

**O-102-19**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF TRADE MARK APPLICATION NO. 3233695  
BY CAMBRIDGE NEUROTECH LTD TO REGISTER THE FOLLOWING TRADE  
MARK**



**IN CLASSES 9 AND 42**

**AND IN THE MATTER OF OPPOSITION THERETO UNDER NO. 410856 BY THE  
CHANCELLOR, MASTERS AND SCHOLARS OF THE UNIVERSITY OF  
CAMBRIDGE**

## BACKGROUND AND PLEADINGS

1) On 26 May 2017, Cambridge Neurotech Ltd (“the applicant”) applied to register the following mark:



2) It was accepted and published in the Trade Marks Journal on 18 August 2017.

The list of goods and services covered by the application are:

**Class 9:** *Scientific, measuring and recording apparatus and instruments, namely, microelectrode arrays and grids, electrodes, silicon probes, acute and chronic connectors, and array inserters for the purpose of animal neuroscience laboratory research, namely, recording, analyzing, and storing signals from the central and peripheral nervous systems.*

**Class 42:** *Product research and development, namely, in the field of neuroscience research, surgical procedures and sensor technology; providing consulting services in the field of neuroscience research, scientific research for medical purposes and sensor technology.*

3) The Chancellor, Masters and Scholars of the University of Cambridge (“the opponent”) opposes the application. The opposition is directed against all the goods and services. The opponent relies upon four earlier UK trade marks and two earlier European Union (formerly Community) trade marks. Full details of these are provided in an annex to this decision. Whilst the opponent has not withdrawn its reliance upon any of these earlier marks, at the subsequent hearing it’s representative identified reliance upon its earlier EU mark 12019733 (“the ‘733 mark”) and earlier UK mark 3015609, however, it is not clear to me how the second improves the opponent’s case over-and-above its reliance upon the first. Therefore, for procedural economy, I will consider the opponent’s case insofar as it is based upon the ‘733 mark. The relevant information in respect of this mark is shown below:

**Mark and relevant dates**

EU012019733

CAMBRIDGE

Filing date: 26 July 2013

Date of entry on the register: 29 August 2015

**List of goods and services include:**

**Class 9:** *Scientific, [...], measuring, [...] and teaching apparatus and instruments; [...]; apparatus for recording, transmission or reproduction of sound or images ...*

**Class 16:** *[...] printed matter; [...] books, [...] magazines [periodicals] [...] newsletters; [...] printed publications; [...] magazines; journals periodicals [...]*

**Class 41:** *Education; [...] arranging and conducting of conferences; arranging and conducting of seminars [...]*

4) This mark qualifies as an “earlier mark” under section 6(1)(a) of the Act by virtue of the fact that its filing date predate the filing date of the contested application, namely 26 May 2017.

5) The opponent’s grounds are as follows:

- Registration of the contested application would be contrary to section 5(2)(b) of the Trade Marks Act 1994 (“the Act”) because the contested sign is similar to the earlier marks and that the contested services are identical or similar to the services of the opponent’s earlier marks and that there is a likelihood of confusion;
- Use of the contested sign would offend under section 5(3) of the Act because it is similar to the opponent’s earlier marks that have a “a massive reputation

[...] throughout the world” in respect of the “core educational services and related goods” of the University of Cambridge (hereafter “the University”). Use of the contested application, without due cause, would take unfair advantage of, or be detrimental to the distinctive character or repute of the opponent’s earlier marks. In particular, it asserts that:

- use of the applicant’s sign, without due cause, would constitute free-riding on the reputation of the opponent’s marks and this would take unfair advantage even if the consumer were not confused;
  - such use, without due cause, would be detrimental to the reputation of the opponent’s marks because the opponent would have no quality control over the applicant’s goods and services leading to the possibility that consumers would associate their experiences of applicant’s goods and services with the opponent leading to damage of the opponent’s reputation;
  - such use, without due cause, would be detrimental to the distinctive character of the opponent’s marks. It asserts that use of the applicant’s sign “would lead to dispersion of the identity and hold upon the public’s mind of the earlier marks and the economic behaviour of the relevant public would be altered”.
- Use of the applicant’s sign would be liable to be prevented by virtue of the law of passing off. It claims that the opponent has the requisite goodwill identified by the CAMBRIDGE sign and that the applicant’s use would amount to a misrepresentation, causing damage. The field of activity includes “scientific research”.

6) The holder filed a counterstatement denying the claims made, adding that the word CAMBRIDGE is a geographical indicator and of low inherent distinctiveness. It also points to the word NEUROTECH in its own mark, where it asserts that this, and the device element, have a higher level of inherent distinctiveness and renders the respective marks dissimilar. It admits that some of the respective Class 42 services are similar to a moderate degree and that some of the respective Class 9 goods are similar. It requires that the opponent substantiate its claim that it has a reputation in, and a goodwill identified by CAMBRIDGE alone. Finally, the opponent’s earlier EU

mark 896449 is potentially subject to the proof of use provisions in section 6A of the Act, but the applicant has not put the opponent to such proof of use.

7) Both parties filed evidence, and the applicant also filed written submissions. I will refer to the evidence to the extent that I consider it necessary and I will keep the written submissions in mind. A hearing took place before me on 17 January 2019 where the opponent was represented by Julius Stobbs for Stobbs. The applicant was represented by Jamie Muir Wood of counsel, instructed by Bracher Rawlins LLP.

### **Opponent's Evidence**

8) This takes the form of a witness statement by Clare Dewhurst, Brand Protection Manager at the University. Ms Dewhurst states that her evidence is provided to establish the University's reputation in its marks in the UK and to establish the University's unregistered trade mark rights in the UK prior to the date of application, namely 26 May 2017. I provide a summary of the relevant evidence in the following paragraphs.

9) The University consists of a collection of colleges located in the town of Cambridge, the first of which was founded in the year 1284. Numerous other colleges were founded over the centuries. The university celebrated its 800th anniversary in 2009<sup>1</sup>. The same source lists many eminent alumni of the University and supports Ms Dewhurst's claim that its teaching and research has an "extremely high reputation"<sup>2</sup>.

10) The University has over 20,000 students, nearly 11,000 staff, 31 colleges and 150 departments, faculties, schools and other institutions and provides 30 undergraduate degree courses and 330 postgraduate degree courses<sup>3</sup>

11) The University consistently refers to itself as simply CAMBRIDGE and is known as such due to its fame and reputation. The public knows that in the contexts of

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<sup>1</sup> Exhibit CD1, Timeline of the University's history obtained from its website [www.cam.ac.uk](http://www.cam.ac.uk)

<sup>2</sup> Witness statement, para 5

<sup>3</sup> Ditto, paras 6 and 7 and Exhibit CD2 (further website extracts)

education, publishing, sport, academia and research, the word CAMBRIDGE always refers to the University of Cambridge<sup>4</sup>.

12) The University is consistently ranked as one of the best universities in the world<sup>5</sup> and is often reported in the UK media<sup>6</sup>.

13) Ms Dewhurst provides the following turnover figures for the University as a whole<sup>7</sup>:

| <b>Year ending 31 July</b> | <b>Income (£)</b> |
|----------------------------|-------------------|
| 2010                       | 1,190 million     |
| 2011                       | 1,251 million     |
| 2012                       | 1,322 million     |
| 2013                       | 1,438 million     |
| 2014                       | 1,504 million     |
| 2015                       | 1,638 million     |

14) Information is also provided about the University's Cambridge Assessment division that provides assessment and examination services in the UK and worldwide. UK turnover between 2011 and 2015 was in excess of £150 million a year<sup>8</sup>.

15) The University also publishes books, journals and other educational resources through its department Cambridge University Press ("CUP"), the world's oldest publisher having published its first book in 1584. Its UK sales figures reached a total value of £24.3 million in the year ending 30 March 2012<sup>9</sup>. Some CUP publications have historical significance and its publications are prestigious as exemplified by the numerous awards they have one<sup>10</sup>.

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<sup>4</sup> Ditto, para 5

<sup>5</sup> As demonstrated in various third party rankings at Exhibit CD4

<sup>6</sup> BBC News report, dated 8 September 2010 reporting that the university topped the world ranking (also Exhibit CD4

<sup>7</sup> Witness statement, para 20

<sup>8</sup> Ditto, para 11 and Exhibit CD12

<sup>9</sup> Ditto, paras 15 and 17

<sup>10</sup> A small selection of awards are shown at Exhibit CD11

16) Extracts from the University's Annual Reports from 2007 to 2013 are provided. These reports and confirm the its strong presence in the university teaching, assessment and research fields<sup>11</sup>.

17) The University attracts independent press coverage, a selection of eight of these are provided<sup>12</sup>. These news articles are all dated in 2013, 2014 or 2015 and are from *BBC News*, *Mail Online*, *The Independent* and *The Guardian*. Five of these refer to the University as "Cambridge" in the context of personal stories about students or attracting undergraduates, one includes in its headline a reference to "Cambridge museums" to refer to the University's museums, one using "Cambridge" to refer to researchers at the University and one to refer to Cambridge University's Engineering Department and is held up as an example of academics and business "working together in the UK's leading hi-tech cluster".

