

O-024-17

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. 3018092
BY CityPay LIMITED TO REGISTER THE TRADE MARK**

citypay

IN CLASS 9

**AND IN THE MATTER OF OPPOSITION THERETO UNDER NO. 401447
BY CITIBANK, N.A. AND CITIGROUP, INC. (JOINTLY)**

Background and pleadings

1) CityPay Limited (“the applicant”) applied to register the mark 3018092 “citypay” in the UK on 14 August 2013. It was accepted and published in the Trade Marks Journal on 27 September 2013. The goods covered by the application are:

Class 9: *Software and application software for facilitating, enabling and processing electronic payments and data transmission (including via mobile phones), processing of credit, credit card, debit card, purchasing card and electronic stored value card transactions, processing of real-time payments, processing of Internet or direct connect or computer network based transactions, processing of financial transactions, storing of transaction or payment related information, displaying information about financial accounts, sending and receiving electronic messages for the payment of products or services, processing electronic payment information through which payment transactions are conducted, management of financial transaction processes and for the security of payment transactions; software for processing money transfer services by mobile and electronic means; security and authentication software; software providing financial and banking solutions including foreign exchange and foreign exchange transaction services; CD ROMs and downloadable electronic publications containing information relating to financial payment services; computer databases; electronic apparatus and instruments for facilitating, enabling, transmitting and processing electronic payments and financial transactions and parts and fittings therefor.*

2) Citibank, N.A, and Citigroup, Inc. (“the opponents”) jointly oppose the mark on the basis of sections 5(2)(b), section 5(3) and section 5(4)(a) of the Trade Marks Act 1994 (“the Act”). In respect of the ground based upon section 5(2)(b), the opponents rely upon eleven earlier marks (a full list of which is provided in the annex to this decision) that include CITI, CITIPAY, CITIBANK, CITIGROUP and CITICORP. In the interests of procedural economy, I detail only the following two earlier EU marks at this stage:

| Mark and relevant dates | Relevant Specifications of goods |
|---|--|
| <p>EU 11087632</p> <p>CITIBANK</p> <p>Filing date: 1 August 2012</p> <p>Date of entry in register: 28 December 2012</p> | <p>Class 9: <i>Software; data processing equipment in relation to card transactions and payment processing; automated banking and cash machines; magnetic data carriers, namely bank cards, credit cards, stored value cards and other magnetically encoded smart cards; encoded electronic chip cards, namely bank cards, credit cards, stored value cards and other encoded electronic chip cards; encoded cards for use in point of sale transactions; smart cards; smart cards containing flash technology for use in point of sale transactions.</i></p> <p>Class 16: <i>Printed matter; books, booklets, ..., magazines, newsletters; periodical publications; manuals; ...; instructional and teaching material (except apparatus).</i></p> |
| <p>EU 10337061</p> <p>CITI</p> <p>Filing date: 13 October 2011</p> <p>Date of entry in register: 12 July 2012</p> | <p>Class 9: <i>Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; recording discs; Automatic vending machines and mechanisms for coin-operated apparatus; Cash registers, calculating machines; credit cards; debit cards; credit card terminals; card readers for credit cards and debit cards; computer software, financial computer software; applications for mobile devices relating to financial services and banking; Fire-extinguishing apparatus.</i></p> <p>NOTE: this specification reflects a partial surrender of</p> |

| | |
|--|--|
| | <p>goods actioned by the EU Intellectual Property Office on 21 October 2016.</p> <p>Class 16: ... <i>printed matter; ...; Instructional and teaching material (except apparatus); ...</i></p> |
|--|--|

3) The opponents claim that when compared to the earlier marks, the applicant's mark is in respect of a similar mark and in respect of identical or similar goods and services.

4) The opponents claim that the application is open to objection under section 5(3) of the Act because many of their earlier marks, including 2496512 CITI, enjoy a reputation in respect of all the goods and services listed in these earlier registrations. The opponents claim that because of the presence of the "city" element in the applicant's mark, use of it would result in the relevant public believing that there is a link or economic connection between the users of the marks. They claim unfair advantage will result from the applicant "riding on the coat-tails" of the earlier marks in order to benefit from the earlier marks' power of attraction. They also contend that use of the applicant's mark would be detrimental to the distinctive character of the earlier marks because it would harm the earlier marks' ability to identify the goods and services for which they are registered and used, as coming from the opponents.

5) The opponents also claim that, by virtue of the substantial reputation and goodwill in the UK identified by the signs CITI, CITIGROUP and CITIBANK, use of the applicant's mark will result in misrepresentation that its goods are those of the opponents, or associated or endorsed by them. It claims that this will damage the goodwill. If this is correct, it will amount to passing off and the application will be debarred from registration under section 5(4)(a) of the Act.

7) The applicant filed a counterstatement denying the claims made and, where necessary, putting the opponent to proof of use of its earlier marks.

8) Both sides filed evidence and the applicant provided written submissions in lieu of attendance at the hearing which was held, before me, on 2 November 2016. The

opponents were represented by Ms Lindsey Lane of Counsel, instructed by Cleveland.

Opponent's evidence

9) This takes the form of witness statements by the following individuals:

- (i) Magdalena Anna Ostrowska, paralegal at Cleveland, the opponents' representatives in these proceedings;
- (ii) Barton Hill, managing director and global head of marketing, treasury and trade solutions of Citibank, N.A.;
- (iii) Rebecca Fitzhugh, CitiDirect BE Global Product Manager and is employed by Citibank, N.A and she has access to the relevant company records of that company and that of Citigroup, Inc.;
- (iv) Eliza Deliyannides, managing director and global head of marketing of Citi Private Bank and is employed by Citibank, N.A. with access to the relevant company records of that company and of Citigroup Inc.;
- (v) James Mahn, managing director and global head of Citi Velocity and employed by Citigroup Global Markets Inc. (an indirect subsidiary of Citigroup Inc.) with access to the relevant company records of Citigroup Inc.;
- (vi) Peter Bates, head of marketing communications, EMEA, Global Public Affairs and is employed by Citibank, N.A. with access to the relevant company records of Citibank, N.A.;
- (vii) Ann Elaine Moses, associate general counsel in the O&T and IP Law Group within Citigroup, Inc.;
- (viii) Ala'A Saeed, global head of investor e-sales and global product head for Citi Velocity Trading, employed by Citibank, N.A. with access to the relevant company records of both opponents, and;
- (ix) Alison Louise Graham, head of UK customer franchise management, employed by Citibank Europe plc which is an indirect subsidiary of Citibank, N.A. with access to the relevant company records of both opponents.

