit would take unfair advantage of, or cause detriment to, the distinctive character or the repute of the opponent’s mark. It contends that the mark in suit would ride on the coat tails of the opponent’s mark and would cause the average consumer to assume an economic connection between the two parties and as such the mark in suit offends against section 5(3) of the Act.

d) The opponent contends that it has extensively used the signs:

- (i) RBS
- (ii) RBS BANK
- (iii)



Use of the mark in suit would constitute misrepresentation, damage the opponent’s business and goodwill, and offend against section 5(4)(A) of the Act.

4) On 8 June 2012 and 4 October 2012 respectively Kent Reliance Building Society filed counterstatements denying all the grounds and also putting the opponent to strict proof of use and also proof of its contentions. On 7 February 2011 the applications were assigned to OneSavings Plc (hereinafter the applicant) and the necessary undertakings were provided. On 6 November 2012 the two cases were consolidated.

5) Both sides filed evidence. Both parties seek an award of costs in their favour. The matter came to be heard on 18 September 2013. At the hearing, the opponent was represented by Ms Shah of Messrs Murgatroyd & Company; whilst the applicant was represented by Mr Holah of Messrs Field Fisher Waterhouse LLP.

OPPONENT'S EVIDENCE

6) The opponent filed two witness statements, dated 31 August 2012 and 12 February 2013, both by Richard John Edward Curtin the Head of Intellectual Property RBS Group Legal of the Royal Bank of Scotland Group a position he has held since August 2004. He states that he is authorised to make the statement and that he has access to the opponent's records. He states:

"2. The company has, since its inception, continuously provided a full range of financial and banking related products and services throughout the UK and overseas."

7) He further comments that "currently" his company has more than 2000 branches throughout the UK and Ireland and has more than 15 million customers. He states that his company "spends substantial amounts annually advertising the company's name and its brands for banking and financial products and services". He points out that his company sponsors golf tournaments throughout the world, a rugby tournament in Europe (the Six Nations), since 2005, and until 2010 a formula one team (Williams). They have also sponsor the Edinburgh tattoo since 2003. He states:

"6. The marks RBS and KRBS are obviously similar as the former is wholly subsumed within the latter. "K" is not distinctive for financial services, as it is the common symbol for "contract".

7. The general public is so familiar with the RBS brand that the letter K in the applicant's mark would easily go unnoticed. When searching for RBS products, for example online, the letters RBS in KRBS jump out at the consumer. In fact, the first letter of a word or acronym is often "swallowed" rendering it inaudible. If it is noticed, it would be assumed to mean "contract".

8) Mr Curtin states that his company is frequently referred to as RBS in the press and he provides a list of mentions of his company as RBS in the Guardian newspaper at exhibit RJEC02 which shows an average of 760 mentions per year in the period 2007-2011. Those reports which are shown in brief refer to issues surrounding the deal with ABN-Amro, allegations of RBS involvement in Libor fixing, RBS taking over NHS assets under NHS franchising, the six nations rugby tournament and RBS being in the black after having been nationalised. The article on page 17 of the exhibit refers to US sub-prime loans and the difficulties involved in taking over the Dutch company ABN Amro. He comments that other newspapers and media also use the term RBS in relation to his company. He also points out that his company promote the use of RBS in its advertising in newspapers and on television and radio, trade journals, trade fairs, brochures, and sponsorship. He claims that as a result the term RBS is synonymous with his company. He states that his company has a large family of marks and that the mark in suit would be viewed as just another one in the family. He also provides the following figures for his company but does not state under which trade mark (the group owns several other

companies see paragraph 3b above), nor does he state the goods and services involved or whether these figures relate to the UK or global trading:

Year	Turnover £million
2006	28,002
2007	31,115
2008	23,631
2009	31,726
2010	29,629

APPLICANT'S EVIDENCE

9) The applicant filed a witness statement, dated 10 April 2013, by Zoe Bucknell the Chief Legal and Compliance Officer of the applicant company. She states that her statement comes from her own knowledge and also the records of the applicant. She states that in 1986 four Kent building societies merged to form the Kent Reliance Building Society which was referred to as KRBS. In 2011 the business was transferred to a new bank called OneSaving Bank plc. She also points out that the opponent is their corporate bank and sanctioned the change of name from Kent Reliance Building Society to Onesavings Bank plc TA krbs in 2011. She provides a number of exhibits which show use of the initials KRBS.

