

BL O/572/18

TRADE MARKS ACT 1994

IN THE MATTER OF TRADE MARK APPLICATION 3229877

BY

Which Menu Limited

TO REGISTER THE FOLLOWING TRADE MARK IN CLASS 35:



AND

OPPOSITION THERETO (NO. 410086) BY

Which?Limited

Background and pleadings

1. Which Menu Limited (the applicant) applied to register the trade mark:



in the UK on 09 May 2017. It was accepted and published in the Trade Marks Journal on 19 May 2017, in respect of:

Class 35: Advertising; business management; business administration; office functions

2. Which? Limited (the opponent) oppose the trade mark on the basis of Section 5(2)(b) of the Trade Marks Act 1994 (the Act). This is on the basis of three earlier UK Trade Marks and an EU Trade Mark, namely the following:

UK 2532716, filed on 26 November 2009 and registered on 18 June 2010, in classes 09, 16, 35, 41, 42, 45 for the mark **WHICH?**

UK 2432015, filed on 07 September 2006 and registered on 25 March 2007, in classes 16, 35, 41, 42 for the mark **WHICH**

UK 3134582, filed on 04 November 2015 and registered on 25 March 2016, in classes 09, 16, 35, 36, 38, 39, 41, 42, 43, 44, 45 for the mark:



EUTM 10605004, filed on 21 July 2012 and registered on 05 November 2012, in classes 09, 16, 35, 36, 38, 39, 41, 42, 43, 44, 45, for the mark:



A full list of the goods and services in all four of the opponent's earlier marks is set out in Annex at the end of this decision.

3. The opponent argues that its earlier marks essentially comprise the word 'WHICH', whilst the applicant's mark begins with the word 'WHICH' followed by the non-distinctive, descriptive word 'MENU'. They say that the marks are visually, aurally and conceptually similar and the services at issue are identical and similar. There is, they argue, a high likelihood of confusion on the part of the relevant public.
4. The earlier marks qualify as such by virtue of their respective filing dates. The opponent's earlier UK marks 2532716 and 2432015 were registered more than five years prior to the date of publication of the application and are therefore open to a request for proof of use by the applicant, as per Section 6A of the Act.
5. The applicant filed a counterstatement denying the claims made. It states that the marks are sufficiently different that there would be no likelihood of confusion on the part of the public. It argued that the opponent focusses only on the inclusion of the word 'WHICH' in the later mark, but makes no reference to the totality of that mark, the figurative elements in the mark, or the additional verbal elements 'menu' and 'Find Your Favourite Dish'. In respect of UK earlier marks 2532716 and 2432015, the applicant did not put the opponent to proof of use.
6. The applicant filed evidence on 03 April 2018, which comprised a witness statement from Sam Thomas, a director of the applicant company Which Menu Limited, and five exhibits. Mr Thomas's witness statement states that the applicant provides a mobile software application (app) allowing users of the app to provide details of their

menus, their restaurants and any offers or discounts available to customers. Exhibits, ST1-4 are prints of webpages that show how a customer would use the applicant's services, what the app looks like and what information will be displayed on the app. ST5 is an image of the applicant's mark.

7. The opponent responded with written submissions dated 11 May 2018, which state that the witness statement of Mr Thomas does not address any of the points made by the opponent with regard to the grounds of opposition. The witness statement merely provides some basic background information about the applicant's product. Mr Thomas does not appear, the opponent states, to reject the validity of the claims made by the opponent. It adds that none of the exhibits feature the mark under opposition. Finally, the opponent states that the word 'menu' in the applicant's mark is non-distinctive and the strapline 'FIND YOUR FAVOURITE DISH' is descriptive, leaving the word 'which' in the later mark, as the dominant element.
8. The opponent filed evidence comprising a witness statement from Robert James Hawley and exhibits RJH-01 and RJH-02. Mr Hawley is a trade mark attorney working for the opponent's representatives Groom Wilkes & Wright LLP. In his witness statement, Mr Hawley states that the applicant is using the applied for mark not just as a mobile software application that allows consumers to choose meals from a variety of menus, but also in a manner which allows users to compare restaurants by reading reviews posted on the TripAdvisor website. Exhibit RJH-01 comprises the terms and conditions for use of the app, from the applicant company website. Exhibit RJH-02 shows a reference, on the applicant's website, to TripAdvisor, which is suggested to be used as a tool to gain information about different restaurants and previous users experiences.
9. Neither side requested a hearing, but both sides filed written submissions in lieu, which will not be summarised further, but will be referred to as and where appropriate during this decision. Both sides seek an award of costs.
10. As no hearing was requested, this decision is taken following a careful perusal of the papers.