18) Ms Dewhurst states that the word "Cambridge" alone has been used to refer to the University from 1387 to the present<sup>13</sup> day as demonstrated by numerous references to "Cambridge" to refer to the University in a number of works of literature, some of which are provided<sup>14</sup>.

19) Ms Dewhurst states that the University undertakes world-leading research both within the University and in collaborations with industry partners<sup>15</sup>. Its research bodies, such its research centres are managed by the university, its staff are employed by the University and their websites are hosted on the University's domain name ".cam.ac.uk"<sup>16</sup>. There are 1500 tenured academics at the University who are engaged in research. Ms Dewhurst states that the majority of the University's research centres are branded "Cambridge"<sup>17</sup>.

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<sup>11</sup> Exhibit CD13

<sup>12</sup> Exhibit CD15

<sup>13</sup> Ms Dewhurst's witness statement, para. 25

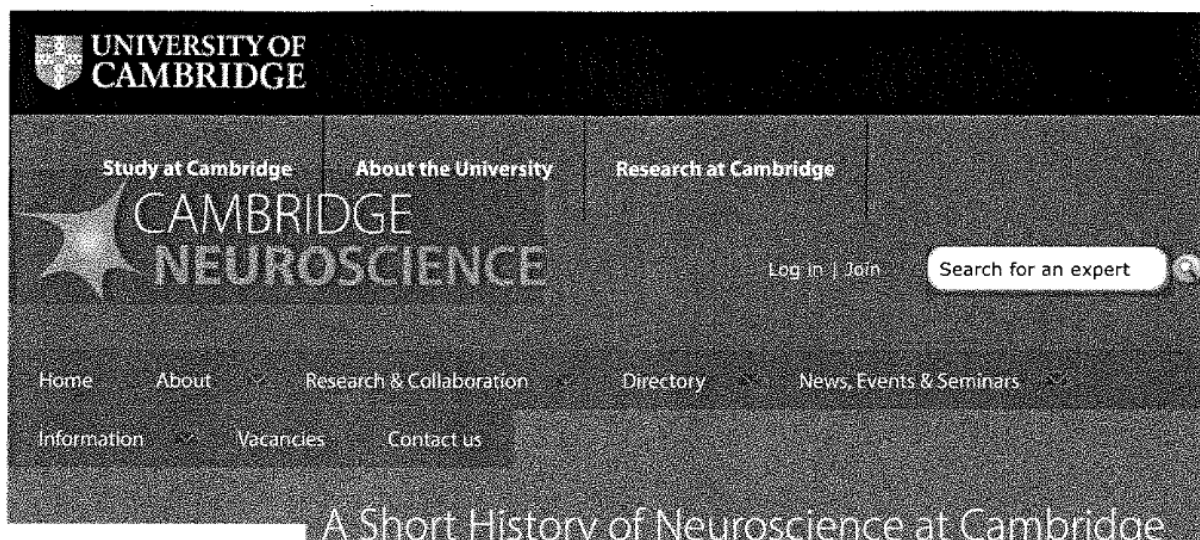
<sup>14</sup> Exhibit CD16

<sup>15</sup> Ms Dewhurst's witness statement, para. 28

<sup>16</sup> ditto

<sup>17</sup> Ditto, para. 33

20) Ms Dewhirst states that the University “has a long and proud history of pioneering research in the field [of] neuroscience”<sup>18</sup> It set up Cambridge Neuroscience in 2007, a Strategic Research Initiative and now involves over 700 researchers<sup>19</sup>. It has its own website at [www.neuroscience.cam.ac.uk](http://www.neuroscience.cam.ac.uk) and this refers to itself, throughout, as CAMBRIDGE. The banner on the landing page is shown below where the trade marks UNIVERSITY OF CAMBRIDGE (and device), CAMBRIDGE NEUROSCIENCE (and device) and CAMBRIDGE are all used:



21) The University’s research in neuroscience is recognised as having world-class impact<sup>20</sup> as demonstrated in a flyer from 2014 by the Research Excellence Framework that states that it has assessed the research at 154 universities. Its results for the university show that the in most subject areas, over 80% of its research areas is either “world leading” or “internationally excellent”.

22) The University is a member of the International Alliance of Research Universities that consists of eleven of the world’s leading research universities, and the League of European Research Universities, an alliance of 23 European research-intensive universities<sup>21</sup>. Collectively, over the last ten years, researchers associated with the University have received a total of over £3.3 billion in research grants and

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<sup>18</sup> Ditto, para. 34

<sup>19</sup> Ditto, para. 35

<sup>20</sup> Ditto, para. 38

<sup>21</sup> Ditto, para 49



contracts<sup>22</sup>. 98 researchers “affiliated” to the University have been awarded the Nobel Prize<sup>23</sup>;

24) The University has a strong connection with the “Cambridge Cluster”, a set of companies and industry initiatives that have been built upon the research of the University<sup>24</sup>.

### **Applicant’s Evidence**

25) This takes the form of a witness statement by Tahi Holtzman, sole director and sole shareholder of the applicant. Insofar, as I consider it relevant to my considerations, this evidence can be summarised as follows:

26) A definition of “neurotechnology” is provided, namely, “any technology concerned with the nervous system” as is an admission that “neurotech” “could obviously be considered a shortening of ‘neurotechnology’”<sup>25</sup>

27) It is not disputed that the University “has a prestigious reputation for research in many areas, including neuroscience” but it is pointed out that it does not appear on the first page of *Google* search results using terms such as “neuroscience university”, “neuroscience research”, “neurotech university”, “neurotech research”, “neurotech Cambridge”, “neuroscience Cambridge” and other similar terms<sup>26</sup>. This leads Mr Holtzman to assert that the university is “largely invisible on the world-scale of those ‘average consumers’ searching for universities ... closely associated with ‘neuroscience’, ‘neurotech’ or ‘neurotechnology’”<sup>27</sup>.

28) Evidence is provided of:

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<sup>22</sup> Ditto, para. 39

<sup>23</sup> Ditto, para. 52

<sup>24</sup> Ditto, para. 54

<sup>25</sup> Mr Holtzman’s witness statement, para.15, 16 and Annex 12 to his statement

<sup>26</sup> Ditto, paras 18/19

<sup>27</sup> Ditto, para 25

- 188 marks on the Trade Marks Register beginning with CAMBRIDGE and covering Class 9 and 42<sup>28</sup>;
- 5,523 company names that contain CAMBRIDGE<sup>29</sup>;
- Examples of various third parties using marks that incorporate CAMBRIDGE, including some in the field of research:
  - Cambridge Technology Partners (between 1991 and 2014). The Internet extracts only show its current name of Atos Consulting CH and provides a number of contact addresses, none of which is in the UK<sup>30</sup>;
  - Cambridge Display Technology Limited is claimed to provide research services under the sign since 1992, but the extracts from its website illustrate that it is identified by the sign I.C.T. and stylised versions thereof. Further, under the heading “Our History” there is reference to research being conducted at “Cavendish Laboratory of the University of Cambridge”. Therefore, it is not clear whether it is a company under the control of the university<sup>31</sup>;
  - Cambridge Viscosity, Inc. is claimed to have been providing research tools globally under “the sign” since around 2003. They are a USA based company and the list of distributors on its website does not include one in the UK<sup>32</sup>;
  - Cambridge Cognition Limited is claimed to provide research services in the field of neuroscience “under the sign” since 2001. It is based in the UK and describes itself as “Leaders in digital brain health and neuroscience technology”. Its domain name was registered on 22 March 2001, but the extracts from its website were obtained on 29 June 2018. There is no evidence of trading before this latter date<sup>33</sup>;

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<sup>28</sup> Ditto, paras. 24 – 29 and Annexes 15 and 16

<sup>29</sup> Ditto, paras. 30 and 31 and Annex 17

<sup>30</sup> Ditto, para. 42 & Annex 25

<sup>31</sup> Ditto, para.43 and Annex 26

<sup>32</sup> Ditto, para 44 and Annex 27

<sup>33</sup> Ditto, para. 45 and Annex 28

- Cambridge Analytica, LLC. The *Wikipedia* entry for the company is provided showing its involvement in developing data farming of social media and in March 2018 its involvement in a scandal in the UK regarding political interference and also the legality of using the social data farmed<sup>34</sup>;
- Cambridge Mechatronics Limited is claimed to have been providing research services since 2003 and this is supported by the extracts from its website where its achievements are listed dated back to 2003 as is use of its sign consisting of “Cambridge Mechatronics” and a device<sup>35</sup>;
- Cambridge Sensotec Limited is claimed to have been providing research services since 2000. Extracts from its website illustrate use of a sign where the word CAMBRIDGE appears above a larger word “Sensotec” conjoined with a device. It describes itself as specialising in designing and manufacturing gas analysis equipment “under the Rapidox brand”<sup>36</sup>;
- CamNTEch Limited is claimed as also being known as Cambridge Neurotechnology Limited until 2008. The website extract provided includes a history of the company that states that it took “over from Cambridge Neurotechnology” in August 2008, but there is no evidence of what sign Cambridge Neurotechnology was known. The remaining website extracts all show the sign “CanNTEch”<sup>37</sup>.