10) The opponents have not submitted any evidence of use in the UK in respect of its earlier mark 2020719 CITIPAY. At the hearing, Ms Lane took EU11087632 CITIBANK and 2496512 CITI as exemplars of the opponents' earlier marks and also used the Class 9 specifications of these earlier marks when comparing the respective goods. I intend to do the same. As these earlier marks are not subject to the proof of use requirements set out in section 6A of the Act (because its filing date predated the publication of the challenged application by less than five years), I will summarise the evidence in such a way to provide a flavour of the reputation that these and other CITI marks enjoy in the UK.

11) It is clear from Mr Hill's evidence and others that the marks relied upon by the opponents are used by a complex network of subsidiary companies or publicly reported divisions of the opponents. It is not necessary that I detail these companies other than to state that there is no reason not to accept that such use constitutes use by the opponents or with their consent.

12) Based upon turnover, the opponents' CITI brand has been continuously ranked in the top 50 global brands in *Interbrand's* Best Global Brands report (see Ms Ostrowska's statement, paragraphs 2 – 7). In the first quarter of 2013, the opponents' global transactions part of the business had US\$13.5 trillion in assets under custody, held an average of US\$414 billion in deposits and customer liabilities and serviced 81% of *Fortune* Global 500 companies. Mr Hill, who provides evidence only in respect of the "global transactions" part of the opponents' business, states that this part of the opponents' business supported over 75,000 business clients globally.

13) In order to provide an insight into the perception of the opponents by the UK consumer, Mr Ostrowska provides an extract from the website of the UK consumer body, *Which*. This shows the results of a survey by an online panel of respondents from the general public conducted in May 2015 into the levels of customer service provided by UK banks. *Citibank* is ranked fourth.

14) At Exhibit BH2, Mr Hill provides an extract from the opponents' website detailing its history in the UK. It carries the following copyright notice: "© 2003 – 2016

Citigroup Inc.” The article indicates that the opponent has had a presence in the UK since 1902 and that, in 1984, it became the first foreign bank to join the UK clearing system. It is also stated that “[t]oday, Citi is the largest foreign bank operating in the United Kingdom, with around 8,000 employees, spanning a wide gamut of corporate, transactional, trading, retail and private banking services”.

15) Mr Hill states that prior to 2003, the opponents’ branding emphasis was on CITIBANK. After this, whilst CITIBANK continued to be used for some product names, CITIGROUP (and an umbrella device) became the main global brand for the opponent. In 2007 the umbrella device was no longer used but replaced with an arc device, as shown in the CITI mark below:



16) Mr Hill states that the opponents’ CITI and CITI-prefixed marks have all been used since at least 2005, but often earlier and appeared on the opponents’ website and their promotional materials. Mr Hill provides examples of use of the CITIBANK mark dating from 1997 to 2002.

Institutional Client Services

17) Ms Deliyannides states that the opponents’ business is broadly divided into their institutional client group and consumer banking and the business is organised on a regional basis. Ms Deliyannides’ evidence is intended to demonstrate that the opponents’ CITI and CITI-prefixed marks have been used for many years by the opponents’ institutional client group in the UK and that this has led to a significant reputation and goodwill.

18) Ms Deliyannides states that the opponents’ institutional client group includes Citi Private Bank, one of the world’s global private banks and serves more than 15,000 of the world’s most successful and influential individuals and families. It provides the

services of banking, cash management, lending, trust and wealth advisory services, investment and investment management strategies. The UK revenue figures are incorporated in the figures provided by Mr Bates and shown at paragraph 31 below.

19) Ms Deliyannides states that the services of Citi Private Bank have been provided in the UK under the following marks:

- CITIGROUP (and umbrella device) from 1999 until the rebranding exercise was complete in about 2008;
- CITI and CITI (and arc device) since at least the second quarter of 2007 and followed earlier uses of CITI in connection with asset management and fund services since 1999;
- CITIBANK first used at least as early as 1976 and has been used continuously since.

20) Ms Deliyannides provides information regarding the advertising of the opponents' services and this includes advertisements that appeared in national and London newspapers such as *The Economist*, the *Financial Times*, *Spears Wealth Management* magazine and *The Lawyer*. An advertisement published in *The Lawyer* with a 2008 copyright notice is provided at Exhibit ED4 and refers to Citi Private Bank. In the same exhibit, there is also a *Financial Times* articles from 2010 referring to CITI and CITIGROUP and a published roundtable discussion that included an attendee identified as being from CITI. It carries a 2010 copyright notice.

21) The opponents published a magazine entitled "CITI PRIVATE BANK The View" on a monthly basis and an example from January 2010 is provided at Exhibit ED6. The CITI (and arc device) mark appears on the front cover.

22) Ms Deliyannides also provides evidence of sponsorship activities and associated outdoor advertising relating to CITI PRIVATE BANK where advertisements were placed on 150 buses, 750 London underground escalator panels and a billboard in London (Exhibit ED9).

Global transaction services

23) Mr Hill provides evidence in respect of the Opponents' Global Transaction Services, a publicly reported division of the global transactions side of the business. Mr Hill provides the following UK revenue for this division (subject to a confidentiality order):

| Year | UK Revenue (US\$ '000) |
|------|------------------------|
| 2004 | ██████████ |
| 2005 | ██████████ |
| 2006 | ██████████ |
| 2007 | ██████████ |
| 2008 | ██████████ |
| 2009 | ██████████ |
| 2010 | ██████████ |
| 2011 | ██████████ |
| 2012 | ██████████ |
| 2013 | ██████████ |

24) At Exhibit BH7 and Exhibit BH8, Mr Hill provides representative examples of print advertisements from between 2008 and 2013 illustrating various marks such as CITIGROUP, CITI and CITI (and arc device). Examples of the opponents' promotional brochures are provided at Exhibit BH9. Products and services are shown under the marks *CitiDirect BE*, *CitiDirect*, CITI (plus arc device). Images from moving online advertisements are also provided at Exhibit BH10, Exhibit BH11 and Exhibits BH14 – BH16 showing the CITI (plus arc device mark).