11. The applicant has been represented by McEntegart Legal Limited whilst the opponent has been represented by Groom Wilkes & Wright LLP.

Decision

Section 5(2)(b) of the Act

12. 5(2)(b) of the Act states:

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

(a) ...

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

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

13. 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.

The principles

(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.

14. I will begin by comparing the opponent's earlier UK mark 3134582. I will then consider whether the opponent has any better case based on its remaining three earlier marks.

Comparison of goods and services

15. The services applied for are 'Advertising; business management; business administration; office functions' in class 35.

16. As can be seen in the annex to this decision, in respect of UK 3134582, the earlier mark's specification in class 35 contains the terms 'Advertising; business management; business administration; office functions' (emboldened for ease of reference) which are identical to the services applied for.

Average consumer and the purchasing act

17. 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*.

18. 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.”

19. The average consumer of ‘advertising services’ will be both the general public, where the advertising involves services such as classified advertisements utilised in the buying and selling of items, and a professional consumer looking to engage the services of an advertising agency to provide advertising, marketing and promotional services and materials for that consumer. These services also involve the creative process behind the development of an advertising campaign. The professional consumer of such services will take time and care in the selection of a provider and will display a higher than normal degree of attention during that selection process. The general public will pay no more than the normal degree of attention.
20. The average consumer of ‘business management’, ‘business administration’ and ‘office functions’ services, will be a professional consumer engaged, or planning on engaging, in business activities, and requiring professional assistance. These services include business advice, business consultancy and the provision of office based services, secretarial services and facilities management services. The average consumer of these services will take more than a normal level of care over the selection of them.
21. The selection of these services will largely be visual by way of internet searching, use of brochures, or through research locally on the high street, or other media. Part of the selection process may be through word of mouth recommendations.
22. The provision of some of the services at issue is unlikely to be low cost. The costs involved in retaining business consultancy services or the development and delivery of an advertising campaign to promote an undertaking, are generally likely to be relatively high. The average consumer will therefore pay a slightly higher than normal degree of attention during the selection and purchase of these services. The costs involved with the take up of services such as classified advertisements, will not be

significant and that consumer will pay only an average level of attention in the selection of those services.

Comparison of marks

23. It is clear from *Sabel BV v. Puma AG* (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.”

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 trade marks are shown below:

Earlier trade mark: UK 3134582	Contested trade mark
 The logo for 'Which?' consists of the word 'Which?' in white, bold, sans-serif font, centered within a solid red square.	 The logo for 'which menu' features a circular icon on the left containing a stylized fork and knife. To the right of the icon, the words 'which menu' are written in a lowercase, sans-serif font, with 'which' in black and 'menu' in blue. Below this, the tagline 'FIND YOUR FAVOURITE DISH' is written in a smaller, black, uppercase font.

26. The opponent's mark is comprised of the word 'Which' followed by a question mark, placed upon a rectangular red background. The overall impression given by the opponent's mark is strongly dominated by the word 'Which?', with the red background playing a much lesser role.
27. The applicant's mark consists of the figurative image of a fork and knife, placed on what is likely to be perceived as a menu, alongside the words 'which menu' and 'FIND YOUR FAVOURITE DISH' in smaller lettering and placed directly beneath the larger verbal element 'which menu'.
28. Neither the figurative element of the fork and knife, or the larger verbal element 'which menu' exclusively dominates the mark. Both these elements play the more important role in the overall impression, and can be said to make roughly equal contribution, whereas the element 'FIND YOUR FAVOURITE DISH' plays a much weaker role on account of its size/position and its descriptive nature.

Visual similarity

29. Visually, the respective marks share the word 'which'.
30. The marks differ visually in the figurative design of a fork and knife, shown in silhouette placed upon a menu, in the applicant's mark, and in the verbal elements 'menu' and 'FIND YOUR FAVOURITE DISH' which are also present in the applicant's mark. The marks also differ in aspects which have a lesser impact overall, such as the use of the colour blue in the word 'menu' in the later mark and in the question mark and the red background displayed in the earlier mark.
31. The marks can be said to be visually similar to a low degree.

