

O-423-18

TRADE MARKS ACT 1994

**IN THE MATTER OF APPLICATION NO. 3136405 BY FIDELITY NATIONAL
INFORMATION SERVICES, INC. TO REGISTER THE FOLLOWING TRADE
MARK**

FIS

IN CLASSES 9, 35, 36 AND 42

**AND IN THE MATTER OF OPPOSITION THERETO UNDER NO. 407955
BY BANCA IFIS S.P.A.**

BACKGROUND AND PLEADINGS

1) Fidelity National Information Services, Inc. (hereafter “the applicant”) applied to register trade mark no. 3136405 in respect of the mark FIS. The relevant details of the application are:

Filing date: 16 November 2015

Two partial priority claims with the same date: 27 May 2015

Publication date: 9 September 2016

Class 9: *Computer software used in financial transaction processing and verification, payment processing, funds transfer, billings, collections, credit card, debit card, and prepaid card processing all for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses; software for online, mobile and/or telephone banking all for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses; workflow software for handling payments and/or customer messages for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses; security and fraud prevention software for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses.*

Class 35: *Billing services and business outsourcing services; call centre services, namely, operation and management of telephone, email, and chat communications centres for others; business consulting; marketing consulting; advertising consulting; marketing; advertising; information technology outsourcing; business process re-engineering services; providing marketing materials relating to the operation and management of banks and other financial institutions; providing and administering consumer loyalty programs for others.*

Class 36: *Financial transaction processing and verification, payment processing, funds transfer, billing, collections, namely, debt collections, credit*

card, debit card, and prepaid card processing for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses; fraud reimbursement services in the field of credit card purchases, debit card purchases, checks, electronic payments, and electronic transfers for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses.

Class 42: *Computer software development, programming, and design; computer software and systems integration and conversion services; computer software consulting; computer software installation, updating, and maintenance; technical support services, namely, troubleshooting of computer software problems; information technology consulting; website design, maintenance, hosting, and consulting; application service provider, namely, hosting computer software applications of others; providing quality assurance services in the fields of banking and financial services and operations.*

2) Banca IFIS S.p.A. (hereafter “the opponent”) opposes the trade mark on the basis of section 5(2)(b) of the Trade Marks Act 1994 (“the Act”). The opposition is pleaded on the basis of the following earlier mark:

Mark and relevant dates	Goods and services relied upon
European Union Trade Mark (EUTM) no. 3559127 IFIS Filing date: 19 December 2003 Date completed registration procedure: 3 November 2005	Class 9: <i>Electronic cards, magnetic cards and automated payment systems; credit cards.</i> Class 36: <i>Insurance; Financial affairs; monetary affairs; Real estate affairs.</i>

3) The opponent’s registration has an earlier filing date than the applicant’s mark and is, therefore, an earlier mark within the meaning of section 6(1) of the Act. It completed its registration procedures more than five years before the publication of

the contested mark and, therefore, it is subject to the proof of use provisions set out in section 6A of the Act. The significance of this is that the opponent may only rely upon goods and services listed in the specifications and for which it has demonstrated genuine use.

4) The opponent claims that the respective marks are similar with the applicant's mark being wholly contained within the opponent's mark and the initial letter "I" of the opponent's mark is very weak in distinctive character because it donates "international", "interactive" and "intelligent". It also claims that all of the applicant's goods and services are either identical or similar to its goods and services and concludes that there is a likelihood of confusion.

5) The applicant filed a counterstatement denying the claims made and puts the opponent to proof of use of its mark. It claims that it has used its mark throughout the EU, including the UK, since 2006.

6) Both sides filed evidence. The opponent also filed written submissions that I not summarise, but I will keep in mind.

7) A Hearing took place on 25 May 2018 with the applicant represented by Charlotte Blyth of counsel, instructed by Lewis Silkin LLP and the opponent represented by Geoff Pritchard of counsel, instructed by Page White & Farrer.

Evidence

8) The opponent's evidence takes the form of two witness statements by Alberto Staccione, General Manager with the opponent. His evidence is focussed on providing proof of use of the opponent's mark.

9) The applicant's evidence takes the form of two witness statements. The first is by Steven Jennings, trade mark attorney acting for the applicant. This consists predominantly of a critique of the opponent's evidence that I will keep in mind when making my decision, but I will not detail it here. The second witness statement is by Richard Cooper, Vice President of Global Field Marketing in the applicant's

International Division. The purpose of his evidence is stated as being to show that the applicant has used its mark to the extent that it has become distinctive of its goods and services and that there is no risk of confusion with the opponent's mark.

10) For reasons that will become apparent and for reasons of procedural economy, it is not necessary that I detail the evidence of the parties.