25) A representative example of press releases from the period 2008 to 2013 is provided at Exhibit BH17 and includes examples of use of the mark CITI in respect of *Citi Prepaid Services* launching UK-based customer cash-back promotions in conjunction with *Samsung UK* in August 2011, *Bosch UK* in April 2011 and *Nikon UK* in January 2011. Further, there is a children services payment system in conjunction with *Westminster City Council* in December 2010, an allowances payment system in

conjunction with the *London Borough of Havering* in November 2010 and a fuel card incentive programme in conjunction with *Toyota (GB) Plc* in May 2011.

Financial information services and foreign exchange trading and information services

26) Mr Mahn provides information in respect of the opponents' use of its mark CITI VELOCITY when providing financial information services (in particular financial market research and data analytics) to institutional clients. Mr Mahn provides marketing materials illustrating use of the mark in 2010 and states that the CITI VELOCITY mobile application was launched in 2011. Screenshots from the CITI VELOCITY website and mobile applications are provided at Exhibit JM5.

27) Mr Mahn provides numbers of active users of the applications for the EMEA and this is about 21,000 in 2013 and he states that "the overwhelming majority of active users in the EMEA region are based in London. The CITI VELOCITY business has a dedicated 12 person sales team and, as of August 2013, 4 of this team were based in London. Mr Saeed provides the following figures relating to trades made through the app (that are subject to a confidentiality order):

| Year | UK business revenue (all clients) (in excess of \$ million) | UK business revenue (UK clients) (in excess of: \$ million)b | UK active users |
|-------------|--|---|------------------------|
| 2010 | ■ | ■ | n/a |
| 2011 | ■ | ■ | n/a |
| 2012 | ■ | ■ | ■ |
| 2013 | ■ | ■ | ■ |

28) Mr Mahn also states that the opponent's CITI and CITI (and arc device) marks have been used in respect of these services since 2011.

Securities and banking for Institutional clients

29) Mr Bates provides evidence in respect of the securities and banking part of the opponents' institutional business that he explains covers all institutional client business not covered by the opponents' global transactions division, namely Global Banking, Global Markets, Citi Capital Advisors and the Citi Private Bank. He explains that the nature of the business is "truly global" but that the UK market is very important. Mr Bates states that:

- CITIBANK was first used in the UK from at least 1976;
- CITIGROUP has been used in the UK since 1998;
- CITIGROUP (and umbrella device) has been used in the UK since 2003;
- CITI and CITI (and arc device) have been used in the UK since at least 2003.

30) The services provided by this part of the business are described by Mr Bates as financial advice and capital raising services and a full range of corporate banking solutions such as cash management, foreign exchange, trade finance, custody, clearing and loans, capital markets, derivatives and structured products.

31) Mr Saeed provides information regarding the foreign exchange trading and information services offered via the CITI VELOCITY application. He states that the opponent has provided foreign exchange services in the UK for many decades and are currently provided under the CITI VELOCITY and CITIFX PULSE marks. In addition, Mr Saeed states that other marks have also been used in the UK, including:

- CITI: since at least as early as 2003;
- CITI (and arc device): since at least as early as 2007;

32) He also states that the CITI Foreign Exchange Rates mobile app was launched in October 2009 and was available until around the end of 2014. This was an information streaming service only. Exhibit AS1 consists of screenshots from the app showing the CITI (and arc device) appearing prominently. No download figures are

provided for the UK but they were in the range of 4,400 to 17,000 per year for Europe as a whole.

33) Very substantial global and EMEA revenue figures are provided by Mr Mahn for the years 2005 to 2013 and UK revenue in respect of many of the opponents' activities were as follows (the revenue from the London branch of Citibank is not included):

| Year | Revenue (£ million) |
|-------------|----------------------------|
| 2008 | 2,814 |
| 2009 | 6,604 |
| 2010 | 4,108 |
| 2011 | 3,595 |
| 2012 | 3,330 |
| 2013 | 3,305 |

34) Very substantial UK marketing expenditure (subject to a confidentiality order) is also provided. Examples of promotional material from 2012 show CITI (and arc device) used widely and are provided at Exhibits PB3 to PB6 and from 2013 at Exhibits PB7 to PB9. Mr Bates also states that the opponents organise sales and marketing events in the form of road shows and that the number of these has risen from 17 in 2008 to 92 in 2013.

35) Mr Bates states that the opponents produce numerous brochures, casebooks and promotional magazines every year and he provides examples of these at Exhibits PB14 to PB17 showing use of the CITI (and arc device) mark and sometimes the CITI mark.

Consumer banking

36) Ms Graham provides information regarding use of the opponents' CITI and CITI-prefixed marks, namely CITIBANK and CITIGROUP that are used in the UK by the consumer banking business. She states that the marks (identified in para 29 above)

and others have been used in respect of consumer banking services since at least 1976. Ms Graham states that whilst the opponents have been reducing the scale of its consumer banking services in the UK since the financial downturn of 2008 it continues to offer these services on a significant level with a focus on wealth management.

37) Ms Graham provides revenue figures in respect of the opponents' UK consumer bank business. Figures are provided for every year between 1994 and 2013 and the last five years are shown below (subject to a confidentiality order):

| Year | Revenue (£ millions) | Advertising Spend (£ millions) |
|-------------|-----------------------------|---------------------------------------|
| 2009 | ■ | ■ |
| 2010 | ■ | ■ |
| 2011 | ■ | ■ |
| 2012 | ■ | ■ |
| 2013 | ■ | ■ |

38) Ms Graham provides evidence in respect of a personal loans service called CITIFINANCIAL. Ms Graham states that these services were also marketed under the marks CITI and CITI (and arc device) and promotional material from 2003 and 2005 is provided at Exhibit ALG3. It closed to new business in June 2008, but the services continued to be offered up to 2013. Mortgage accounts numbered over 3,300 in 2008 and gradually reduced so that, by 2013, there was only 59 accounts remaining.