29) The applicant has been trading since 20 November 2013 and that since then, its clients have purchased goods and services listed in its specifications. 338 clients are claimed from many parts of the world including the UK and it lists the University as one of these clients. Mr Holtzman states that its clients “are almost exclusively PhD-level educated, [...] taking their time to carefully select the goods and services [...] with due regard to the highly specialised nature of their particular programs of research and with reference to the specific anatomy of the region of the

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<sup>34</sup> Ditto, para. 46 and Annex 29

<sup>35</sup> Ditto, para. 47 and Annex 30

<sup>36</sup> Ditto, para 48 and Annex 31

<sup>37</sup> Ditto, para 49 and Annex 32

brain/nervous system that they are studying. Such purchasing decisions can often take many days to weeks, [...]”<sup>38</sup>.

## **DECISION**

### **Section 5(2)(b)**

30) 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”.

### ***Comparison of goods and services***

31) In the judgment of the Court of Justice of the European Union (“the CJEU”) in *Canon Kabushiki Kaisha v Metro-Goldwyn-Mayer Inc.*, 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”.

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

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<sup>38</sup> Ditto para. 57

- 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.

33) In relation to the assessment of the respective specifications, I note that in *YouView TV Ltd v Total Ltd* [2012] EWHC 3158 (Ch), Floyd J. (as he then was) stated that:

"... 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."

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

“29. In addition, the goods can be considered as identical when the goods designated by the earlier mark are included in a more general category, designated by trade mark application (Case T-388/00 *Institut für Lernsysteme v 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”.

35) Finally, I also keep in mind the guidance in *Boston Scientific Ltd v Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-325/06, the GC stated that “complementary” means:

“...there is a close connection between them, 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”.

36) I consider the similarity of the applicant’s goods and services, class by class, with those of the opponent.

#### *Class 9*

*Scientific, measuring and recording apparatus and instruments, namely, microelectrode arrays and grids, electrodes, silicon probes, acute and chronic connectors, and array inserters for the purpose of animal neuroscience laboratory research, namely, recording, analyzing, and storing signals from the central and peripheral nervous systems.*

37) The opponent’s Class goods includes *scientific, measuring and teaching apparatus and instruments and apparatus for recording, transmission or reproduction of sound or images*. These broad terms self-evidently cover the terms in the

applicant's specification and when applying the guidance of the GC in *Meric* I find that the respective goods are identical.

#### *Class 42*

*Product research and development, namely, in the field of neuroscience research, surgical procedures and sensor technology; providing consulting services in the field of neuroscience research, scientific research for medical purposes and sensor technology.*

38) Mr Stobbs submitted that the opponent's *printed matter, books, newsletters, periodicals, printed matter, magazines and journals* in Class 16 are all very similar to the applicant's services as are the opponent's *education, arranging and conducting of conferences and arranging and conducting of seminars*. He claimed that the latter services relate to conferences and seminars where research is presented. It is not obvious to me that someone who provides the services of *arranging and conducting conferences* will also provide product research and development. The respective services are different in nature, intended purpose and methods of use. They are not in competition, nor are they complementary in the sense expressed in *Boston Scientific*. I, therefore, dismiss Mr Stobbs' assertion that they are very similar and I conclude that there is no, or only a very low level of similarity. The position may be slightly different in respect of *arranging and conducting seminars* because these are generally directed at smaller groups of participants than conferences and the arranging and conducting of these is less involved and less likely to involve large scale organisational skills. Consequently, it is a service that may be provided by a product researcher to discuss developments/results of its research with, for example academics or potential/existing customers. Therefore, whilst the nature, intended purpose, methods of use are different, and the respective services are not in competition, there may be some overlap of trade channels. Taking all of this into account, I conclude that there is some similarity, but it is no more than low.

39) More generally, Mr Stobbs also submitted that the evidence shows that the opponent provides both the goods and services it relies upon and also the services of the applicant, and that this illustrates that they all have the same trade channels.

He concluded that they share at least a medium level of similarity. With the exception of possible overlap of trade channels in respect of providing seminars and product research, the fact that one trader can provide all the respective goods and services is not determinative for two reasons. Firstly, it is not normal for the provider of printed matter to also be the provider of product research and development. A consumer would not look to source printed matter from a product researcher and neither would a consumer look to source product research from a printed matter provider. Because the evidence may illustrate that one large provider may cross these boundaries is not evidence that this is the norm. I conclude that it is not normal that such goods and services share trade channels.

40) In respect of Mr Stobbs' reliance upon *education*, he submitted that this term includes post-graduate education and that this normally takes the form of research and, therefore, there is at least a medium level of similarity. He also drew my attention to the fact that the university operates a research body in the field of neuroscience and that despite this being under the name CAMBRIDGE NEUROSCIENCE (and device) it is illuminating in showing that the university is involved in a research field that is identical or virtually identical. I note this but the opponent cannot rely upon its activities of research services because they are not covered by the specifications of the earlier marks and because, even if this were the case, they are not provided under the mark CAMBRIDGE solus. This leaves me to consider the level of similarity of post-graduate education (being a sub-set of *education*, a term contained in the specifications of the earlier marks).

41) I consider that the term *education* can include "post-graduate research", as Mr Stobbs asserts. This is because the research is undertaken with a view of achieving an educational qualification (such as a doctorate), because it would be overseen by a professor of the education establishment and because it is likely to use the educational establishment's facilities such as laboratories. Post graduate research may be funded by a body external to the education establishment and this may introduce an element of competition with commercial research providers (and whose research falls into Class 42, as in the applicant's specification) and shared trade channels. However, the respective services have different purposes, with one being primarily to develop/educate the student, the other to research into a particular topic.



There is some similarity of nature and method of use because both services may include experimentation. Taking all of this account, I find that postgraduate study (being a subset of the opponent’s *education*) shares a medium level of similarity to the applicant’s product research and development services.


**Comparison of marks**

42) 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.”

43) 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.

44) The respective marks are:

| Earlier mark | Contested mark   |
|--------------|--|
| CAMBRIDGE    |  |

45) The earlier mark consists of the single word CAMBRIDGE that is self-evidently the dominant and distinctive element. The contested mark consists of three distinct elements, the word CAMBRIDGE, the word “Neuro Tech” and the device of a brain (within which is a schematic representation of electrical circuitry). These three elements may all function independently, however, I also recognise that the word elements may equally function as the unit “Cambridge NeuroTech”.

46) Visually, the marks share some similarity in that the word “Cambridge” is present in both marks. However, with all other elements in the contested mark being absent in the earlier mark, there are also numerous differences and I conclude that the respective marks share no more than a medium level of visual similarity.

47) Aurally, the contested mark is likely to be referred to as the five syllables CAME-BRIDGE-NEW-RO-TEK and the earlier mark will be referred to as the two syllables CAME-BRIDGE. Therefore, there is some aural similarity because of the coincidence of the same first two syllables. In other respects they are different and, consequently, I conclude that the respective marks share a medium level of aural similarity.

48) Conceptual, the earlier mark is the name of a town in the east of England. The contested mark contains the same town name together with the words “NueroTech”. It is my view that this will be understood as a shortened version of the term “neuro technology” with “neuro” being understood as “relating to nerves or the nervous system”<sup>39</sup> and “technology” being understood as “the application of scientific knowledge for practical purposes”<sup>40</sup>. Such meanings will be readily understood by the average consumer. Therefore, this element introduces a concept, whilst being descriptive, is absent in the earlier mark. The device element present in the contested mark further highlights this concept. Taking all of this into account, I conclude that the respective marks share a medium level of conceptual similarity.

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<sup>39</sup> <https://en.oxforddictionaries.com/definition/neuro->

<sup>40</sup> <https://en.oxforddictionaries.com/definition/technology>

### ***Average consumer and the purchasing act***

49) 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*.

50) 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.”

51) Mr Muir Wood submitted that the applicant's goods are highly specialist in nature and are tailored for a particular branch of neuroscience laboratory research. Consequently, he submitted, the average consumer is university or pharmaceutical company neuroscience researcher, technician or other assistant. He also submits that the level of care and attention paid during the purchasing process of such specialist goods is likely to be of an above average degree.

52) In respect of the applicant's Class 42 services, Mr Muir Wood observed that the average consumer is likely to be wider because these services extend beyond neuroscience research and includes surgical procedures and sensor technology, albeit still in the pre-clinical or clinical neuroscience field.

53) I agree with Mr Muir Wood that the average consumer of such goods and services are specialists who will pay a higher than average level of care during the

purchasing process. Further, with the goods and services being specialist in nature, the purchasing process is likely to be involved with both aural and visual considerations being relevant. Such a finding is consistent with Mr Holtzman's evidence that his actual clients are normally PhD-level educated involved in neuroscience research.

### ***Distinctive character of the earlier trade mark***

54) 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).”