Aural similarity

32. Aurally, the opponent's mark will be articulated as '*WICH*' whilst the applicant's mark will be articulated in the conventional manner, with the enunciation of each of the verbal elements in turn. Whilst both marks share the first verbal element '*WICH*', this

is the only articulated element present in the earlier mark. The applicant's mark contains several further verbal elements which have no counterpart in the earlier mark, therefore the marks are considered to be aurally similar only to a low degree. For that part of the relevant public which chooses not to articulate the strapline 'FIND YOUR FAVOURITE DISH' the aural similarities between the marks 'Which?' and 'which menu', can be said to be medium.

Conceptual similarity

33. In the earlier mark, the word 'which' and the question mark will be perceived as a single entity. The combination 'Which?' conveys the notion of a question being asked, however the mark provides no information as to what that question might be.
34. The totality of the applied for mark will be perceived and conceptualised by the average consumer as a question about which menu a person might require, or is looking for.
35. As both marks appear to ask a question, there might be said to be a conceptual similarity, however when the totalities are considered, any conceptual similarity between the marks is of a low and superficial nature at best.
36. In conclusion, the marks can be said to be visually similar to a low degree, aurally similar to a low or medium degree and conceptually similar to a low degree.

Distinctive character of the earlier trade mark

37. 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).”

38. The opponent has not demonstrated that its earlier mark has an enhanced degree of distinctive character by virtue of the use made of it. I must therefore assess the mark purely on its inherent distinctive character. Whilst the word ‘Which’ has no particular link to the goods and services at issue, it has a somewhat suggestive or allusive quality which asks the consumer a question as to which services might be required. In isolation this term could be said to be a little lower than the norm in terms of distinctive character, however the mark as a whole can be said to be distinctive to a normal degree.

Likelihood of Confusion

39. The factors assessed so far have a degree of interdependency (*Canon Kabushiki Kaisha v. Metro-Goldwyn-Mayer Inc*, paragraph 17), a global assessment of them must be made when determining whether there exists a likelihood of confusion (*Sabel BV v. Puma AG*, paragraph 22). However, there is no scientific formula to apply. It is a matter of considering the relevant factors from the viewpoint of the average consumer and determining whether they are likely to be confused.

40. Confusion can be direct (which effectively occurs when the average consumer mistakes one mark for the other) or indirect (where the average consumer realises the marks are not the same, but puts the similarity that exists between the marks/services down to the responsible undertakings being the same or related).
41. In terms of direct confusion, I do not consider it likely that the average consumer will mistake the applicant's mark for the opponent's, even having found that the services are identical, and even taking into account imperfect recollection. There are sufficient differences between the visual, aural and conceptual impacts of the marks at issue to ensure that the average consumer will readily distinguish between them.
42. Having found that there is no direct confusion between the marks, I must consider the possibility of indirect confusion.
43. Mr Iain Purvis QC, sitting as the Appointed Person, in *L.A. Sugar Limited v By Back Beat Inc*, Case BL-O/375/10 noted that:

“16. ...Indirect confusion, on the other hand, only arises where the consumer has actually recognized that the later mark is different from the earlier mark. It therefore requires a mental process of some kind on the part of the consumer when he or she sees the later mark, which may be conscious or subconscious but, analysed in formal terms, is something along the following lines: “The later mark is different from the earlier mark, but also has something in common with it. Taking account of the common element in the context of the later mark as a whole, I conclude that it is another brand of the owner of the earlier mark.

17. Instances where one may expect the average consumer to reach such a conclusion tend to fall into one or more of three categories:

(a) where the common element is so strikingly distinctive (either inherently or through use) that the average consumer would assume that no-one else but the brand owner would be using it in a trade mark at all. This may apply even where the other elements of the later mark are quite distinctive in their own right (“26 RED TESCO” would no doubt be such a case).

(b) where the later mark simply adds a non-distinctive element to the earlier mark, of the kind which one would expect to find in a sub-brand or brand extension (terms such as “LITE”, “EXPRESS”, “WORLDWIDE”, “MINI” etc.).

(c) where the earlier mark comprises a number of elements, and a change of one element appears entirely logical and consistent with a brand extension (“FAT FACE” to “BRAT FACE” for example).”

44. These examples are not exhaustive, but provide helpful focus. In the present case, the commonalities between the marks at issue are not strikingly distinctive. The sharing of the word ‘Which’ at the beginning of the marks cannot be said to be so unusual that the average consumer would assume that no other trader would use this element as a part of their trade marks.