- ZB1: Shows first use of KRBS by a customer in June 1989.
- ZB2: Further use of KRBS by a customer in March 2000.
- ZB3: evidence of email domain name @krbs.co.uk in 1997.
- ZB4: Whois report shows that krbs.co.uk was registered prior to August 1996.
- ZB5: This shows a website www.krbs.co.uk launched in 1999 and registered in March 2000.
- ZB6: Evidence from 2001 relating to the use of illuminated signs on the Head Office building bearing the full name of the society and also the initials KRBS.
- ZB7: A copy of a newsletter dated 2002 sent out to members/customers of the building society which shows prominent use of the full name of the applicant, a shortened version "Kent Reliance" and also KRBS.
- ZB8: a photograph of a branch in Chatham in January 2011 (shortly after the relevant date) which shows the signage showing KRBS.
- ZB9-13: The applicant sponsored Gillingham Football Club during the period 2007-2011, they not only had the name on their shirts but also changed the name of their stadium to the KRBS Priestfield Stadium. The applicant also

sponsored Charlton Athletic Football club during 2009-2012, also Whitstable Town Football Club 2009-2010 and events at Kent Cricket club and their disability team. The exhibits show newspaper articles and photographs which reflect significant exposure of the “krbs” mark. At page 60 of this exhibit a newspaper article comments that the applicant had been named by KPMG as the “country’s most efficient building society”, it also states that the society has 126,000 savers each with an average balance of over £8,000.

OPPONENT’S EVIDENCE IN REPLY

10) The opponent filed a witness statement, dated 3 June 2013, by Jacqueline McKay the opponent’s Trade Mark Attorney. She provides mostly submissions on the applicant’s evidence which do not assist my decision. She provides the following exhibits:

- MC01: Articles from various newspapers and other publications where the applicant is referred to simply as “Kent Reliance”, all dated 2010 at the time of the injection of funds and the change of name. Ms McKay contends that this is the more natural shortened version of the applicant’s name.
- MC02: A BBC article dated 12 July 2010 which refers to the applicant as “Kent Reliance” and the opponent as “RBS”.
- MC03: Copies of pages from the applicant’s website dated from 2000 which show use of the applicant’s full name as well as the initials KRBS.

11) That concludes my summary of the evidence filed, insofar as I consider it necessary.

DECISION

12) At the hearing the opponent withdrew the ground of opposition under Section 5(4)(a). I first turn to the ground of opposition based on section 5(2)(b) which reads:

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

(a)

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

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

13) An “earlier trade mark” is defined in section 6, the relevant part of which states:

"6.-(1) In this Act an "earlier trade mark" means -

- (a) a registered trade mark, international trade mark (UK) or Community trade mark 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."

14) The opponent has pleaded a range of trade marks listed in paragraph 3 above. However, at the hearing it identified three marks which it stated provided it with its strongest case. These are CTM 5244561, UK 2443803 and UK 2441468B. These are all clearly earlier trade marks. Given the interplay between the dates on which the applications were published and the dates on which the opponent's registrations completed their registration procedure, the earlier trade marks are not subject to proof of use, as per section 6A of the Act.

15) When considering the issues under Section 5(2) and the likelihood of confusion, I take into account the guidance from the settled case law provided by the Court of Justice to the European Union (CJEU) in *Sabel BV v Puma AG* [1998] RPC 199, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc* [1999] RPC 117, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* [2000] F.S.R. 77 and *Marca Mode CV v Adidas AG & Adidas Benelux BV* [2000] E.T.M.R. 723, *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH* C-120/04 and *Shaker di L. Laudato & C. Sas v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)* C-334/05 P (LIMONCELLO). In the recent case of *La Chemise Lacoste SA v Baker Street Clothing Ltd* [ALLIGATOR O/333/10] Mr Hobbs QC acting as the Appointed Person set out the test shown below, by reference to the CJEU cases, which was endorsed by Arnold J. in *Och-Ziff Management Europe Ltd and Oz Management Lp v Och Capital LLP; Union Investment Management Ltd & Ochocki*, [2010] EWCH 2599 (Ch).