55) To summarise, I have found that the opponent's mark consists of the name of the town in which it is situated. Being the name of a geographical location results in it having only a very low level of inherent distinctive character. Such a low level of

distinctive character is further confirmed in their evidence, where it is shown that Cambridge is a recognised location of a hi-tech cluster.

56) In respect of whether the mark has acquired an enhanced distinctive character through use, Mr Muir Wood, on behalf of the applicant, conceded that it enjoys a reputation and has goodwill attached to it, in respect of “undergraduate education”. Such a reputation in the mark CAMBRIDGE also translates to an enhanced distinctive character in respect to such services.

57) Having considered the evidence, I also consider that the mark also benefits from an enhanced level of distinctive character in respect of “post-graduate study”. As Mr Stobbs identified, the University benefits from a reputation as a world-renowned research university with 4000 PhD students.

58) I, therefore, disagree with Mr Muir Wood when he submitted that a reputation in CAMBRIDGE solus, does not extend to such services.

59) I conclude that the opponent’s CAMBRIDGE mark has a very low level of inherent distinctive character but that this is enhanced through use in respect of “undergraduate education” and “postgraduate study”.

### **GLOBAL ASSESSMENT – Conclusions on Likelihood of Confusion**

60) The following principles are gleaned from the decisions of 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.

61) 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). These factors must be assessed from the viewpoint of the average consumer. Confusion can be direct (which 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/goods/services down to the responsible undertakings being the same or related).

62) In his evidence, Mr Holtzman provides evidence of the existence of numerous marks on the Trade Mark Register that include the word CAMBRIDGE. I note this, but such “state of the register” evidence is rarely influential, and I dismiss this argument. In doing so, I am mindful of the guidance of the GC in *Zero Industry Srl v OHIM*, Case T-400/06, where it was stated that:

“73. As regards the results of the research submitted by the applicant, according to which 93 Community trade marks are made up of or include the word ‘zero’, it should be pointed out that the Opposition Division found, in that regard, that ‘... there are no indications as to how many of such trade marks are effectively used in the market’. The applicant did not dispute that finding before the Board of Appeal but none the less reverted to the issue of that evidence in its application lodged at the Court. It must be found that the mere fact that a number of trade marks relating to the goods at issue contain the word ‘zero’ is not enough to establish that the distinctive character of that element has been weakened because of its frequent use in the field concerned (see, by analogy, Case T-135/04 GfK v OHIM – BUS(Online Bus))

[2005] ECR II-4865, paragraph 68, and Case T-29/04 Castellblanch v OHIM – Champagne Roederer (CRISTAL CASTELLBLANCH) [2005] ECR II-5309, paragraph 71). “

63) In respect of Mr Holtzman’s reliance upon the number of company names incorporating the word CAMBRIDGE, this is even less persuasive. It is not known which of these companies is actually trading and if they are, what sign they use to identify this trade. Therefore, I dismiss this evidence as not assisting the applicant.

64) Mr Holtzman also relied upon numerous examples of companies actually trading. These are noted, but they do not negatively impact upon the opponent’s case. Taking the examples of companies providing research services, I note that the eight cited, five suffer from one or more of the following deficiencies: (i) not using CAMBRIDGE as part of their sign; (ii) no evidence of trading in the UK; (iii) the only evidence showing use is after the filing date of the contested application. One actually cites using the university’s laboratories, suggesting that there is some link to the University.

65) The remaining three examples are Cambridge Analytica LLC, Cambridge Mechatronics Limited and Cambridge Sensotec Limited. All three appear to have used a sign incorporating the word CAMBRIDGE prior to the relevant date, but it is not known what if any relationship/arrangement they may have with the university and the latter appears to be more involved in design and manufacture. In addition to this, the existence of three third parties trading in the UK in the field of research and using a sign that incorporates CAMBRIDGE is not likely to impact upon the ability of the opponent’s mark to indicate services provided by it or with its consent. I find this evidence is not persuasive.

66) Returning to my considerations of the various factors relevant in my analysis, I have found that:

- the opponent’s mark consists of the name of the town in which it is situated. Being the name of a geographical location results in it having only a very low level of inherent distinctive character;



- the opponent’s mark benefits from an enhanced level of distinctive character in respect of both “undergraduate education” and “postgraduate study”, both being a subset of the broad term *education* in the opponent’s Class 41 specification;
- the applicant’s class 9 goods are identical to goods in the opponent’s specification;
- the applicant’s class 41 services are similar to a medium degree to the opponent’s *education* (insofar that it covers “postgraduate study”);
- the respective relevant goods and services are specialist in nature attracting specialist consumers who will pay a higher than average degree of care and attention during the purchasing act;
- the opponent’s mark consists of only one element that is self-evidently the dominant and distinctive element;
- the applicant’s mark consists of the device of a brain, the word CAMBRIDGE and the term “NeuroTech”, all of which may function independently, but I also recognise that the mark may be perceived as a device and the term “CAMBRIDGE NeuroTech”;
- the respective marks share a no more than a medium level of visual similarity and a medium level of aural and conceptual similarity.

67) I agree with Mr Stobbs when he submitted that the term “NeuroTech” present in the applicant’s mark is a descriptive term, or at least an abbreviation of a descriptive term (being “neurotechnology”, a combination of “neuro” meaning “relating to nerves or the nervous system”<sup>41</sup> and “the application of scientific knowledge for practical purposes...”<sup>42</sup>). I keep this in mind.

68) Turning to the likelihood of confusion in respect of the applicant’s Class 9 goods, the fact that the respective goods are identical is a factor in favour of such confusion occurring. However, the enhanced level of attention is a factor against. Further, with the opponent not having any enhanced level of distinctive character in respect of its goods, my considerations are based upon the opponent’s mark’s very low level of

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<sup>41</sup> <http://www.oxfordreference.com/search?q=neuro&searchBtn=Search&isQuickSearch=true>

<sup>42</sup> <https://en.oxforddictionaries.com/definition/technology>

inherent distinctive character. When this is considered together with the fact that CAMBRIDGE is the name of a town in the East of England, it is my view that the applicant's mark will be perceived as indicating neurotechnology goods originating from the town of Cambridge and, consequently, not being perceived as a reference to the opponent's mark. The additional elements present in the applicant's mark do nothing to dispel this perception.

69) It is very clear to me that the visual differences between the marks will result in it being unlikely that there is any direct confusion (where one mark is confused with the other), even taking account of imperfect recollection. Also taking my comments in the previous paragraph into account, I find that there is also no likelihood of indirect confusion (where the consumer will believe that, because of the similarity between the marks, the respective goods originate from the same or linked undertaking).

70) I add that it is my view that the opponent is in no better position insofar as it may rely upon its *education* in Class 41. Taking the high point that such education may include postgraduate research, there is nothing before me to suggest that the providers of postgraduate research also provide the types of goods related to its research. In addition, additional elements present in the opponent's marks create differences to the applicant's mark, further reducing the likelihood of confusion. Consequently, even taking account of the enhanced distinctive character of the opponent's mark in respect of such services, I find that there is no likelihood of confusion when considering the opponent's reliance upon its Class 41 services. Further, the additional elements present in the opponent's other earlier marks create additional differences to the applicant's mark and, as a consequence, I find that a likelihood of confusion with these other earlier marks is less likely.

71) The opposition, insofar as it is based upon Section 5(2)(b) of the Act, fails against the applicant's Class 9 goods.

72) Turning to the opponent's case against the applicant's Class 41 services, the position is different. The respective services share a medium level of similarity and this points to a lower likelihood of confusion than when considering the parties' identical goods involved in Class 9. However, this is offset by the fact that the

respective services may be in competition and that the opponent's mark benefits from an enhanced distinctive character in respect of a subset of services covered by its *education* including postgraduate study. Taking this into account, even when the specialist consumer of the kind involved here is taken into account, they are likely to perceive the mark CAMBRIDGE as a reference to the University rather than to the town. Further, it is my view that in respect of the specialist product research and development described in the applicant's specification, the word CAMBRIDGE in the applicant's mark is also more likely to be perceived as a reference to the University. Therefore, when considering the applicant's mark in its entirety, the consumer is likely to perceive it as indicating services that are provided by the University or with its consent, an undertaking linked to the University.

73) In summary, the opposition, insofar as it is based upon section 5(2)(b) of the Act fails in respect of the applicant's Class 9 goods but is successful against all its Class 41 services.

#### **Section 5(4)(a)**

74) Section 5(4)(a) states:

"A trade mark shall not be registered if, or to the extent that, its use in the United Kingdom is liable to be prevented –

(a) by virtue of any rule of law (in particular, the law of passing off) protecting an unregistered trade mark or other sign used in the course of trade, or

(b) [.....]

A person thus entitled to prevent the use of a trade mark is referred to in this Act as the proprietor of "an earlier right" in relation to the trade mark."