45. The applicant’s mark does not simply add a non-distinctive element to the opponent’s mark, which would suggest to the average consumer that it was merely a sub-brand or extension of the earlier known brand. Finally, the differences in the applicant’s mark are not likely to be considered a logical or consistent extension of the opponent’s mark.

46. In *Duebros Limited v Heirler Cenovis GmbH*, BL O/547/17, Mr James Mellor Q.C., as the Appointed Person, stressed that a finding of indirect confusion should not be made merely because the two marks share a common element. In this connection, he pointed out that it is not sufficient that a mark merely calls to mind another mark. This is mere association not indirect confusion.

47. I do not find that the average consumer would be indirectly confused by the applicant’s mark. The context of the word ‘which’ in the applied for mark is linked inextricably to the word ‘menu’ and the strapline ‘FIND YOUR FAVOURITE DISH’. The average consumer will readily appreciate the message provided by the entirety of the mark. The impact of the word ‘Which?’ in the earlier marks is very different. As there are no additional elements that provide any context conceptually, the consumer is left to fill in a blank. It is my opinion that the visual, aural and conceptual differences in the marks, are sufficient to avoid a likelihood of confusion.

48. Having found no likelihood of confusion between the applied for mark and the opponent's earlier UK registration 3134582 for the mark:



covering identical services, I now go on to consider the opponent's remaining three earlier marks, to which it has also relied upon in the opposition. Those earlier marks are:

UK 2532716, for the mark - **WHICH?**

UK 2432015, for the mark – **WHICH**

EUTM 10605004, for the mark:



49. As the opponent's EUTM 10605004 is an identical mark to UK 3134582, and as the services covered by the EUTM do not cover identically the services at issue, the opponent is in no better a position when comparing this mark with the applied for mark. Therefore, for the reasons set out in my comparison of the marks above, the opposition also fails in respect of this earlier mark.

50. The opponent's earlier plain word marks '**WHICH?**' and '**WHICH**' covered under UK 2532716 and 2432015, are registered for a narrower range of goods and services than UK 3134582. Based on my assessment of the opponent's mark under UK 3134582, it is clear that the differences found between that earlier mark and the applied for mark, are also relevant to the assessment of the opponent's plain word marks as well.

51. The aural impact of these earlier marks will be the same as that established in UK 3134582 and the conceptual impression will be identical in respect of '**WHICH?**' and highly similar in respect of '**WHICH**' as the absence of a question mark in that earlier mark will not change the impact of the word itself. The visual comparison will be slightly different, however the red rectangular background in UK 3134582 and the presence of the '?' will not in my view materially change the degree of visual similarity which I still regard as low. Furthermore, the provision of the type of information contained in the class 35 specification of these marks does not create a great degree of similarity with the services of the applicant.

52. The opposition, insofar as it is based on UK 2532716 and UK 2432015, is also rejected.

Conclusion

53. As there is no likelihood of confusion between any of the earlier marks relied upon by the opponent, the opposition has failed. Subject to appeal, the applied for mark may proceed to registration.

Costs

54. I have determined these proceedings in favour of the applicant. It is, therefore, entitled to an award of costs. I award the applicant the sum of £1100 as a contribution towards the cost of the proceedings. The sum is calculated as follows:

Preparing a statement and considering the other side's statement	£300
Preparing written submissions	£300
Preparing evidence and considering the other side's evidence	£500
Total:	£1100

55. I therefore order Which? Limited to pay Which Menu Limited the sum of £1100. The above sum should be paid within 14 days of the expiry of the appeal period or, if there is an appeal, within 14 days of the conclusion of the appeal proceedings.

Dated this 12th day of September 2018

Andrew Feldon

For the Registrar

The Comptroller-General

ANNEX

Opponents earlier marks and goods/services

UK 2532716 – WHICH?

Class 09: Microfilm for exhibition; magnetic tapes and discs, computer programmes; all bearing, wholly or substantially wholly, information about the characteristics, quality, and about prices of goods or services offered to the public.

Class 16: Printed publications and pamphlets.

Class 35: Preparation, provision and dissemination of information online and via multi-media all relating to the characteristics, quality and prices of goods and services offered to the public; provision of information and advice concerning the characteristics, quality and prices of goods and services offered to the public.