39) Ms Graham provides evidence in respect of the opponent's credit card division called CITI CARD. Since 1994, the opponent has offered credit cards initially branded as CITIBANK. Other cards included;

- a CITI branded card in 2004;
- a co-branded CITI and *Shell* card launched in July 2007;
- a co-branded CITI and *Easyjet* card launched in October 2007;

- a co-branded CITI and *BMIBaby* card launched in April 2006;
- a co-branded CITI and *Audi* card launched in July 2005;
- a co-branded CITI and *American Airlines AAdvantage* card launched in October 2007.

40) By the time these credit card services were divested in 2008, the opponent had nearly 3 million open accounts (but included over 2 million from the *Egg* credit card portfolio acquired in 2007 and it is not made clear whether these remained branded as *Egg*).

41) Ms Graham also provides evidence in respect of personal banking services and, as of August 2013, it included CITI INTERNATIONAL PERSONAL BANK offering offshore banking services from Jersey (for UK customers) or London (for other EMEA customers). It has around [REDACTED] primary clients.

42) Ms Graham states that as of August 2013 there were four retail banking branches in the UK that remain open. Exhibit ALG12 consists of photographs of three of these, all in London all featuring the CITI (and arc device) and CITIBANK marks.

43) Various examples of promotional material are provided at Exhibit ALG13 to ALG17 and Exhibit ALG19 with examples relating to a major brand promotion campaign in 2008 being provided at Exhibits ALG20 to ALG24. Ms Graham also provides information regarding a promotional campaign to celebrate the opponents 200 year anniversary.

44) Ms Fitzhugh provides evidence in respect of the online and mobile/tablet banking services offered predominantly under the CITIDIRECT mark and, since 2011, CITIDIRECT BE. A software application has been available under this mark since 2013 and at Exhibit RF2 there is a printout from the *Apple* app store showing the app available for download. Following various pilots, the first public release was in September 2013. She states that the mark was first used in the UK in 1997 and that business currently also uses the CITI and CITI (plus arc device) marks.

DECISION

45) Sections 5(2)(b) of the Act is as follows:

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

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

46) I adopt the same approach as Ms Lane adopted at the hearing and I will consider the position from the perspective of the opponents' earlier EU mark 11087632 CITIBANK and earlier UK mark 2496512 CITI.

Comparison of goods and services

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

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

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

- a) The respective users of the respective goods or services;
- b) The physical nature of the goods or acts of services

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

49) I have regard for the following guidance of the General Court (“the GC”) in *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05:

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

50) The applicant, in its written submissions, relies upon the guidance in *Avnet Incorporated v Isoact Limited* [1998] FSR 16, where Jacob J observed that a specification should be confined to the substance or core of the possible meanings attributable to the general phraseology. I also keep in mind the guidance of Floyd J. (as he then was) in *YouView TV Ltd v Total Ltd* ,[2012] EWHC 3158 (Ch), where he stated:

"... Trade mark registrations should not be allowed such a liberal interpretation that their limits become fuzzy and imprecise: see the observations of the CJEU in Case C-307/10 *The Chartered Institute of Patent Attorneys (Trademarks) (IP TRANSLATOR)* [2012] ETMR 42 at [47]-[49].

Nevertheless the principle should not be taken too far. Treat was decided the way it was because the ordinary and natural, or core, meaning of 'dessert sauce' did not include jam, or because the ordinary and natural description of jam was not 'a dessert sauce'. Each involved a straining of the relevant language, which is incorrect. Where words or phrases in their ordinary and natural meaning are apt to cover the category of goods in question, there is equally no justification for straining the language unnaturally so as to produce a narrow meaning which does not cover the goods in question."

51) The respective goods and services are as follows:

| Most relevant of the Opponents' goods | Applicant's goods |
|--|---|
| <p>EU11087632 CITIBANK ("the '632 mark")</p> <p>Class 9: <i>Software; data processing equipment in relation to card transactions and payment processing; automated banking and cash machines; magnetic data carriers, namely bank cards, credit cards, stored value cards and other magnetically encoded smart cards; encoded electronic chip cards, namely bank cards, credit cards, stored value cards and other encoded electronic chip cards; encoded cards for use in point of sale transactions; smart cards; smart cards containing flash technology for use in point of sale transactions.</i></p> <p>Class 16: <i>Printed matter; books, booklets, ..., magazines, newsletters; periodical publications; manuals; ...; instructional and teaching material (except apparatus).</i></p> <p>EU 10337061 CITI ("the '061 mark")</p> <p>Class 9: <i>Scientific, nautical, surveying,</i></p> | <p>Class 9: <i>Software and application software for facilitating, enabling and processing electronic payments and data transmission (including via mobile phones), processing of credit, credit card, debit card, purchasing card and electronic stored value card transactions, processing of real-time payments, processing of Internet or direct connect or computer network based transactions, processing of financial transactions, storing of transaction or payment related information, displaying information about financial accounts, sending and receiving electronic messages for the payment of products or services, processing electronic payment information through which payment transactions are conducted, management of financial transaction processes and for the security of payment transactions; software for processing money transfer services by mobile and electronic means; security and authentication software; software providing financial and banking solutions including foreign exchange and foreign exchange transaction services; CD ROMs and downloadable electronic publications containing information relating to financial payment services;</i></p> |

photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; recording discs; Automatic vending machines and mechanisms for coin-operated apparatus; Cash registers, calculating machines; credit cards; debit cards; credit card terminals; card readers for credit cards and debit cards; computer software, financial computer software; applications for mobile devices relating to financial services and banking; Fire-extinguishing apparatus.

Class 16: ... *printed matter; ...; Instructional and teaching material (except apparatus);*

computer databases; electronic apparatus and instruments for facilitating, enabling, transmitting and processing electronic payments and financial transactions and parts and fittings therefor.

52) In its written submissions, the applicant referred to the findings of the hearing officer in *Huntsworth plc v Citibank NA and Citigroup, Inc*, O-066-13, where limited scope of use was found and that use in respect of software was only incidental. I note this, but the comparison I am undertaking is based on two of the opponents' earlier marks that are not subject to the proof of use provisions. The consequence of this is that the opponents are entitled to rely upon the full breadth of goods listed in their specifications and it is not restricted by a narrower scope of use.