DECISION

Proof of Use

11) The proof of use provisions are set out at Section 6A of the Act:

“Raising of relative grounds in opposition proceedings in case of non-use

6A. - (1) This section applies where -

(a) an application for registration of a trade mark has been published,

(b) there is an earlier trade mark of a kind falling within section 6(1)(a),
(b) or (ba) in relation to which the conditions set out in section 5(1), (2)
or (3) obtain, and

(c) the registration procedure for the earlier trade mark was completed
before the start of the period of five years ending with the date of
publication.

(2) In opposition proceedings, the registrar shall not refuse to register the
trade mark by reason of the earlier trade mark unless the use conditions are
met.

(3) The use conditions are met if -

(a) within the period of five years ending with the date of publication of the application the earlier trade mark has been put to genuine use in the United Kingdom by the proprietor or with his consent in relation to the goods or services for which it is registered, or

(b) the earlier trade mark has not been so used, but there are proper reasons for non- use.

(4) For these purposes -

(a) use of a trade mark includes use in a form differing in elements which do not alter the distinctive character of the mark in the form in which it was registered, and

(b) use in the United Kingdom includes affixing the trade mark to goods or to the packaging of goods in the United Kingdom solely for export purposes.

(5) In relation to a European Union trade mark or international trade mark (EC), any reference in subsection (3) or (4) to the United Kingdom shall be construed as a reference to the European Union.

(6) Where an earlier trade mark satisfies the use conditions in respect of some only of the goods or services for which it is registered, it shall be treated for the purposes of this section as if it were registered only in respect of those goods or services.”

12) Section 100 of the Act states that:

“100. If in any civil proceedings under this Act a question arises as to the use to which a registered trade mark has been put, it is for the proprietor to show what use has been made of it.”

13) At the hearing, the parties disagreed on whether there was any genuine use shown, whether use was an acceptable variant use of the earlier mark and what goods and services (if any) the mark had been used in respect of. The opponent claimed that whilst it predominantly provides business banking services, it also has provided evidence of retail banking activities. Whilst this is disputed by the applicant, for the purposes of my considerations and for reasons of procedural economy, I will proceed on the basis has shown use in respect to *Banking services* in Class 36. This term falls within the opponent's Class 36 terms *Financial affairs* and *monetary affairs*. This final point appears uncontentious because, at the hearing, Ms Blyth put forward a fall-back position that if use had been shown it should be characterised in the Class 36 specification as *business banking services*, but also accepted that if she was wrong in her contention that there was no persuasive evidence illustrating use in respect of *retail banking services*, then allowing a specification of *banking services* at large, did not take the opponent's case much further forward. This indicates to me that the applicant accepts that the term *banking services* are included within the original terms listed in the opponent's Class 36 specification.

14) I do not understand that the opponent's case to be that its use is broader than this, except in respect of one other issue. The opponent submitted that its evidence illustrated genuine use in respect of *cards* in Class 9. Ms Blythe submitted that there is no use shown. Whilst it was conceded that the opponent may issue cards, she contended that this is only to provide access to its services and not to maintain a trade in the cards themselves. Ms Blythe referred to the following support for such a proposition in the EUIPO Boards of Appeal Decision No. 1662/2011-5 CITIBANK, where it was stated:

“30. Although banking cards are issued by the banks to their clients as part of the financial services offered, the cards are not physically made or produced by the banks. Rather, they are subcontracted by the bank to specialized card manufacturers, whose trade mark generally also appears in tiny print at the top corner on the card (for instance, banking card manufacturers include Oberthur Card Systems internationally and GyD Iberica in Spain).

31. The evidence filed by the proprietor shows that the proprietor issues banking cards as part of its own financial services. However, the fact that the proprietor provides to its account holders the possibility of owning credit and debit cards bearing its trade mark does not amount to use of the bank's trade mark for data carriers, namely '*magnetic data carriers*', traditionally produced by IT companies. By analogy, banks also provide their clients with keys for their safes. The keys might also bear the trade mark of the bank, but they are made by a locksmith equipment provider and certainly not by the bank itself, and the bank would not be able to claim genuine use of its trade mark with respect to safes, keys or ironmongery products."

15) Whilst I am not bound by decisions of the EUIPO Board of Appeal, these comments chime with my own views. Mr Pritchard submitted that if I was to make such a finding then they should be written into the Class 36 specification. I note this and it is my view that adopting the term *banking services* for the purposes of considering a likelihood of confusion is consistent with use in the form of providing bank cards/credit card to customers with the purpose of providing access to such services.