Class 41: Publication of books, journals, magazines, text and articles online; publishing; education, training and instruction services; arranging seminars, conferences and exhibitions.

Class 42: Operation and maintenance of file server and data storage and retrieval services for trial submission and reception of communication signals; legal services; arbitration and conciliation services; the testing of consumer products.

Class 45: Legal services; legal research; dispute resolution services; including case management and all forms of litigation, arbitration and mediation; professional legal consultancy and advisory services; title searching; consultancy services relating to legal aspects of product liability trading law consumer protection, health, insurance, conveyancing, probate and wills, health and family matters; registration services; company formation and registration services.

UK 2432015 - WHICH

Class 16: Printed matters, books, periodicals, printed articles, directories, pamphlets, posters, lists, publications; cardboard and goods made from cardboard all concerning the characteristics, quality and prices of goods and services offered to the public.

Class 35: Preparation, provision and dissemination of information on line and via multimedia, all concerning the characteristics, quality and prices of goods offered to the public; provision of information and advice concerning the characteristics, quality and prices of goods offered to the public; operation and maintenance of data storage and retrieval services for the transmission and reception of communication signals.

Class 41: Publication of books, journals, magazines, text and articles online; publishing; education, training and instruction services; arranging seminars, conferences and exhibitions.

Class 42: Operation and maintenance of file server and data storage and retrieval services for trial submission and reception of communication signals; legal services; arbitration and conciliation services; the testing of consumer products.



Class 09: Electronic publications (downloadable); encoded cards; magnetic tapes; magnetic discs, optical discs, and players for all the aforesaid goods; computer programmes; computer memories; compact disc read-only memories and compact disc-interactive memories; keyboards, control units, visual display units, recording and reproducing apparatus and instruments, and print-out apparatus, all for use with computers; television receivers and video display units; data storage, data processing and data display apparatus, all being electronic; light pens; microfilm prepared for exhibition; illuminated optical apparatus for use in reading microfilm; materials all for use in carrying sound recordings and audio-visual recordings, and parts and fittings for all the aforesaid goods; all for use in the provision by means of visual display units, telephonic apparatus, telegraphic apparatus or mechanical or electronic means of information wholly or partly concerning the characteristics, quality and prices of goods and services offered to the public; parts and fittings for the aforesaid.

Class 16: Printed matter; books; periodicals; printed articles; directories; pamphlets; posters; lists; publications; magazines; cardboard; paper; printed matter, books, periodicals, printed articles, directories, pamphlets, lists, publications and magazines, all concerning the characteristics, quality and prices of goods and services offered to the public.

Class 35: **Advertising**; advertising services; provision of advertising space in publications; marketing services; providing an online marketplace to promote and support contractors to advertise their services by bringing them together with potential customers; trade directories available for tradespeople; providing an online advertising marketplace for customers to search for specified contractors; providing customers with an online advertising marketplace to obtain quotes from contractors;

providing an online advertising marketplace for contractors to bid for jobs online; **business management; business administration**; preparation, provision and dissemination of information on-line and via multi-media, all concerning the characteristics, quality and prices of goods and services offered to the public; providing a comparison service relating to the characteristics, quality and prices of goods and services of others; **office functions**; organisation, operation and supervision of loyalty and incentive schemes; advertising services provided via the Internet; opinion polling; data processing; provision of business information; acquisition of commercial information; administration of business affairs; advice for consumers; advisory services for business and consumers; collection of data; direct marketing; document preparation; business information and business services; advertising; business management, business advisory and business administration services; marketing, publicity, public relations and promotional services; business enquiries; business investigations; business research and business consultancy services; company secretarial services; administration of the business affairs of retail stores; business advisory services relating to franchising; procuring services for third parties; providing business and consumer information by way of computer terminals; preparation, provision and dissemination of information on-line and via multi-media, all concerning the characteristics, quality and prices of goods and services offered to the public; providing a comparison service relating to the characteristics, quality and prices of goods and services of others; operation and maintenance of data; retrieval services for transmission and reception of communication signals; advertising; business promotion; business management; business administration; business information services; business advisory services; provision of impartial price information relating to the supply of consumer goods and services; provision of impartial price information relating to the supply of consumer goods and services relating to computers, telecommunications, telephony, ISP, electricity, gas, water, insurance, financial services, travel, holidays, accommodation, restaurants, catering services, health and medical products and providers; commercial services, namely facilitating change of suppliers on behalf of consumers of goods and services; collation and provision of information and advice relating to the aforementioned services; comparison services and business advisory services for consumers regarding telecommunication service providers, energy suppliers, insurance and financial services suppliers, travel and holiday suppliers, health and medical product

and service providers; data storage and retrieval services for transmission and reception of communication signals; provision of consumer advice and information; provision of consumer advice and information relating to health and medical products and services; preparation, provision and dissemination of information relating to the goods and services of others, all provided online and via multimedia; provision of consumer advice relating to food products and services; conducting consumer opinion polls and operating opinion polls; conducting consumer opinion polls and operating opinion polls including those provided online from a computer database or the Internet.