53) The applicant also provided a very detailed analysis of the similarity of the respective goods by reference to the current market positions of the parties. As Ms Lane submitted, this is not the correct basis for making a comparison of the parties' respective goods. Rather, it is necessary to consider the opponents' marks to have been used in relation to all the goods covered by the registered specifications (see *Roger Maier and Another v ASOS*, [2015] EWCA Civ 220, paragraph 78) and also to consider all the circumstances in which the applicant's mark might be used if it were registered (see the judgment of the CJEU in *O2 Holdings Limited, O2 (UK) Limited v*

Hutchison 3G UK Limited, Case C-533/06, paragraph 66). Therefore, I will continue my considerations on this basis.

54) It is permissible to group goods together for the purposes of assessing similarity (*Separode Trade Mark* BL O-399-10). With this in mind I begin by considering the similarity of the following group of goods in the applicant's specification with those of the opponents:

Software and application software for facilitating, enabling and processing electronic payments and data transmission (including via mobile phones), processing of credit, credit card, debit card, purchasing card and electronic stored value card transactions, processing of real-time payments, processing of Internet or direct connect or computer network based transactions, processing of financial transactions

55) All these terms are covered by the opponents' broad term *software* listed in their 632 mark and the terms *computer software, financial computer software* in their '061 mark. Applying the guidance in *Meric*, the respective goods are identical.

56) Next, I consider the following group of the applicant's goods:

Software and application software for ... storing of transaction or payment related information, displaying information about financial accounts, sending and receiving electronic messages for the payment of products or services, processing electronic payment information through which payment transactions are conducted, management of financial transaction processes and for the security of payment transactions; software for processing money transfer services by mobile and electronic means

57) Once again, these are all covered by the opponents' *software* (of the '632 registration) and *computer software, financial computer software* (of the '061 registration) and are, therefore, identical.

58) As with the previous of the applicant's goods, its *security and authentication software; software providing financial and banking solutions including foreign exchange and foreign exchange transaction services* is all covered by the opponents' *software* (of the '632 registration) and *computer software, financial computer software* (of the '061 registration) and are, therefore, identical.

59) In respect of the applicant's *CD ROMs and downloadable electronic publications containing information relating to financial payment services*, these are highly similar to the printed equivalents that are covered by the opponents' Class 16 terms *printed matter; books, booklets, magazines, newsletters; periodical publications; manuals; instructional and teaching material (except apparatus)* (covered by the '632 mark) and *printed matter; Instructional and teaching material (except apparatus)* (covered by the '061 mark). Their intended purpose and channels of trade will be identical and they may be in competition with each other.

60) The applicant's term *computer databases* includes databases used in the provision of financial services and as such there is a connection with various of the opponents' goods that are in the same field. However, merely being in the same field is insufficient reason to find similarity. Such databases are different in nature to all of the opponents' goods. Similarly their intended purpose is also different, but I acknowledge that some of the opponents' goods may incorporate or access databases, such as *automated banking and cash machines* (covered by the '632 mark) and *credit card terminals; card readers for credit cards and debit cards; computer software, financial computer software* (covered by the '061 mark). However, there is nothing before me to suggest that they would be in completion or even complementary in the sense "that one is indispensable or important for the use of the other in such a way that customers may think that the responsibility for those goods lies with the same undertaking" (in the sense expressed in *Canon* and explained further in *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06) Taking all of this into account, I find that there is a low to medium level of similarity.

61) Finally, the applicant's *electronic apparatus and instruments for facilitating, enabling, transmitting and processing electronic payments and financial transactions*

and parts and fittings therefor is a broad term that includes goods in the form of the opponents' *data processing equipment in relation to card transactions and payment processing* (covered by the '632 mark) and *credit card terminals; card readers for credit cards and debit cards* (covered in the '632 mark). I find that these respective terms include identical goods.

Comparison of marks

62) The respective marks are:

| Opponents' marks | Applicant's marks |
|----------------------|-------------------|
| CITIBANK CITI | citypay |

63) It is clear from the judgment of the CJEU in *Sabel BV v Puma AG*, Case C-251/95 (particularly paragraph 23) that the average consumer normally perceives a mark as a whole and does not proceed to analyse its various details. The same case also explains that the visual, aural and conceptual similarities of the marks must be assessed by reference to the overall impressions created by the marks, bearing in mind their distinctive and dominant components. The CJEU stated at paragraph 34 of its judgment in Case C-591/12P, *Bimbo SA v OHIM*, that:

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

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

65) First, I will consider the opponents' first mark, CITIBANK, and the applicant's mark "citypay". Whilst both marks are conjoined, they naturally divide into two elements, the first being CITY/citi and the second elements being "BANK" and "pay" respectively. In both cases the second element has a recognisable descriptive meaning in respect of the relevant goods and services and, as a consequence, they are both endowed with a lower level of distinctive character than the first element of the marks. As a result, it is the first element of each mark that is the dominant element. In respect of the opponents' second mark, CITI, it consists of only a single element and it is self-evident that this is the dominant and distinctive element.

66) I begin by considering the similarity of the applicant's mark to the opponents' CITIBANK mark. Visually, both parties' marks readily divide into two elements: CITI and BANK in the case of the opponents' mark and "city" and "pay" in the case of the applicant's mark. The first three letters are therefore the same. Both marks also share the letter "a" that appears in both marks' second elements. Factoring all of this into the overall impression created by the respective marks and the high level of similarity of the first and more dominant element of both marks, I find that they share a medium level of visual similarity. I note that the applicant submits that its mark is often stylised in use but I must undertake a notional analysis and this extends to considering the opponents' mark as registered and the applicant's mark as applied for and not how they may be currently used. Therefore, I dismiss any argument that in use, there are greater visual differences.

67) Aurally, both marks' first elements, CITI and "city" respectively, consist of the same two syllables SIT-EE. Their respective second elements consist of single syllables, but are different, but keeping in mind the relative dominance of the first element in both marks and the fact that they appear at the beginning of the respective marks, I conclude that they share a medium level of aural similarity.