75) Halsbury's Laws of England (4th Edition) Vol. 48 (1995 reissue) at paragraph 165 provides the following analysis of the law of passing off. The analysis is based

on guidance given in the speeches in the House of Lords in *Reckitt & Colman Products Ltd v. Borden Inc.* [1990] R.P.C. 341 and *Erven Warnink BV v. J. Townend & Sons (Hull) Ltd* [1979] AC 731. It is (with footnotes omitted) as follows:

“The necessary elements of the action for passing off have been restated by the House of Lords as being three in number:

(1) that the plaintiff’s goods or services have acquired a goodwill or reputation in the market and are known by some distinguishing feature;

(2) that there is a misrepresentation by the defendant (whether or not intentional) leading or likely to lead the public to believe that the goods or services offered by the defendant are goods or services of the plaintiff; and

(3) that the plaintiff has suffered or is likely to suffer damage as a result of the erroneous belief engendered by the defendant’s misrepresentation.

The restatement of the elements of passing off in the form of this classical trinity has been preferred as providing greater assistance in analysis and decision than the formulation of the elements of the action previously expressed by the House. This latest statement, like the House’s previous statement, should not, however, be treated as akin to a statutory definition or as if the words used by the House constitute an exhaustive, literal definition of passing off, and in particular should not be used to exclude from the ambit of the tort recognised forms of the action for passing off which were not under consideration on the facts before the House.”

76) Further guidance is given in paragraphs 184 to 188 of the same volume with regard to establishing the likelihood of deception or confusion. In paragraph 184 it is noted (with footnotes omitted) that:

“To establish a likelihood of deception or confusion in an action for passing off where there has been no direct misrepresentation generally requires the presence of two factual elements:

(1) that a name, mark or other distinctive feature used by the plaintiff has acquired a reputation among a relevant class of persons; and

(2) that members of that class will mistakenly infer from the defendant's use of a name, mark or other feature which is the same or sufficiently similar that the defendant's goods or business are from the same source or are connected.

While it is helpful to think of these two factual elements as successive hurdles which the plaintiff must surmount, consideration of these two aspects cannot be completely separated from each other, as whether deception or confusion is likely is ultimately a single question of fact.

In arriving at the conclusion of fact as to whether deception or confusion is likely, the court will have regard to:

(a) the nature and extent of the reputation relied upon;

(b) the closeness or otherwise of the respective fields of activity in which the plaintiff and the defendant carry on business;

(c) the similarity of the mark, name etc. used by the defendant to that of the plaintiff;

(d) the manner in which the defendant makes use of the name, mark etc. complained of and collateral factors; and

(e) the manner in which the particular trade is carried on, the class of persons who it is alleged is likely to be deceived and all other surrounding circumstances.”

In assessing whether confusion or deception is likely, the court attaches importance to the question whether the defendant can be shown to have

acted with a fraudulent intent, although a fraudulent intent is not a necessary part of the cause of action.”

### ***The relevant date***

77) The relevant date for assessing if section 5(4)(a) applies has been discussed by Mr Daniel Alexander QC sitting as the Appointed Person in *Advanced Perimeter Systems Limited v Multisys Computers Limited*, BL O-410-11. A summary of the position provided by Allan James, for the Registrar, in *SWORDERS TM O-212-06* was quoted with approval and I reproduce it below:

“Strictly, the relevant date for assessing whether s.5(4)(a) applies is always the date of the application for registration or, if there is a priority date, that date: see Article 4 of Directive 89/104. However, where the applicant has used the mark before the date of the application it is necessary to consider what the position would have been at the date of the start of the behaviour complained about, and then to assess whether the position would have been any different at the later date when the application was made.”

78) The primary relevant date for the purposes of these proceedings is the filing date of the contested application, namely 26 May 2017. The opponent claims that it has been trading under the earlier mark in the UK for many centuries. There is no specific counterclaim to an earlier goodwill, but I note that Mr Holtzman makes statements that the applicant commenced trading on 20 November 2013. This is, therefore, a potential additional relevant date. However, in light of the long-standing position of the University, I accept that any goodwill that the opponent possesses at the filing date of the contested mark will have also existed at the time the applicant commenced trading. This renders the potential second date as irrelevant. Therefore, I will proceed on the basis that the relevant date for assessing the issue of passing off in these proceedings is the filing date of the application.

## Goodwill

79) A long-standing definition of goodwill is provided in *Inland Revenue Commissioners v Muller & Co's Margarine Ltd* [1901] AC 217 (HOL):

“What is goodwill? It is a thing very easy to describe, very difficult to define. It is the benefit and advantage of the good name, reputation and connection of a business. It is the attractive force which brings in custom. It is the one thing which distinguishes an old-established business from a new business at its first start.”

80) This ground potentially places the opponent in a stronger position than its ground based upon section 5(2)(b) because it claims goodwill attached to the sign CAMBRIDGE in respect of numerous services including “scientific research” (see the opponent’s list of goods and services relied upon in its Form TM7). Such services are not covered by the opponent’s registered CAMBRIDGE mark and it was, therefore, unable to rely upon such services in respect of its grounds based upon section 5(2)(b). If the claim is made out, then its goodwill will reside in the identical or similar services to those listed in the contested application. At the hearing, Mr Muir Wood accepted that CAMBRIDGE has come to mean the University of Cambridge in respect of undergraduate education. Mr Stobbs’ submissions at the hearing that it believes its goodwill lies in a somewhat broader field, namely of university education, school examination and English language education, publishing and research. However, I will consider the opponent’s position based upon its reliance upon “scientific research”. If it can demonstrate goodwill in respect of these services, it will represent its strongest case.

81) At the hearing, Mr Stobbs directed me to the following evidence:

- over the last 10 years, researchers “associated” with the University have received a total of more than £3.3 billion in research grants and contracts;
- 98 researchers “affiliated” to the University have been awarded the Nobel Prize;

- The University set up CAMBRIDGE NEUROSCIENCE in 2007 as a “Strategic Research Initiative” and now involves over 700 researchers in more than 60 different departments;
- The University has 4000 PhD students.

82) Mr Stobbs submitted that I should accept that the scope and scale of the University’s research activities is very large.

83) In addition, I also note from the evidence that:

- The University is a research university and regarded as one of the best in the world;
- The University’s CAMBRIDGE NEUROSCIENCE has its own website where it repeatedly refers to itself as CAMBRIDGE;
- The evidence illustrates that both the University itself and the media refer to it as CAMBRIDGE and that this is so in respect of the activities of the University including undergraduate education, postgraduate study and research.

84) Mr Muir Wood criticised the opponent’s evidence suggesting that not all the bodies cited as examples of establishments affiliated to the University were in fact affiliated. It is true that evidence of such affiliation has not been provided and I note that in the “Cambridge Cluster” there are both companies that are affiliated to the University (so called “spin-out” companies) and also companies incorporated by ex-University of Cambridge students (“start-up” companies). However, the evidence is equally clear that there are numerous research establishments that are affiliated to the university, even if others are not. Consequently, whilst Mr Muir Wood has raised a criticism, it is not sufficient for me to conclude that many of the examples referred to in the opponent’s evidence are, in fact, affiliated to the University.

85) Taking all of the above into account, it is clear that the university has a very strong reputation and goodwill in respect of research and that this includes research in the field of neuroscience. Further, whilst other signs are used, one of the signs consistently used to identify this goodwill is CAMBRIDGE. Consequently, I find that



the opponent has the requisite goodwill and that this goodwill extends to research, including neuroscience research and that this goodwill is identified by a number of signs, one of which is CAMBRIDGE.

86) Further, Mr Stobbs urged me to accept that the evidence showed goodwill identified by the sign CAMBRIDGE for post-graduate study. I find this to be the case (as reflected by my earlier comments regarding the opponent benefitting from an enhanced level of distinctive character in its mark CAMBRIDGE in respect of such services). I agree with Mr Stobbs' submission that the general public and consumers of the University's services would understand the phrase "undertaking a PhD at Cambridge" to be a reference to the University.

87) Taking all of the above into account, I conclude that the opponent's goodwill in the UK is identified by its word sign CAMBRIDGE and that this goodwill extends to at least postgraduate study and research, including research in the field of neuroscience. This finding results in the opponent's reliance in goodwill in respect of research being its best case and, consequently, it is not necessary that I consider its claim of goodwill in respect of other services.

## **Misrepresentation and Damage**

88) In *Neutrogena Corporation and Another v Golden Limited and Another*, 1996] RPC 473, Morritt L.J. stated that:

"There is no dispute as to what the correct legal principle is. As stated by Lord Oliver of Aylmerton in *Reckitt & Colman Products Ltd. v. Borden Inc.* [1990] R.P.C. 341 at page 407 the question on the issue of deception or confusion is

"is it, on a balance of probabilities, likely that, if the appellants are not restrained as they have been, a substantial number of members of the public will be misled into purchasing the defendants' [product] in the belief that it is the respondents'[product]"

The same proposition is stated in Halsbury's Laws of England 4th Edition Vol.48 para 148 . The necessity for a substantial number is brought out also in *Saville Perfumery Ltd. v. June Perfect Ltd.* (1941) 58 R.P.C. 147 at page 175 ; and *Re Smith Hayden's Application* (1945) 63 R.P.C. 97 at page 101.”