Class 36: Insurance; financial services; real estate agency services; building society services; banking; stockbroking; financial services; provision of financial information; provision of information and advice regarding insurance, equity release, pensions, trusts, real estate administration, financial and monetary affairs and provision of credit, including information and advice regarding services provided by others; provision of advice relating to savings, investments, credit cards, loans, retirement funds, insurance, mortgages, property, tax, bank accounts; provision of a mortgage finder; provision of credit card calculator; provision of mortgage calculator; business liquidation services.

Class 38: Telecommunications services; chat room services; portal services; e-mail services; providing user access to the Internet; on line transmission services; cable transmission; other transmission services; data transmission and data network services; operating web blogs; cable television broadcasting; chat room services; internet portal services; radio and television broadcasting; transferring and disseminating information and data via computer networks and the Internet; Internet service provider services; the provision of an on-line forum for the exchange of advice and information; provision of an online interactive forum to enable contractors to provide informational, instructional and educational services in relation to their trade to potential customers.

Class 39: Provision of advice and information concerning all aspects of travel and transportation, including provision and advice of services of others; information and advice relating to breakdown recovery services provided by others; provision of

information and advice relating to boat rental, booking of seats for travel, car parking, car rental, car transport, chauffeur services, coach rental, courier services, delivery of goods, delivery of goods by mail order, garage rental, packaging of goods, parcel delivery, parking place rental, rental of vehicle roof racks, rental of wheelchairs, storage, taxi transport, travel reservation, truck rental, vehicle rental and wrapping of goods, including such services provided by others.

Class 41: Education and training services; publishing; publication of information and editorial content, including text reports, and of commercial information, including classifieds, advertisements, contract tenders, on electronic communications media, in particular via Internet platforms, e-mail newsletters or mobile communications messages; publication of books, journals, magazines, text and articles online; publication of product, address and classified directories and information contained therein; arranging and conducting colloquiums, conferences, seminars, symposiums, workshops and exhibitions; providing on-line electronic publications; arranging seminars, conferences and exhibitions; production of radio and television programmes; television and radio entertainment services; publishing surveys information, consultancy and advisory services relating to the aforesaid, including such services provided online from a computer network and/or via the Internet.

Class 42: Operation and maintenance of file server services for transmission and reception of communication signals; testing of home appliances and fast moving consumer goods; testing garden equipment; testing of consumer products; safety testing of apparatus; advisory services relating to safety of products; testing of vehicles; operation of file servers; creation and maintenance of websites, for others; provision of search engines for the Internet; electronic data storage; storage services for transmission and reception of communication signals; computer program maintenance; operating an Internet search engine; electronic storage of information relating to business information and consumer advice issues, and advice relating thereto.

Class 43: The provision of advice and information concerning holidays, hotels, guest houses, accommodation, provision of food and beverages, restaurants and catering services.

Class 44: The provision of advice and information concerning health and medical services, health and medical products and health and medical service providers; the provision of advice and information concerning beauty and spa treatments and beauty and spa treatments provided by others; the provision on advice and information concerning dentistry and dentistry treatments provided by others; the provision of advice and information concerning tatoing and tattooing services provided by others; the provision of advice and information concerning cosmetic treatments and cosmetic treatments provided by others.

Class 45: Legal services; legal research; legal information provided on-line from computer data bases and from the Internet; dispute resolution services; including case management and all forms of litigation, arbitration and mediation; professional legal consultancy and advisory services; title searching; provision of advice and consultancy services relating to legal aspects of product liability trading law consumer protection, health, insurance, conveyancing, probate and wills, health and family matters, employment and consumer affairs; registration services; company formation and registration services; political lobbying of government to change company policies for the benefit of the consumer; provision of consumer advice and information; safety evaluation; advisory services relating to consumer rights; writing of wills; information, consultancy and advisory services relating to the aforesaid.