68) Conceptually, both marks are likely to be perceived by the consumer as consisting of two elements, being CITI and BANK in the opponents' mark and CITY and PAY in the applicant's mark. The CITI element of the opponents' mark appears to be an invented word, but being phonetically identical and visually very similar to the word CITY, it is likely that they will convey the same conceptual message. The second elements of the marks create different concepts, but I note that both have a meaning in the field of finance. With these observations in mind, when the marks are viewed as a whole the opponents' mark has a suggestive meaning of "city bank". The applicant's mark is suggestive of "city payments", whatever that may be. When factoring these points into consideration of the respective marks as a whole, I find that they share a medium level of conceptual similarity.

69) In respect of the applicant's mark's similarity to the opponents' CITI mark, the first element of the applicant's mark is highly similar to the opponents' mark and whilst the addition of the word PAY to the applicant's mark introduces a point of difference, I conclude that the respective marks still share a low to medium level of visual similarity. The respective first two syllables CITI/CITY elements are aurally identical and whilst the applicant's mark also contains the third syllable PAY, I conclude that they share a medium level of aural similarity. Conceptually, as I have already noted, the CITI/CITY elements of the respective marks will be perceived as conveying the same impression. The second element of the applicant's mark is different to that in the opponents' mark but, similarly to my findings in the previous paragraph, it is a word that has an easily understood meaning in the field of finance. When factoring all these points into my considerations, I conclude that the respective marks share a medium of conceptual similarity.

Average consumer and the purchasing act

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

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

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

72) Once again, in its submissions, the applicant bases its considerations from the perspective of the actual activities of the parties and not from the perspective of the goods as listed in the respective specifications. I disagree with the conclusions reached by the applicant that the average consumer of the opponents' goods is “an institutional client” whereas the consumer for the applicant's goods is a small to medium sized business. This is not a conclusion that can be reached from a plain reading of the specifications. To illustrate the point, the application contains the term *software ... for facilitating, enabling and processing electronic payments*. This includes software that is used by financial institutions to process large volumes of electronic payments and also includes software for the users (both commercial and retail) to make individual payments. The opponents' broad term *software* and its term *financial computer software* cover identical goods and it follows that these too will include a wide range of average consumer from financial institutions to individual consumers of payment services.

73) In respect to other goods, such as the applicant's *electronic apparatus and instruments for facilitating, enabling, transmitting and processing electronic payments and financial transactions* and the opponents' *data processing equipment in relation to card transactions and payment processing* the market is likely to be financial institutions and commercial entities (both small and large) that take electronic payment for their products.

74) Therefore, the level of attention paid by the average consumer during the purchasing process in respect of the parties' goods will vary depending on the complexity of that process. In the case of software sold to financial institutions in order for them to run their payment systems, the purchasing process is likely to involve many meetings between the seller and purchaser and very likely an exercise in tailoring the software to the particular requirements of the institution. Here, the purchasing process will be protracted and highly considered. At the other end of the scale, the specifications also include software that may be purchased by ordinary retail consumers where the purchasing process is less considered and may involve no more than a browse of an "app store" to locate a suitable product. Here, the purchasing process will involve a normal level of care and attention.

Distinctive character of the earlier trade mark

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

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

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

chambers of commerce and industry or other trade and professional associations (see *Windsurfing Chiemsee*, paragraph 51).”

76) The mark CITIBANK consists of the misspelt word “city” and the word “bank”, the combination is suggestive of a city based bank and consequently is not endowed with the highest level of inherent distinctive character. Similarly, the mark CITI will be seen as suggestive of “city”. Consequently, I conclude that both marks are endowed with a medium level of inherent distinctive character. The opponents’ use of its CITIBANK mark decreased from 2003 but was still used in respect of some products and turnover (detailed in paragraph 37, above) remains in the hundreds of millions of pounds. However, there is little evidence of use, let alone reputation in respect of goods other than credit cards bearing the CITI mark. The remaining evidence focusses upon the opponents’ services (rather than goods) it provides to its institutional clients. Therefore, in respect of enhanced distinctive character resulting from use, in respect of the goods relied upon in the two earlier marks under consideration here, it is only in respect of credit cards where I find an enhanced level of distinctive character.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion.

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

(a) The likelihood of confusion must be appreciated globally, taking account of all relevant factors;

(b) the matter must be judged through the eyes of the average consumer of the goods or services in question, who is deemed to be reasonably well informed and reasonably circumspect and observant, but who rarely has the

chance to make direct comparisons between marks and must instead rely upon the imperfect picture of them he has kept in his mind, and whose attention varies according to the category of goods or services in question;

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

(d) the visual, aural and conceptual similarities of the marks must normally be assessed by reference to the overall impressions created by the marks bearing in mind their distinctive and dominant components, but it is only when all other components of a complex mark are negligible that it is permissible to make the comparison solely on the basis of the dominant elements;

(e) nevertheless, the overall impression conveyed to the public by a composite trade mark may be dominated by one or more of its components;

(f) however, it is also possible that in a particular case an element corresponding to an earlier trade mark may retain an independent distinctive role in a composite mark, without necessarily constituting a dominant element of that mark;

(g) a lesser degree of similarity between the goods or services may be offset by a great degree of similarity between the marks, and vice versa;

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

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

(j) the reputation of a mark does not give grounds for presuming a likelihood of confusion simply because of a likelihood of association in the strict sense;

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

78) I must adopt the global approach advocated by case law and take into account that marks are rarely recalled perfectly with the consumer relying instead on the imperfect picture of them he has in kept in his mind (*Lloyd Schuhfabrik Meyer & Co. GmbH v. Klijsen Handel B.V* paragraph 27). I must take into account all factors relevant to the circumstances of the case, in particular the interdependence between the similarity of the marks and that of the goods or services designated (*Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*).

79) I have found that that the applicant's mark and the opponents' CITIBANK mark share a medium level of aural, visual and conceptual similarity. In respect of the comparison of goods and services, I have found that the following of the applicant's goods are identical or highly similar to some of the opponents' goods:

Software and application software for facilitating, enabling and processing electronic payments and data transmission (including via mobile phones), processing of credit, credit card, debit card, purchasing card and electronic stored value card transactions, processing of real-time payments, processing of Internet or direct connect or computer network based transactions, processing of financial transactions, storing of transaction or payment related information, displaying information about financial accounts, sending and receiving electronic messages for the payment of products or services, processing electronic payment information through which payment transactions are conducted, management of financial transaction processes and for the security of payment transactions; software for processing money transfer services by mobile and electronic means; security and authentication software; software providing financial and banking solutions including foreign exchange and foreign exchange transaction services; CD ROMs and downloadable electronic publications containing information relating to financial payment services; ... electronic apparatus and instruments for

facilitating, enabling, transmitting and processing electronic payments and financial transactions and parts and fittings therefor.