Section 5(2)(b)

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

17) The following principles are gleaned from the decisions of the Court of Justice of the European Union ("the CJEU") in *Sabel BV v Puma AG*, Case C-251/95, *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc*, Case C-39/97, *Lloyd Schuhfabrik Meyer & Co GmbH v Klijsen Handel B.V.* Case C-342/97, *Marca Mode CV v Adidas*

AG & Adidas Benelux BV, Case C-425/98, Matratzen Concord GmbH v OHIM, Case C-3/03, Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH, Case C-120/04, Shaker di L. Laudato & C. Sas v OHIM, Case C-334/05P and Bimbo SA v OHIM, Case C-591/12P:

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

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

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

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

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

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

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

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

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

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

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

Comparison of goods and services

18) In the judgment of the 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”.

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

a) The respective 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.

20) The following guidance of the General Court in *Gérard Meric v Office for Harmonisation in the Internal Market*, Case T- 133/05 (“*Meric*”) is also relevant:

“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”.

21) The respective goods and services are:

Opponent’s specification	Applicant’s goods and services
Class 36: Banking services	Class 9: Computer software used in financial transaction processing and verification, payment processing, funds transfer, billings, collections, credit card, debit card, and prepaid card processing all for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses; software for online, mobile and/or telephone banking all for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses; workflow software for handling payments and/or customer messages for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses; security and fraud prevention software for banks, credit unions, savings institutions, lenders,

	<p><i>and other financial institutions and financial-services businesses.</i></p> <p>Class 35: <i>Billing services and business outsourcing services; call centre services, namely, operation and management of telephone, email, and chat communications centres for others; business consulting; marketing consulting; advertising consulting; marketing; advertising; information technology outsourcing; business process re-engineering services; providing marketing materials relating to the operation and management of banks and other financial institutions; providing and administering consumer loyalty programs for others.</i></p> <p>Class 36: <i>Financial transaction processing and verification, payment processing, funds transfer, billing, collections, namely, debt collections, credit card, debit card, and prepaid card processing for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses; fraud reimbursement services in the field of credit card purchases, debit card purchases, checks, electronic payments, and electronic transfers for banks, credit unions, savings institutions, lenders, and other financial institutions and financial-services businesses.</i></p> <p>Class 42: <i>Computer software development, programming, and design; computer software and systems integration and conversion services; computer software consulting; computer software installation, updating, and maintenance; technical support services, namely, troubleshooting of computer software problems; information technology consulting; website design, maintenance, hosting, and consulting; application service provider, namely, hosting computer software applications of others; providing quality assurance services in the fields of banking and financial services and operations.</i></p>
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22) For reasons of procedural economy, it is sufficient that I state that the applicant's *fraud reimbursement services* in Class 36 are provided as part of *banking services* and applying the guidance in *MERIC*, such services are identical to those of the opponent.

Comparison of marks

23) It is clear from *Sabel BV v. Puma AG* (particularly paragraph 23), Case C-251/95, 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.”

24) It would be wrong, therefore, to artificially dissect the trade 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.

25) The respective marks are:

Opponent's mark	Applicant's mark
IFIS	FIS

26) The opponent's earlier mark consists of the four letters "I", "F", "I" and "S" that combine to create what presents as an acronym. The distinctive character resides in its totality and the combination of these letters. The applicant's mark consists of the three letters "F", "I" and "S". Whilst pronounceable, they are unlikely to be perceived as a word, but rather, once again, they present as an acronym with its distinctive character residing in its totality.

27) Visually, the marks share similarity because the last three letters of the earlier mark coincide with the same three letters that make up the applicant's mark. They differ in that the opponent's mark consists of four letters and the applicant's mark consists of three letters. The additional letter present in the opponent's mark is the letter "I" and it appears at the front of the mark. This creates a point of difference that offsets the similarities to the degree that the visual similarity is medium.

28) Aurally, the opponent's mark will be perceived as an acronym and is likely to be pronounced either as the two syllables IF-ISS or as the four syllables EYE-EF-EYE-ES. Whilst the applicant's mark can be pronounced as the single syllable FISS, it is equally likely to be pronounced as the three syllables EF-EYE-ES. Therefore, the level of aural similarity between the respective marks will differ depending on which pronunciation for each mark will be adopted, as follows:

Opponent's mark	Applicant's mark	Aural similarity
EYE-EF-EYE-ES	FISS	Low
IFF-ISS	EF-EYE-ES	Low
EYE-EF-EYE-ES	EF-EYE-ES	Medium
IFF-ISS	FISS	Medium

29) Conceptually, both marks are likely to be perceived as acronyms and are endowed with no obvious meaning. Consequently, they are neither conceptually similar nor dissimilar.

Average consumer and the purchasing act

30) 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*.

31) 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.”

32) Many of the respective goods and services are specialist business to business products. The average consumer for such products is, therefore, a knowledgeable and experienced person. The products will often be relatively expensive to procure. Consequently, the level of care and attention during the purchasing process is likely to be enhanced to some degree, but not the highest level of care and attention. I also recognise that the opponent’s specification includes retail banking services where the average consumer may also include members of the general public, but even here, where the management and holding of the customers’ money is involved, the level of care and attention is likely to be enhanced to some degree.