Class 09: Electronic publications (downloadable); encoded cards; magnetic tapes; magnetic discs, optical discs, and players for all the aforesaid goods; computer programmes; computer memories; compact disc read-only memories and compact disc-interactive memories; keyboards, control units, visual display units, recording and reproducing apparatus and instruments, and print-out apparatus, all for use with computers; television receivers and video display units; data storage, data processing and data display apparatus, all being electronic; light pens; microfilm prepared for exhibition; illuminated optical apparatus for use in reading microfilm; materials all for use in carrying sound recordings and audio-visual recordings, and parts and fittings for all the aforesaid goods; all for use in the provision by means of visual display units, telephonic apparatus, telegraphic apparatus or mechanical or electronic means of information wholly or partly concerning the characteristics, quality and prices of goods and services offered to the public; parts and fittings for the aforesaid.

Class 16: Printed matter; books; periodicals; printed articles; directories; pamphlets; posters; lists; publications; magazines; cardboard and goods made from cardboard; all concerning the characteristics, quality and prices of goods and services offered to the public.

Class 35: Preparation, provision and dissemination of information on-line and via multi-media, all concerning the characteristics, quality and prices of goods and services offered to the public; providing a comparison service relating to the characteristics, quality and prices of goods and services of others; operation and maintenance of data storage and retrieval services for transmission and reception of communication signals; advertising; business promotion; business management; business administration; business information services; business advisory services; provision of impartial price information relating to the supply of consumer goods and

services; provision of impartial price information relating to the supply of consumer goods and services relating to computers, telecommunications, telephony, ISP, electricity, gas, water, insurance, financial services, travel, holidays, accommodation, restaurants, catering services, health and medical products and providers; commercial services, namely facilitating change of suppliers on behalf of consumers of goods and services; collation, storage and provision of information and advice relating to the aforementioned services; comparison services and business advisory services for consumers regarding telecommunication service providers, energy suppliers, insurance and financial services suppliers, travel and holiday suppliers, health and medical product and service providers; data storage and retrieval services for transmission and reception of communication signals; provision of consumer advice and information; provision of consumer advice and information relating to health and medical products and services; provision of consumer advice relating to food products and services; conducting consumer opinion polls and operating opinion polls; conducting consumer opinion polls and operating opinion polls including those provided online from a computer database or the Internet.

Class 36: Provision of information and advice regarding insurance, equity release, pensions, trusts, real estate administration, financial and monetary affairs and provision of credit, including information and advice regarding services provided by others; provision of advice relating to savings, investments, credit cards, loans, retirement funds, insurance, mortgages, property, tax, bank accounts; provision of a mortgage finder; provision of credit card calculator; provision of mortgage calculator.

Class 38 Telecommunications services; chat room services; portal services; e-mail services; providing user access to the Internet; on line transmission services; cable transmission; other transmission services; data transmission and data network services; operating web blogs.

Class 39 Provision of advice and information concerning all aspects of travel, including provision and advice of services of others; provision of advice and information concerning all aspects of travel, including provision of information and advice regarding travel services provided by others.

Class 41 Publication of books, journals, magazines, text and articles online; publishing; education, training and instruction services; arranging seminars, conferences and exhibitions; production of radio and television programmes; television and radio entertainment services; publishing surveys.

Class 42 Operation and maintenance of file server services for transmission and reception of communication signals; preparation, provision and dissemination of information online and via multimedia; testing of home appliances and fast moving consumer goods; testing garden equipment; testing of consumer products; safety testing of apparatus; advisory services relating to safety of products; testing of vehicles; operation of file servers.

Class 43 The provision of advice and information concerning holidays, hotels, guest houses, accommodation, restaurants and catering services.

Class 44 The provision of advice and information concerning health and medical services, health and medical products and health and medical service providers.

Class 45 Legal services; legal research; dispute resolution services; including case management and all forms of litigation, arbitration and mediation; professional legal consultancy and advisory services; title searching; provision of advice and consultancy services relating to legal aspects of product liability trading law consumer protection, health, insurance, conveyancing, probate and wills, health and family matters, employment and consumer affairs; registration services; company formation and registration services; political lobbying of government to change company policies for the benefit of the consumer; provision of consumer advice and information; safety evaluation; advisory services relating to consumer rights; writing of wills.