80) I have also found that the purchasing process of the business to business type services will involve a reasonably high level of care and attention but that in respect of the goods and services aimed at individuals, the level of care and attention is normal. I also keep in mind that I have found that the opponents' mark is endowed with a medium of distinctive character.

81) The applicant submitted that there is a clear distinction between institutional consumers on the one hand and the consumers of the applicant's business on the other and the opponents' reputation is such that its products are only accessible only to institutional consumers and high net worth individuals. I dismiss this argument because such a distinction between consumers is not conveyed by an ordinary interpretation of the parties' goods as set out in the respective specifications. As I have commented earlier, I must consider the scope of the specifications of goods based upon a notional analysis of the terms listed and not based upon what goods the respective marks are actually used.

82) In its written submissions, the applicant also contended that the misspelling of the CITI element of the opponents' marks operate to distinguish them from the applicant's mark and to negate any possibility of confusion between the respective parties' businesses. I do not agree. As I noted when considering conceptual similarity, the CITI element of the opponent's marks, whilst being an invented word, is so close visually and phonetically identical to the word CITY, it is likely that they will convey the same conceptual meaning. As a result of this, it is my view that it is likely to be seen as a misspelling of the word CITY and therefore lends itself to being confused with the word CITY especially when imperfect recollection is taken into account.

83) It is my view that because the second element of both marks (being BANK and PAY respectively) are both descriptive words related to the parties' field of activities, even if the different words are noticed by the average consumer, they will still be led by the CITI/CITY elements of the respective marks into believing that the goods

provided under the marks originate from the same or linked undertaking. Therefore, as with my considerations in respect to CITIBANK/CITYPAY there is a likelihood of indirect confusion in respect of all the goods that I have found to be identical or highly similar.

84) In respect of my consideration of likelihood of confusion between CITI/CITYPAY, whilst the word PAY is meaningful in respect of the goods of the applicant, it is conjoined with the word CITY making a mark consisting of seven letters. The presence of the PAY element is not likely to go unnoticed by the average consumer. It is absent in the opponents' mark and, consequently, I find that there is no likelihood of direct confusion where one mark is mistaken for the other. However, because of the similarities that I have already identified between CITI and the CITY element of the applicant's mark, I find that the average consumer is likely to believe that goods provided under the respective marks are provided by the same or linked undertaking. The PAY element is likely to be perceived by the average consumer as some indication of what the applicant's goods do, and this will elevate the role of the CITY element within the mark. I also take account of the fact that I have found that all, except *computer databases*, of the applicant's goods are either identical or highly similar to the opponents' goods, that there are a range of average consumers and that the level of attention paid during the purchasing process can vary. Finally, I also take account of a medium level of distinctive character of the opponents' mark and that this is enhanced in respect of credit cards. I find that there is a likelihood of indirect confusion.

85) The outcome is less clear cut in respect of the applicant's *computer databases* where I have found only a low to medium level of similarity with the opponents' goods, however, keeping in mind that the term includes financial databases, on balance, it is my view that my finding extend also to these goods. There is a likelihood of indirect confusion.

86) If there is any difference in the considerations between CITI/CITYPAY and CITIBANK/CITIPAY is that in respect of the latter, there is a greater likelihood of direct confusion also. This will occur where, because of the descriptive nature of

BANK and PAY, they may be recalled less easily and the marks as a whole may be mistaken for each other.

87) In conclusion, I have found that the opposition based upon section 5(2)(b) of the Act is successful in its entirety.

88) The opponent also relied upon a claim to a family of marks. It claims that it has a family of marks all featuring CITI as the first part or prefix of the various marks relied upon. There was much discussion at the hearing as it was clear that they wished to rely upon a broader number of marks than specifically relied upon in their pleadings including some of which that are unregistered. It is only necessary for me to make passing comment. Insofar as the opponents relied upon the eleven earlier marks identified in its statement of case (including CITI, CITIPAY, CITIBANK, CITIGROUP and CITICORP), having consideration of all the opponents' evidence, it is clear that it demonstrates use of a family of marks. It is not necessary that I explore the detail of this here, but I note that the existence of such a family of marks serves only to further strengthen the opponents' case. However, in light of my findings, it is clear that the opponents could not have achieved greater success. In light of this, it is not necessary for me to consider this issue further.

Section 5(3) and section 5(4)(a)

89) In light of my findings in respect of the grounds based upon section 5(2)(b), it is not necessary for me to also consider these grounds.

COSTS

90) The opponent has been wholly successful and is entitled to a contribution towards its costs, according to the published scale in Tribunal Practice Notice 4/2007. I take account that both sides filed evidence, that the applicant provided written submissions in lieu of a hearing and that the opponent prepared for and attended a hearing. I award costs as follows:

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| Preparing statement and considering counterstatement | £300 |
|--|------|

| | |
|--------------------------------------|--------------|
| Opposition fee | £200 |
| Evidence | £800 |
| Considering other side's submissions | £300 |
| Preparing and attending hearing | £700 |
| Total: | £2300 |

91) I order CityPay Limited to pay Citibank, N.A. and Citigroup, jointly the sum of £2300 which, in the absence of an appeal, should be paid within 14 days of the expiry of the appeal period.