(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/ services in question; who is deemed to be reasonably well informed and reasonably circumspect and observant - but who rarely has the chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

(c) the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details;

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements; nevertheless, the overall impression conveyed to the public by a composite trade mark may, in certain circumstances, be dominated by one or more of its components;

(e) and beyond the usual case, where the overall impression created by a mark depends heavily on the dominant features of the mark, it is quite possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element in that mark;

(f) a lesser degree of similarity between the marks may be offset by a greater degree of similarity between the goods, and vice versa;

(g) there is a greater likelihood of confusion where the earlier trade mark has a highly distinctive character, either *per se* or because of the use that has been made of it;

(h) mere association, in the sense that the later mark brings the earlier mark to mind, is not sufficient;

(i) 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;

(j) if the association between the marks causes the public to wrongly believe that the respective goods or services come from the same or economically linked undertakings, there is a likelihood of confusion.

The average consumer and the nature of the purchasing process

16) I must now determine the average consumer for the services of the parties which are broadly banking, insurance and financial services. It was accepted at the hearing that both parties' services are aimed at both the general public and businesses. These types of services are not usually purchased in a hurry and most consumers, be they the general public or a business, will spend some time considering all aspects before making a decision. Such services are not regular purchases but are sought periodically. Purchasers are likely to consider their personal/business circumstances and financial position, the charges that will be levied, interest rates or benefits, and the accessibility of the services before they then enter into detailed discussions which will encompass such issues and usually involve considerable paperwork and/or contracts to be completed along with stringent identity checks. The visual and aural aspects of the respective marks are likely to be of equal importance. The purchasing act will normally



be reasonably well considered I do not believe that there would be any difference between the level of attention paid between the general public and businesses.

Comparison of goods

17) At the hearing the applicant accepted that the services applied for under both the applicant’s marks are identical or very similar to the services of the opponent’s marks CTM 5244561, 2441468B and 2443803.

Comparison of trade marks

18) The trade marks to be compared are as follows:

Applicant’s mark	Opponent’s mark
2553232 KRBS krbs A series of two marks	CTM 5244561 RBS 2441468B RBS TRADE
2565294 	2443803  A series of two marks

19) It is well established that the average consumer is considered to be reasonably well informed, circumspect and observant but perceives trade marks as wholes and does not pause to analyse their various details. In addition, he rarely has the chance to make direct comparisons between trade marks and must instead rely upon the imperfect picture of them he has kept in his mind. In reaching a conclusion on similarity, I must identify what I consider to be the distinctive and dominant elements of the respective trade marks and, with that conclusion in mind, I must go on and compare the respective trade marks from the visual, aural and conceptual perspectives.

Distinctive character of the opponent’s earlier trade mark

20) The opponent has not provided any evidence of use of its marks in relation to financial matters, banking etc only in relation to sponsorship of sporting events. The

turnover figures provided are in relation to the “group plc” and as such might include numerous other companies who do not trade under RBS. The opponent cannot therefore benefit from an enhanced reputation. However, to my mind the opponent’s marks are inherently distinctive for the services for which it is registered even though 2443803 includes a reference to its core activity (Bank) and its initial geographical location (Scotland) and 2441468B includes the word “trade” which may be seen as referring to businesses.

Distinctive and dominant components

21) Clearly in CTM 5244561 and 2441468B the distinctive and dominant elements are the initials RBS. However, the position regarding 2443803 is more difficult as it includes the full name of one of the opponent’s subsidiaries, a significant device element and also the initials relating to the full name. To my mind, the presence of the words “The Royal Bank of Scotland” clearly will impact upon how the average consumer views the initials RBS as their meaning is spelt out in full. When viewing the applicant’s marks the same is true of its 2565294 mark where the initials “krbs” are fully explained underneath by the words “kent reliance banking services”. I do not consider the “.com” element of this mark to be significant and believe that the average consumer will pay very little heed to this element. The applicant’s other mark, 2553232, consists of a series of two marks and is simply the initials “KRBS” in upper and lower case. In this mark the distinctiveness is in the whole of the mark.

Visual and Aural similarity

22) At the hearing the opponent contended:

“The Applicant’s UK Application No.2553232 is for the marks KRBS/krbs. UK Application no. 2565294, KRBS.COM KENT RELIANCE BANKING SERVICES, contains the acronym KRBS as the dominant and distinctive component of the mark. KRBS appears as the first part of the mark which we submit to be the most important element of the mark. It is in bigger in font size and stylised compared to the other words in the phrase, therefore, making it is the most striking and eye catching part of the Applicant’s mark.