And later in the same judgment:

“.... for my part, I think that references, in this context, to “more than *de minimis* ” and “above a trivial level” are best avoided notwithstanding this court's reference to the former in *University of London v. American University of London* (unreported 12 November 1993) . It seems to me that such expressions are open to misinterpretation for they do not necessarily connote the opposite of substantial and their use may be thought to reverse the proper emphasis and concentrate on the quantitative to the exclusion of the qualitative aspect of confusion.”

89) Returning to the applicant's evidence of other traders using CAMBRIDGE in the field of research (and, for that matter, other fields that the opponent also trades), the courts have held that, for the purposes of passing off, it is not necessary for the sign being relied upon to be exclusively distinctive. In particular, in *Associated Newspapers Ltd v Express Newspapers* [2003] FSR 51 (HC), Laddie J. stated:

“28. As Mr Watson implicitly accepts, there is no requirement in the law of passing off that the claimant's reputation has to be exclusive. There have been a number of cases where a claimant has succeeded even though he was not the only trader with a reputation in the mark. A newcomer who adopts a mark employed by more than one competitor and thereby deceives the public harms each of them. There is no reason in principle and no authority which suggests that because a number of proprietors are harmed, none of them can seek to restrain the interference with their trade.”

90) Therefore, insofar as Mr Holtzman relied upon this evidence to counter the section 5(4)(a) claim, I dismiss it.

91) Mr Stobbs submitted that there is a clear overlap between product research and development and general research. I agree and, further, I have also found that the opponent's goodwill extends to research in the field of neuroscience. Therefore, it follows that the parties are in the same, or very similar fields of activity. I have found a likelihood of confusion between the respective marks where the opponent relies upon "postgraduate study", being a subset of its *education*. Whilst I recognise the test for misrepresentation is not the same as for likelihood of confusion, with the fields of activity being even closer when considering the issue of passing off, compared to the similarity of the services in play for the purposes of section 5(2)(b), I find that misrepresentation is likely to occur in respect of the applicant's Class 42 services and because the respective services could be in direct competition, damage is likely in the form of diverted sales and lost business.

92) In respect of the applicant's Class 9 goods, the opponent's best case rests with its goodwill in respect of research and postgraduate study. Its case here seems less strong than its case under section 5(2)(b) because it is unable to rely on identical goods. Therefore, whilst once again, recognising that my considerations under section 5(4)(a) are not the same as under section 5(2)(b), I find that, when used in respect of its goods, the CAMBRIDGE element of the applicant's mark is likely to be perceived as a reference to the town and not the university. Therefore, when the mark is considered, as a whole, the differences to the opponent's sign, together with the difference between the services of the opponent and the goods of the applicant are sufficiently that misrepresentation is not likely to occur.

93) In summary, the grounds based upon section 5(4)(a) is successful in respect of all of the applicant's services but fails in respect of all of its goods.

### **Section 5(3)**

94) Section 5(3) states:

"(3) A trade mark which –

(a) is identical with or similar to an earlier trade mark,

(b) (repealed)

shall not be registered if, or to the extent that, the earlier trade mark has a reputation in the United Kingdom (or, in the case of a European Union trade mark or international trade mark (EU) in the European Union) and the use of the later mark without due cause would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.”

95) In light of my findings under section 5(2) and section 5(4)(a) of the Act, it will follow that in respect of the services in which those grounds were successful and where the opponent benefits from acquired distinctive character and goodwill, it will also have the requisite reputation for the purposes of section 5(3). Further, my findings of a likelihood of confusion, misrepresentation and likely damage points towards use of the applicant’s mark constituting free riding on this reputation. Therefore, this ground is at least success to the same extent as achieved under section 5(2)(b) and section 5(4)(a). Consequently, I will consider the opponent’s case under this ground only insofar as it applies to the applicant’s goods (that have survived the earlier two grounds).

96) The relevant case law can be found in the following judgments of the CJEU: Case C-375/97, *General Motors*, [1999] ETMR 950, Case 252/07, *Intel*, [2009] ETMR 13, Case C-408/01, *Adidas-Salomon*, [2004] ETMR 10 and C-487/07, *L’Oreal v Bellure* [2009] ETMR 55 and Case C-323/09, *Marks and Spencer v Interflora*. The law appears to be as follows.

a) The reputation of a trade mark must be established in relation to the relevant section of the public as regards the goods or services for which the mark is registered; *General Motors*, paragraph 24.

(b) The trade mark for which protection is sought must be known by a significant part of that relevant public; *General Motors*, paragraph 26.

(c) It is necessary for the public when confronted with the later mark to make a link with the earlier reputed mark, which is the case where the public calls

the earlier mark to mind; *Adidas Saloman, paragraph 29* and *Intel, paragraph 63*.

(d) Whether such a link exists must be assessed globally taking account of all relevant factors, including the degree of similarity between the respective marks and between the goods/services, the extent of the overlap between the relevant consumers for those goods/services, and the strength of the earlier mark's reputation and distinctiveness; *Intel, paragraph 42*

(e) Where a link is established, the owner of the earlier mark must also establish the existence of one or more of the types of injury set out in the section, or there is a serious likelihood that such an injury will occur in the future; *Intel, paragraph 68*; whether this is the case must also be assessed globally, taking account of all relevant factors; *Intel, paragraph 79*.

(f) Detriment to the distinctive character of the earlier mark occurs when the mark's ability to identify the goods/services for which it is registered is weakened as a result of the use of the later mark, and requires evidence of a change in the economic behaviour of the average consumer of the goods/services for which the earlier mark is registered, or a serious risk that this will happen in future; *Intel, paragraphs 76 and 77*.

(g) The more unique the earlier mark appears, the greater the likelihood that the use of a later identical or similar mark will be detrimental to its distinctive character; *Intel, paragraph 74*.

(h) Detriment to the reputation of the earlier mark is caused when goods or services for which the later mark is used may be perceived by the public in such a way that the power of attraction of the earlier mark is reduced, and occurs particularly where the goods or services offered under the later mark have a characteristic or quality which is liable to have a negative impact of the earlier mark; *L'Oreal v Bellure NV, paragraph 40*.

(i) The advantage arising from the use by a third party of a sign similar to a mark with a reputation is an unfair advantage where it seeks to ride on the coat-tails of the senior mark in order to benefit from the power of attraction, the reputation and the prestige of that mark and to exploit, without paying any financial compensation, the marketing effort expended by the proprietor of the mark in order to create and maintain the mark's image. This covers, in particular, cases where, by reason of a transfer of the image of the mark or of the characteristics which it projects to the goods identified by the identical or similar sign, there is clear exploitation on the coat-tails of the mark with a reputation (*Marks and Spencer v Interflora*, paragraph 74 and the court's answer to question 1 in *L'Oreal v Bellure*).

### **Reputation**

97) I have found use sufficient to result in an enhanced level of distinctive character in respect of a subset of the opponent's *education*, and this extends to postgraduate study. I find that such use is also sufficient to demonstrate the requisite reputation upon which to base the opposition upon section 5(3).

### **Link**

98) When assessing the existence of a link, I keep in mind the following guidance of the CJEU in Case C-408/01, *Adidas-Salomon*:

“28. The condition of similarity between the mark and the sign, referred to in Article 5(2) of the Directive, requires the existence, in particular, of elements of visual, aural or conceptual similarity (see, in respect of Article 5(1)(b) of the Directive, Case C-251/95 *SABEL* [1997] ECR I-6191, paragraph 23 in fine, and Case C-342/97 *Lloyd Schuhfabrik Meyer* [1999] ECR I-3819, paragraphs 25 and 27 in fine).

29. The infringements referred to in Article 5(2) of the Directive, where they occur, are the consequence of a certain degree of similarity between the mark and the sign, by virtue of which the relevant section of the public makes a

connection between the sign and the mark, that is to say, establishes a link between them even though it does not confuse them (see, to that effect, Case C-375/97 *General Motors* [1999] ECR I-5421, paragraph 23).”

99) Therefore, the assessment of similarity between the respective marks is the same as for section 5(2). However, I also keep in mind that the level of similarity required for the public to make a link between the marks for the purposes of 5(3) may be less than the level of similarity required to create a likelihood of confusion (*Intra-Press SAS v OHIM*, Joined cases C-581/13P & C-582/13P, paragraph 72).

100) I have found that the respective goods and services are similar to a medium degree and are specialist in nature attracting specialist consumers that pay a higher than average degree of care during the purchasing process and that the respective marks share a medium degree of visual, aural and conceptual similarity. Taking all of this together, I found that there is no likelihood of confusion (even where the respective goods are identical, which is not the case here in respect of section 5(3) grounds).

101) As I indicated when considering likelihood of confusion under section 5(2)(b), I agree with Mr Muir Wood’s submission that the word CAMBRIDGE in the applicant’s mark will merely be seen as an indication of its geographical location and it will not be perceived as a reference to the University. When factoring in this together with the other elements summarised above, I find that the common occurrence of the word CAMBRIDGE in both marks is not sufficient, in this case, to create the requisite link.

102) I conclude that the opposition based upon section 5(3) fails insofar as it is targeted at the applicant’s Class 9 goods.