Distinctive character of the earlier trade mark

33) 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).”

34) The opponent’s mark consists of the acronym IFIS. It has no obvious meaning and is therefore, endowed with a reasonable level of inherent distinctive character. There is no evidence that the opponent provides its services to customers in the UK and, consequently, I find that its mark’s distinctive character is not enhanced through use.

GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion

35) At the hearing, Mr Pritchard submitted that a comparison between the marks FIS and iFIS is justified because the opponent’s word mark provides protection for the mark presented in upper or lower case. I dismiss this approach because the changing of the letter “I” at the beginning of the mark to lower case changes the mark’s distinctive character. Such a change highlights the different status of the letter “I” in the mark giving it greater emphasis and potential meaning. Such a change in the distinctive character of the mark is such that iFIS is a different mark than that registered. I must therefore consider the respective marks without any one letter being emphasised.

36) I have found that:

- For the purposes of my considerations at least some of the services are identical;
- The respective marks are likely to both be perceived as acronyms where the distinctive character of both marks resides in their totality;
- The respective marks share a medium level of visual similarity
- They are neither similar nor dissimilar from a conceptual perspective;
- Aurally, both marks may be pronounced in different ways and the level of aural similarity differs accordingly, but the highpoint for the opponent is that

where the respective marks are pronounced as EYE-EF-EYE-ES and EF-EYE-ES respectively where they share a medium level of aural similarity;

- The average consumer of the respective goods and services is identified as being both business consumers and consumers drawn from the general public. In both cases the level of care and attention paid during the purchasing process is likely to be enhanced to some degree;
- The earlier mark has a reasonable level of inherent distinctive character that has not been shown to have been enhanced through use.

37) I keep all of this in mind and note that some findings lean towards a finding of a likelihood of confusion, such as the level of aural similarity, but that others lean away from such a finding, such as the degree of care paid during the purchasing act. The respective marks have visually and aurally distinct first letters with the opponent's mark beginning with the softly pronounced letter "F" and the applicant's mark with the harder sounding letter "I". There is guidance from the courts that informs me that, in some scenarios, differences at the beginning of a mark have greater impact than differences elsewhere (see *El Corte Inglés, SA v OHIM*, Cases T-183/02 and T-184/02). It is my view that this is the case here. The difference will not go unnoticed by the average consumer. From my experience as a member of the general public, consumers are familiar with acronyms with small differences being readily noticed and used to differentiate between them. In the current case, I have identified the average consumer as being both business consumers and consumers drawn from the general public. The former is likely to be even more greatly sensitive, than the latter, to small differences in acronyms in order to differentiate their meaning and/or origin.

38) I dismiss the opponent's submissions that the letter "I" at the start of its mark will be perceived as having a non-distinctive role because it will merely be understood by the average consumer as a reference to the internet, "international" or a number of other possible meanings. Presented in the way that it is, all in upper case letters, the first letter is not highlighted in any way to suggest that it has any role other than to play an integral part of the acronym and when presented in this way, it is not possible to isolate the letter and attach some non-distinctive meaning to it. When

viewed, as a whole, the mark is likely to be perceived as a distinctive acronym consisting of four letters and not as a letter with some non-distinctive meaning followed by a three-letter acronym.

39) Taking all of this into account, I conclude that the presence of the letter “I” at the beginning of the opponent’s mark is sufficient to create an overall impression that is such as to not go unnoticed by the average consumer. In this case the difference in the overall impressions of the respective marks is such that the opponent’s mark will be perceived as a four-letter acronym that even if it were to bring to mind the applicant’s mark (I do not consider this likely), such a bringing to mind is insufficient to lead to a likelihood of confusion.

40) If I was wrong regarding the assumptions I made regarding what list of services the opponent may rely upon for the purposes of these proceedings, it is clear from the final outcome that it would not have been affected if I had based my considerations on the full breadth of the opponent’s specifications.

41) In light of this finding, it is not necessary for me to consider the applicant’s defence that it has been trading since 2006 and that in this time, no confusion with the opponent’s mark has been apparent.

Summary

42) The opposition fails in its entirety.

Costs

43) The applicant has been successful and is entitled to a contribution towards its costs. Awards of costs are governed by Annex A of Tribunal Practice Notice (TPN) 2 of 2016. I award costs as follows:

Considering other side’s statement and preparing counterstatement	£300
Considering other side’s evidence and preparing own evidence	£800
Preparing for, and attending hearing	£700

Total:

£1800

44) I order Banca IFIS S.P.A. to pay to Fidelity National Information Services Inc. the sum of **£1800**. This sum is to be paid within fourteen days of the expiry of the appeal period or within fourteen days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 16th day of July 2018

Mark Bryant

For the Registrar

The Comptroller-General