The Opponent’s mark RBS is contained in its entirety in the Applicant’s mark KRBS. The only difference between the respective marks is in the first letter of the Applicant’s mark “K” which would easily go unnoticed by the average consumer. The accent and flow of pronunciation of KRBS is such that there would be a break between the letter “K” and the acronym RBS. It is very common for the first letter in an acronym to be dropped or misheard by the public especially when making financial transactions by telephone. In addition, due to the distinctive nature of RBS, listeners would immediately think of the Opponent when hearing or seeing KRBS.

In addition the letter “K” is not distinctive for financial services as it is common symbol for “contract”.

Therefore, visually and phonetically the respective marks are very similar when compared as a whole and also taking into consideration imperfect recollection.”

23) I find it curious that the opponent contends, in relation to the applicant’s 2565294 mark, that the first part of the mark is the most important, yet when discussing the applicant’s other mark they contend that the average consumer would ignore the first letter. At the hearing I asked the opponent if they could name any authority where it has been held that the first letter of a four letter mark would be ignored or swallowed. In my opinion, case law is universally against them. The opponent was unable to provide such an authority. Nor could the opponent explain why there would be a break in the pronunciation of the four letters “KRBS” between the first letter and the three subsequent letters. It is clear that the applicant’s marks include the letters “RBS” and therefore include the opponent’s mark CTM 5244561 in full, it includes in full the distinctive and dominant elements of 2441468B and also part of 2443803. However, in my opinion the presence of the letter “K” in front of the letters “RBS” means that the letters “RBS” do not retain their distinctive and dominant character, they are subsumed into a mark which alters the average consumer’s perspective of the mark completely. No evidence was adduced as to how the average consumer would view the letter “K”. I have never come across an instance of it being used to refer to a contract, although I accept it is used as shorthand for thousand. It was further suggested that the device element in the opponent’s 2443803 mark could be confused for a letter “K”. I reject this out of hand. To my mind, when comparing the applicant’s mark 2553232 to the opponent’s three marks, whilst there is a degree of visual and aural similarity, the differences outweigh the similarities. When comparing the applicant’s mark 2565294 to the opponent’s three marks the presence of the words “kent reliance banking services” completely outweigh any aspect of similarity.

Conceptual similarity

24) To my mind, the applicant’s mark 2553232 and the opponent’s marks CTM 5244561 and 2441468B have no conceptual meaning, consisting as they do of initials which convey no meaning, and a word “trade” which is effectively meaningless without further explanation. The applicant’s mark 2565294 and the opponent’s mark 2443803 contain words which explain what the initials mean and also provide a clear indication that both are in the banking business. No submissions on this topic were made at the hearing. I do not consider this aspect to be anything other than neutral.

Likelihood of confusion

25) I must now take all the above into account and consider the matter globally taking into account the interdependency principle- a lesser degree of similarity between trade marks may be offset by a greater degree of similarity between services and vice versa. The lack of evidence does not allow me to find the opponent to have a reputation in any

of the services for which it is registered, however the applicant has acknowledged that the services in question are either identical or highly similar. However, in my opinion the differences between the marks is such that even allowing for the concept of imperfect recollection, there is no likelihood of consumers being confused into believing that the services provided by the applicant are those of the opponent or provided by some undertaking linked to them. At best the average consumer will simply be reminded of the opponent's mark. **The opposition under Section 5(2) (b) therefore fails.**

26) I now turn to the other ground of opposition which is under Section 5(3) of the Act and reads:

“5-(3) A trade mark which –

(a) is identical with or similar to an earlier trade mark, shall not be registered if, or to the extent that, the earlier trade mark has a reputation in 3 the United Kingdom (or, in the case of a Community trade mark or international trade mark (EC) in the European Community) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.

27) The scope of the Section has been considered in a number of cases notably *General Motors Corp v Yplon SA (Chevy)* [1999] ETMR 122 and [2000] RPC 572, *Premier Brands UK Limited v Typhoon Europe Limited (Typhoon)* [2000] RPC 767, *Daimler Chrysler v Alavi (Merc)* [2001] RPC 42, C.A. *Sheimer (M) Sdn Bhd's TM Application (Visa)* [2000] RPC 484 *Valucci Designs Ltd v IPC Magazines (Loaded)* O/455/00 and, more recently *Mastercard International Inc and Hitachi Credit (UK) Plc* [2004] EWHC 1623 (Ch) and *Electrocoin Automatics Limited and Coinworld Limited and others* [2005] FSR 7. Guidance in relation to reputation under Section 5(3) has been set out in *General Motors Corporation v Yplon SA* in paragraphs 23 to 27. Paragraphs 26 & 27 indicate the standard that must be reached:-

“26. The degree of knowledge required must be considered to be reached when the earlier mark is known by a significant part of the public concerned by the products or services covered by that trade mark.