## **Summary**

103) The opposition is partially successful and the contested application is refused in respect of all of its Class 42 services, but may proceed to registration in respect of all of its Class 9 goods.

## **Costs**

104) The parties have each achieved a measure of success and, accordingly, both sides will bear their own costs. I, therefore, decline to make an award.

**21<sup>st</sup> of February 2019**

**Mark Bryant**

**For the Registrar**

**The Comptroller-General**



## Annex

### Full List of Opponent's earlier Marks

EU12019733 CAMBRIDGE

Filing date: 26 July 2013

Date of Entry on the register: 29 August 2015

**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; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; audiovisual teaching apparatus; bags adapted for laptops; calculating machines; CDs; CD-ROMs; compact disc players; computer game software; software for playing games on mobile phones, tablets or portable computers; computer software, recorded; computer programs, recorded; computer programs [downloadable software]; software for mobile phones, tablets and portable computers; downloadable software for mobile devices; computer keyboards; computer peripheral devices; computer memory devices; computers; data processing apparatus; disk drives for computers; disks, magnetic; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; interfaces for computers; laptop computers; magnetic data media; magnetic tapes; magnetic disks; monitors [computer hardware]; mouse pads; notebook computers; tablet computers; portable computers; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching and learning; portable electronic devices for teaching and learning; handheld electronic devices for examination and assessment; portable electronic devices for examination and assessment; handheld electronic devices for entertainment and reading; portable electronic devices for entertainment and reading; portable media players; printers for use with computers; central processing units; projection screens; projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; testing apparatus not for medical purposes; USB flash drives; video cassettes; videotapes; non-printed publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; application software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; digital tablets; computer apparatus; graphics tablets; handheld computers; mobile computers; on-board computers; pocket computers for note-taking; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; abacuses; acid hydrometers; acidimeters for batteries; actinometers; adding machines; aerometers; electronic agendas; air analysis apparatus; alcoholmeters; alidades; altimeters; ammeters; amplifiers; amplifying tubes; anemometers; animated cartoons; anode batteries; anodes, anti-glare visors; anti-glare glasses; anti-interference devices [electricity]; anticathodes; apertometers [optics]; armatures [electricity]; apparatus and instruments for astronomy; azimuth instruments; barometers; batteries for lighting; electric batteries; battery jars; battery boxes; battery chargers; betatrons; binoculars; blueprint apparatus; boiler control instruments; breathing apparatus, except for artificial respiration, cabinets for loudspeakers; electric cables; calibrating rings; calipers; camcorders; cameras; capillary tubes; carriers for dark plates [photography]; cases especially made for photographic apparatus and instruments; cases fitted with dissecting instruments; cassette players; cathodes; cathodic anti-corrosion apparatus; cell phone straps; cell switches [electricity]; centering apparatus for photographic transparencies; chargers for electric batteries; chemistry apparatus and instruments; chips [integrated circuits]; choking coils [impedance]; chromatography apparatus for laboratory use; chronographs [time recording apparatus]; cinematographic film, exposed; cinematographic cameras; circuit breakers; circuit closers; clothing especially made for laboratories; coaxial cables; electric coils; electric collectors; electric apparatus for commutation; commutators; comparators; directional compasses; compasses [measuring instruments]; capacitors; electric conductors; connections for electric lines; connectors [electricity]; contact lenses; electric contacts; containers for contact lenses; containers for microscope slides; control panels [electricity]; electric converters; insulated copper wire; correcting lenses [optics]; cosmographic instruments; counters; meters; couplers [data processing equipment]; electric couplings; electric connections; covers for electric outlets; crucibles [laboratory]; cupels [laboratory]; current rectifiers; cyclotrons; darkroom lamps [photography]; darkrooms [photography]; decompression chambers; demagnetising apparatus for magnetic tapes; densimeters; densitometers; detectors; diagnostic apparatus, not for medical purposes; diaphragms [photography]; diaphragms [acoustics]; diaphragms for scientific apparatus; diffraction apparatus [microscopy]; digital photo frames; electric discharge tubes, other than for lighting; distance measuring apparatus; distance recording apparatus; distillation*

apparatus for scientific purposes; distribution boards [electricity]; distribution boxes [electricity]; distribution consoles [electricity]; DNA chips; dog whistles; dosage dispensers; dosimeters; downloadable ring tones for mobile phones; drainers for use in photography; drying apparatus for photographic prints; ducts [electricity]; DVD players; dynamometers; apparatus for editing cinematographic film; hourglasses; egg-candlers; electric loss indicators; electricity conduits; electrified rails for mounting spot lights; electrified fences; electrolyzers; electromagnetic coils; electronic notice boards; electronic pens [visual display units]; encoded magnetic cards; enlarging apparatus [photography]; epidiascopes; ergometers; exposure meters; eyeglass chains; eyeglass cases; eyeglass cords; eyepieces; instruments containing eyepieces; facsimile machines; apparatus for fermentation [laboratory apparatus]; fibre optic cables; film cutting apparatus; films, exposed; filters [photography]; filters for ultraviolet rays, for photography; filters for respiratory masks; flash-bulbs [photography]; flashlights [photography]; food analysis apparatus; frames for photographic transparencies; frequency meters; furnaces for laboratory use; ovens for laboratory use; furniture especially made for laboratories; fuse wire; fuses; galena crystals [detectors]; galvanic cells; galvanic batteries; galvanometers; gas testing instruments; petrol gauges; gasometers [measuring instruments]; gauges; glass covered with an electrical conductor; Global Position System [GPS] apparatus; grids for batteries; hands free kits for phones; head cleaning tapes [recording]; headphones; heat regulating apparatus; heliographic apparatus; high-frequency apparatus; holders for electric coils; holograms; horns for loudspeakers; hydrometers; hygrometers; magnetic identity cards; electric apparatus for remote ignition; incubators for bacteria culture; inductors [electricity]; smart cards [integrated circuit cards]; integrated circuits; intercommunication apparatus; inverters [electricity]; ionisation apparatus not for the treatment of air or water; juke boxes for computers; musical juke boxes; junction sleeves for electric cables; junction boxes [electricity]; laboratory trays; laboratory centrifuges; lactodensimeters; lactometers; lasers, not for medical purposes; lens hoods; lenses for astrophotography; levelling staffs [surveying instruments]; levelling instruments; levels [instruments for determining the horizontal]; light-emitting electronic pointers; light-emitting diodes [LED]; lighting ballasts; lightning conductors; limiters [electricity]; logs [measuring instruments]; loudspeakers; magic lanterns; magnetic encoders; magnetic wires; magnets; decorative magnets; magnifying glasses [optics]; marine compasses; marine depth finders; material testing instruments and machines; mathematical instruments; measures; measuring apparatus; measuring instruments; electric measuring devices; graduated glassware; measuring glassware; measuring spoons; mercury levels; metal detectors for industrial or military purposes; meteorological balloons; meteorological instruments; metronomes; micrometer screws for optical instruments; micrometers; microphones; microprocessors; microscopes; microtomes; mirrors for inspecting work; mirrors [optics]; modems; electric monitoring apparatus; navigation apparatus for vehicles [on-board computers]; needles for record players; objectives [lenses] [optics]; observation instruments; octants; ohmmeters; optical character readers; optical fibres; optical lenses; optical glass; optical lamps; optical goods; optical apparatus and instruments; optical condensers; oscillographs; oxygen transvasing apparatus; ozonisers; particle accelerators; pedometers; periscopes; personal stereos; petri dishes; sound recording discs; photocopiers; photometers; phototelegraphy apparatus; photovoltaic cells; apparatus and instruments for physics; pince-nez; eyeglasses; eyeglass frames; pipettes; pitot tubes; plane tables [surveying instruments]; planimeters; plates for batteries; plotters; plumb lines; plumb bobs; polarimeters; precision balances; precision measuring apparatus; pressure measuring apparatus; pressure gauges; pressure indicators; pressure indicator plugs for valves; printed circuits; printed circuit boards; prisms [optics]; probes for scientific purposes; protection devices against X-rays, not for medical purposes; protective helmets for sports; protective masks; protective suits for aviators; protractors [measuring instruments]; pyrometers; quantity indicators; radar apparatus; radio pagers; radiological apparatus for industrial purposes; radiology screens for industrial purposes; radios; radiotelegraphy sets; radiotelephony sets; telemeters; range finders; readers [data processing equipment]; audio- and video-receivers; record players; refractometers; refractors; electric regulating apparatus; electric relays; remote control apparatus; electric resistances; respirators for filtering air; respiratory masks, other than for artificial respiration; respirators, other than for artificial respiration; resuscitation mannequins [teaching apparatus]; retorts; retorts' stands; revolution counters; rheostats; riding helmets; rulers [measuring instruments]; rules [measuring instruments]; saccharometers; salinometers; satellite navigational apparatus; satellites for scientific purposes; scales; scanners [data processing equipment]; screens [photography]; screw-tapping gauges; semi-conductors; sextants; sheaths for electric cables; shutter releases [photography]; shutters [photography]; simulators for the steering and control of vehicles; slide projectors; slide calipers; slide-rules; inclinometers; smoke detectors; plugs, sockets and other contacts [electric connections]; socks, electrically heated; solar batteries; solderers' helmets; solenoid valves [electromagnetic switches]; sonars; sound transmitting apparatus; sound recording strips; sound recording carriers; sound locating instruments; sounding apparatus and machines; sounding lines; sounding leads; spark-guards; spectacle cases; spectacle frames; spectacle lenses; spectacles [optics]; spectrograph apparatus; spectrometers; speed indicators; spherometers; stands for photographic apparatus; steering apparatus, automatic, for vehicles; step-up transformers; stereoscopes; stereoscopic apparatus; stills for laboratory experiments; stroboscopes; sulphimeters; sunglasses; surveying instruments; surveying apparatus and instruments; surveying chains; surveyors' levels; tachometers; tape recorders; taximeters; teeth protectors; telephone apparatus; telephone receivers; telephone transmitters; telephone wires; teleprinters; teleprompters; teleruptors; telescopes; television apparatus; temperature apparatus; temperature indicators; temperature indicator labels, not for medical purposes; terminals [electricity]; test tubes; testing apparatus not for medical purposes; theodolites; thermionic valves; thermometers, not for medical purposes; thermostats; totalizers, transformers [electricity]; transistors [electronic]; transmitters of electronic signals; transmitters [telecommunication]; transmitting sets [telecommunication]; transparencies [photography]; transponders; triodes; tripods for cameras; urinometers; vacuum gauges; variometers; vehicle radios; verniers; video telephones; video game cartridges; video recorders; video screens; videotapes; photographic viewfinders; viscosimeters; voltmeters; voting machines; wafers for integrated circuits; walkie-talkies; water level indicators; wavemeters; weighing machines; wire connectors [electricity]; electric wires; wrist rests for use with computers; x-ray films, exposed; x-ray photographs, other than for medical purposes; x-ray apparatus, not for medical purposes; x-ray tubes not for medical purposes; apparatus and installations for the production of x-rays, not for medical purposes; safety spectacles; frames for spectacles and sunglasses; anaerobic chambers for laboratory or scientific use; anatomical models for instructional purposes; beakers [laboratory glassware]; cell culture apparatus for laboratory use; centrifuge separators for laboratory use; centrifuges for laboratory use; chemical reactors; containers for microscope slides; culture plates; diffraction apparatus [microscopy]; electron beam accelerators; environmental test chambers; temperature simulation equipment; equatorial telescopes; filtering units for laboratory use; flight simulators; fraction collectors; fume cupboards for laboratory use; gas mixers for laboratory use; gasifiers for laboratory use; genetic probe assay apparatus; geophysical research apparatus; geoseismic apparatus; glassware specifically adapted for scientific use; holders for test tubes; hollow glass containers for laboratory use; immunostaining instruments [for scientific purposes]; incubators for laboratory use;