Dated this 24th day of January 2017




Mark Bryant
For the Registrar
The Comptroller-General


Annex – List of opponent's earlier marks

| Mark and relevant dates | Specification of goods and services |
|--------------------------------|---|
| 2020719 | Class 36: <i>Financial services, all being banking and credit card payment services.</i> |

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|---|--|
| <p>CITIPAY</p> <p>Filing date: 17 May 1995 Date of entry in register: 16 February 1996</p> | |
| <p>2350326A</p> <p>CITI</p> <p>Filing date: 2 December 2003 Date of entry in register: 14 July 2006</p> | <p>Class 36: <i>Financial services; banking services; credit and debit card services and credit and debit card customer loyalty and incentive programs; commercial and consumer lending and financing; real estate and mortgage brokerage; trust, estate, and fiduciary management, planning and consulting; investment and investment advisory and consulting; securities brokerage and trading services; facilitating secure financial transactions; insurance services; underwriting and sales of property, casualty and life insurance policies and annuity contracts.</i></p> |
| <p>2496512</p> <p>CITI</p> <p>Filing date: 2 September 2008 Date of entry in register: 26 December 2008</p> | <p>Class 9: <i>Computer software to allow users to perform personal banking, bill presentment and payment services; computer software for facilitating financial investment, trade execution and foreign exchange services; computer software and hardware for use in the banking and financial services industry; and computer software for allowing customers to transact banking and financial business.</i></p> <p>Class 35: <i>Promoting the goods and services of others through credit card and financial service customer loyalty, reward and redemption programmes; promoting the sale of credit card accounts through the administration of incentive award programmes; promoting the sale of financial accounts through the administration of incentive award programmes and credit card user loyalty and reward programmes, namely providing cash and other rebates for credit card use; marketing services in the fields of finance, insurance, and investments; monitoring consumer credit reports and providing an alert as to any changes therein; financial reward and incentive programmes to promote the opening and maintenance of financial products, including liability and consumer credit accounts.</i></p> |
| <p>1283067</p> <p>CITIBANK</p> <p>Filing date: 1 October 1986 Date of entry in register: 10 March 1989</p> | <p>Class 36: <i>Banking services (financial) included in Class 36.</i></p> |

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|---|--|
| <p>2508214 CITICORP Filing date: 9 February 2009 Date of entry in register: 15 May 2009</p> | <p>Class 35: Advertising; business management; business administration; office functions.</p> <p>Class 36: Insurance; financial affairs; monetary affairs; real estate affairs.</p> |
| <p>EU10337061 CITI Filing date: 13 October 2011 Date of entry in register: 12 July 2012</p> | <p>Class 9: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; Apparatus for recording, transmission or reproduction of sound or images; recording discs; Automatic vending machines and mechanisms for coin-operated apparatus; Cash registers, calculating machines; credit cards; debit cards; credit card terminals; card readers for credit cards and debit cards; computer software, financial computer software; applications for mobile devices relating to financial services and banking; Fire-extinguishing apparatus.</p> <p>Class 16: Paper, cardboard and goods made from these materials, not included in other classes; Printed matter; Book binding material; Photographs; Stationery; Adhesives for stationery or household purposes; Artists' materials; Paint brushes; Typewriters and office requisites (except furniture); Instructional and teaching material (except apparatus); Plastic materials for packaging (not included in other classes); Printers' type; Printing blocks.</p> <p>Class 35: Business management; Business administration; Office functions.</p> <p>Class 36: Insurance; Financial affairs; Monetary affairs; Real estate affairs.</p> <p>Class 38: Telecommunications.</p> |
| <p>EU867879 CITIGROUP Filing date: 6 July 1998 Date of entry in register: 31 May 2001</p> | <p>Class 36: A full range of insurance and financial services; banking services; credit card services; securities trading, consulting and underwriting services; investment services.</p> |

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|--|--|
| <p>EU5170170</p>  <p>Filing date: 23 February 1999 Date of entry in register: 9 November 2006</p> | <p>Class 9: <i>Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; recording discs; automatic vending machines and mechanisms for coin operated apparatus; credit cards; debit cards; credit card terminals; card readers for credit cards and debit cards; computer software, financial computer software; applications for mobile devices relating to financial services and banking, fire-extinguishing apparatus.</i></p> <p>Class 16: <i>Paper, cardboard and goods made from these materials (included in class 16); printed matter; bookbinding material, photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (included in class 16); playing cards; printers' type; printing blocks; publications.</i></p> <p>Class 36: <i>Insurance; financial affairs; monetary affairs; financial and insurance services; banking, investment and credit card services.</i></p> <p>Class 42: <i>Internet services and providing of information on global computer networks.</i></p> |
| <p>EU11087632</p> <p>CITIBANK</p> <p>Filing date: 1 August 2012 Date of entry in register: 28 December 2012</p> | <p>Class 9: <i>Software; data processing equipment in relation to card transactions and payment processing; automated banking and cash machines; magnetic data carriers, namely bank cards, credit cards, stored value cards and other magnetically encoded smart cards; encoded electronic chip cards, namely bank cards, credit cards, stored value cards and other encoded electronic chip cards; encoded cards for use in point of sale transactions; smart cards; smart cards containing flash technology for use in point of sale transactions.</i></p> <p>Class 16: <i>Printed matter; books, booklets, catalogues, magazines, newsletters; periodical publications; manuals; travellers' cheques, money orders, money drafts; cheques; stationery; writing instruments; files and folders; document wallets; instructional and teaching material (except</i></p> |

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| <p>EU179531 CITIBANK</p> <p>Filing date: 1 April 1996 Date of entry in register: 29 March 1999</p> | <p>apparatus).</p> <p>Class 36: <i>Insurance; financial affairs; monetary affairs; real estate affairs.</i></p> |
| <p>EU2293405</p>  <p>Filing date: 9 July 2001 Date of entry in register: 22 May 2003</p> | <p>Class 9: <i>Computer hardware and software used in connection with financial, banking, credit card investment and insurance services.</i></p> <p>Class 16: <i>Printed matter and publications on the subjects of finance, banking, credit cards, investing and insurance.</i></p> <p>Class 35: <i>Credit card customer loyalty and incentive programs; providing online retail shopping services.</i></p> <p>Class 36: <i>Financial services, namely, banking; credit card services; commercial and consumer lending and financing; real estate and mortgage brokerage; trust, estate, and fiduciary management, planning and consulting; investment and investment advisory and consulting; securities brokerage and trading services; facilitating secure financial transactions; and insurance services; namely underwriting, and sales of property, casualty and life insurance policies and annuity contracts.</i></p> <p>Class 38: <i>Providing access to financial services and financial information via remote computer and global computer network.</i></p> <p>Class 42: <i>Online and interactive news and information services provided via global computer network relating to financial news and information as well as general news and information regarding current events.</i></p> |