27. In examining whether this condition is fulfilled, the national court must take into consideration all the relevant facts of the case, in particular the market share held by the trade mark, the intensity, geographical extent and duration of its use, and the size of the investment made by the undertaking in promoting it.”

28) The onus is upon the opponent to prove that its earlier trade marks enjoy a reputation or public recognition and it needs to furnish the evidence to support this claim. The opponent has provided no examples of how it uses its marks other than in relation to the sponsorship of sporting events. The turnover figures provided are not specified to relate to the UK, and the evidence that the opponent is active elsewhere in the world is clear. The turnover figures are said to relate to the opponent which includes

a large number of companies, who clearly do not use the marks relied upon in this opposition and some of which are not involved in the same services as those for which the marks relied upon in this opposition are registered. I was asked to view the mentions of “RBS” in various articles as being determinative of reputation. However, a number of those mentions were in relation to the sponsorship of sporting events where the activities of the sponsor are not mentioned in the brief extracts provided. The number of branches and customers both relate to the “group plc” which includes a large number of other companies and also are after the relevant date. Whilst the latter point could still be taken into account if it was part of an overall narrative, the absence of any other evidence rules this out. Effectively the opponent was asking me to take judicial notice that it was well known, something that I am unwilling to do. If the opponent does not, for whatever reason, provide adequate evidence it must suffer the consequences. To my mind the opponent has failed to provide the evidence that its marks do enjoy such a reputation and so it falls at the first hurdle. **The opposition under Section 5(3) fails.**

29) In case I am wrong regarding the issue of reputation I shall go onto consider the issue of how the earlier trade marks would be affected by the registration of the later trade mark. The opponent contends that its marks are unique in that no-one else in the banking/financial sector use the initials RBS, and apart from the applicant’s use there is no evidence to the contrary. In *Inlima S.L’s* application [2000] RPC 61 Mr Simon Thorley QC, sitting as the Appointed Person, said:

“The word ‘similar’ is a relative term. One has to ask the question ‘similar for what purpose’. The question of similarity accordingly can only be answered within the context of a particular set of facts, once one has identified both the facts and the purpose for which similarity is required. In the case of section 5(3), the purpose of requiring similarity is so that the possibility of detriment or unfair advantage might arise. In any particular case, a conclusion as to whether it does arise must depend not only upon the degree of similarity but on all the other factors of the case, not least, the extent of the reputation. I therefore conclude that the same global appreciation as is required for confusion under section 5(2) is likewise to be applied to the changed circumstances of section 5(3).”

30) More recently this matter was considered by Mr Daniel Alexander Q.C. sitting as the Appointed Person in B/L O/307/10 where he stated:

“37. The Decision in this case was handed down on 18th May 2009. On 18th June 2009, the ECJ handed down judgment in *L’Oréal v. Bellure*, Case C-487/07 in which it gave guidance on the proper approach to interpretation of Article 5(2) of the First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L 40, p. 1), (the “Trade Marks Directive”).

38. The ECJ said the following as regards Article 5(2) of the Trade Marks Directive and the requirement to show detriment or unfair advantage.”

"40. As regards detriment to the repute of the mark, also referred to as 'tarnishment' or 'degradation', such detriment is caused when the goods or services for which the identical or similar sign is used by the third party may be perceived by the public in such a way that the trade mark's power of attraction is reduced. The likelihood of such detriment may arise in particular from the fact that the goods or services offered by the third party possess a characteristic or a quality which is liable to have a negative impact on the image of the mark.

41 As regards the concept of 'taking unfair advantage of the distinctive character or the repute of the trade mark', also referred to as 'parasitism' or 'free-riding', that concept relates not to the detriment caused to the mark but to the advantage taken by the third party as a result of the use of the identical or similar sign. It covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coattails of the mark with a reputation.

42 Just one of those three types of injury suffices for Article 5(2) of Directive 89/104 to apply (see, to that effect, Intel Corporation, paragraph 28).

43 It follows that an advantage taken by a third party of the distinctive character or the repute of the mark may be unfair, even if the use of the identical or similar sign is not detrimental either to the distinctive character or to the repute of the mark or, more generally, to its proprietor.

44 In order to determine whether the use of a sign takes unfair advantage of the distinctive character or the repute of the mark, it is necessary to undertake a global assessment, taking into account all factors relevant to the circumstances of the case, which include the strength of the mark's reputation and the degree of distinctive character of the mark, the degree of similarity between the marks at issue and the nature and degree of proximity of the goods or services concerned. As regards the strength of the reputation and the degree of distinctive character of the mark, the Court has already held that, the stronger that mark's distinctive character and reputation are, the easier it will be to accept that detriment has been caused to it. It is also clear from the case-law that, the more immediately and strongly the mark is brought to mind by the sign, the greater the likelihood that the current or future use of the sign is taking, or will take, unfair advantage of the distinctive character or the repute of the mark or is, or will be, detrimental to them (see, to that effect, Intel Corporation, paragraphs 67 to 69).

45 In addition, it must be stated that any such global assessment may also take into account, where necessary, the fact that there is a likelihood of dilution or tarnishment of the mark.

46 In the present case, it is a matter of agreement that Malaika and Starion use packaging and bottles similar to the marks with a reputation registered by L'Oréal and Others in order to market perfumes which constitute 'downmarket' imitations of the luxury fragrances for which those marks are registered and used.

47 In that regard, the referring court has held that there is a link between certain packaging used by Malaika and Starion, on the one hand, and certain marks relating to packaging and bottles belonging to L'Oréal and Others, on the other. In addition, it is apparent from the order for reference that that link confers a commercial advantage on the defendants in the main proceedings. It is also apparent from the order for reference that the similarity between those marks and the products marketed by Malaika and Starion was created intentionally in order to create an association in the mind of the public between fine fragrances and their imitations, with the aim of facilitating the marketing of those imitations.

48 In the general assessment which the referring court will have to undertake in order to determine whether, in those circumstances, it can be held that unfair advantage is being taken of the distinctive character or the repute of the mark, that court will, in particular, have to take account of the fact that the use of packaging and bottles similar to those of the fragrances that are being imitated is intended to take advantage, for promotional purposes, of the distinctive character and the repute of the marks under which those fragrances are marketed.

49 In that regard, where a third party attempts, through the use of a sign similar to a mark with a reputation, to ride on the coat-tails of that mark in order to benefit from its power of attraction, its reputation and its prestige, and to exploit, without paying any financial compensation and without being required to make efforts of his own in that regard, the marketing effort expended by the proprietor of that mark in order to create and maintain the image of that mark, the advantage resulting from such use must be considered to be an advantage that has been unfairly taken of the distinctive character or the repute of that mark.

50 In the light of the above, the answer to the fifth question is that Article 5(2) of Directive 89/104 must be interpreted as meaning that the taking of unfair advantage of the distinctive character or the repute of a mark, within the meaning of that provision, does not require that there be a likelihood of confusion or a likelihood of detriment to the distinctive character or the repute of the mark or, more generally, to its proprietor. The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an advantage taken unfairly by that third party of the distinctive character or the repute of the mark where that party seeks by that use to ride on the coat-tails of the mark with a reputation in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image."

31) It is accepted in the instant case that the services of the two parties are identical or very similar. I also found that the opponent's marks are inherently distinctive for the services for which they are registered. I also found that, when comparing the marks of the two parties the differences between the marks was such that overall they are quite dissimilar, and will not create the link that is required. Adopting the composite approach advocated, the conclusions that I have set out above naturally lead me to the view that there is no advantage for the applicants to derive. As far as detriment is concerned, the opponent suggested that this would subsist in a reduction in the distinctiveness of their marks. I do not

consider that registration of the applicant's marks could have an impact in this respect, be it to the distinctiveness of the earlier marks or the reputation they enjoy. Nor do I consider that the applicant is seeking to take unfair advantage by riding on the coat tails of the opponent. **The opposition under Section 5(3) therefore fails.**

CONCLUSION

32) The opponent has failed in its opposition under Section 5(2)(b) and 5(3).

COSTS

33) As the applicant has been successful it is entitled to a contribution towards its costs.

Preparing a statement and considering the other side's statement	£200
Preparing evidence and considering and commenting on the other side's evidence	£500
Preparing for and attending a hearing	£1,400
TOTAL	£2,100

34) I order The Royal Bank of Scotland Group plc to pay OneSavings Bank plc the sum of £2,100. This sum to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 1st day of October 2013

**George W Salthouse
For the Registrar,
the Comptroller-General**