laboratory optical apparatus; macroscopes; medical simulators [teaching aids]; microtitration instruments [other than for medical use]; nuclear resonance spectrometers [other than for medical use]; particle classifying apparatus; particle generators; radioisotope apparatus, other than for medical use; science sets for children being instructional apparatus; separating apparatus for laboratory use; ultrasonic cleaning instruments for laboratory use; ultrasonic diagnostic apparatus for laboratory use; vacuum probes for scientific use; vials for laboratory use; zenith telescopes; parts and fittings for all the aforesaid goods.

**Class 16:** Paper, cardboard and goods made from these materials, not included in other classes; 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 (not included in other classes); printers' type; printing blocks; adhesive tape dispensers [office requisites]; adhesive tapes for stationery or household purposes; adhesives [glues] for stationery or household purposes; albums/scrapbooks; almanacs; announcement cards [stationery]; arithmetical tables; atlases; binding strips [bookbinding]; biological samples for use in microscopy [teaching materials]; blackboards; blotters; bookbindings; bookends; booklets; bookmarkers; books; calendars; cards; charts; catalogues; charcoal pencils; clipboards; clips for offices; staples for offices; bookbinding cloth; comic books; compasses for drawing; composing frames [printing]; copying paper [stationery]; cords for bookbinding; correcting fluids [office requisites]; correcting tapes [office requisites]; diagrams; document laminators for office use; document files [stationery]; document holders [stationery]; drawing materials; drawing pads; drawing pens; drawing sets; drawing pins; elastic bands for offices; envelopes [stationery]; files [office requisites]; flyers; folders for papers; folders [stationery]; printed forms; fountain pens; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; index cards [stationery]; indexes; ledgers [books]; magazines [periodicals]; manuals; handbooks; marking pens; newsletters; newspapers; note books; numbers [type]; pads [stationery]; pamphlets; paper; paper sheets [stationery]; paper-clips; paperweights; pencil leads; pencil sharpeners, electric or non-electric; pencils; pens [office requisites]; periodicals; pictures; postcards; posters; printed matter; printed publications; printing type; printing blocks; prospectuses; rubber erasers; school supplies [stationery]; song books; stationery; stickers; teaching materials [except apparatus]; terrestrial globes; writing instruments; writing pads; writing cases [sets]; writing materials; writing cases [stationery]; writing or drawing books; writing paper; exercise books; Bibles; printed awards; printed certificates; reference books; dictionaries; directories; manuals; reports; magazines; journals periodicals; newspapers; newsletters; exam papers; lecture notes; worksheets; quizzes; printed puzzles; educational assessment criteria; flashcards; vocabulary lists; paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials in Class 16 all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; parts and fittings for all the aforesaid goods.

**Class 41:** Education; providing of training; entertainment; sporting and cultural activities; academies [education]; arranging and conducting of colloquiums; arranging and conducting of workshops [training]; arranging and conducting of congresses; arranging and conducting of conferences; arranging and conducting of seminars; arranging and conducting of symposiums; boarding schools; schools; club services [entertainment or education]; coaching [training]; correspondence courses; distance learning courses; education information; educational examination; electronic desktop publishing; game services provided on-line from a computer network; holiday camp services [entertainment]; holiday camp services [education]; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; language interpreter services; lending libraries; mobile library services; providing museum facilities; nursery schools; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; physical education; practical training; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books; publication of reference books; publication of directories; publication of manuals; publication of reports; publication of magazines; publication of journals; publication of periodicals; publication of dictionaries; publication of exam papers; publication of lecture notes; publication of worksheets; publication of quizzes; publication of puzzles; publication of examination marking criteria; publication of pamphlets; publication of booklets; publication of flashcards; publication of vocabulary lists; publication of educational material; publication of electronic books online; publication of electronic journals online; publication of electronic reference books online; publication of directories online; publication of manuals online; publication of reports online; publication of magazines online; publication of periodicals online; publication of dictionaries online; publication of exam papers online; publication of lecture notes online; publication of educational worksheets online; publication of quizzes online; publication of puzzles online; publication of examination marking criteria online; publication of pamphlets online; publication of booklets online; publication of flashcards online; publication of vocabulary lists online; publication of educational material online; publishing; services of schools [education]; sport camp services; teaching services; educational services; instruction services; tuition; translation; vocational guidance [education or training advice]; vocational retraining; writing of texts, other than publicity texts; academic examination services; adult education services; analysing educational test scores and data for others; arrangement of training courses; arranging of festivals for educational purposes; bibliographic information; business educational services; business training; certification of education and training awards; computer assisted education services; computer assisted examination services; design of educational courses, examinations and qualifications; development of educational material; educational assessment services; educational examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of training, teaching, examination and assessment services including such services being provided via computer assisted and computer mediated means and via on-line means; provision of distance learning programmes; information, advisory and consultancy services relating to the aforesaid services.

UK 3015609 CAMBRIDGE

Filing date: 26 July 2013

Date of entry in register: 4 September 2015

**Class 9:** 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; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, computer software for educational purposes; fire-extinguishing apparatus; audiovisual teaching apparatus; bags adapted for laptops; calculating machines; CDs; CD-ROMs; compact disc players; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; magnetic data media; magnetic tapes; magnetic disks; mouse pads; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching and learning; portable electronic devices for teaching and learning; handheld electronic devices for examination and assessment; portable electronic devices for examination and assessment; handheld electronic devices for reading; portable electronic devices for reading; portable media players; projection screens; projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; video cassettes; videotapes; non-printed publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; abacuses; acidimeters for batteries; actinometers; adding machines; aerometers; electronic agendas; air analysis apparatus; alcoholmeters; alidades; altimeters; ammeters; amplifiers; amplifying tubes; anemometers; animated cartoons; anode batteries; anodes; anti-glare visors; anti-glare glasses; anti-interference devices [electricity]; anticathodes; apertometers [optics]; armatures [electricity]; apparatus and instruments for astronomy; azimuth instruments; barometers; batteries for lighting; electric batteries; battery jars; battery boxes; battery chargers; betatrons; binoculars; blueprint apparatus; boiler control instruments; breathing apparatus, except for artificial respiration; cabinets for loudspeakers; electric cables; calibrating rings; calipers; camcorders; cameras; capillary tubes; carriers for dark plates [photography]; cases especially made for photographic apparatus and instruments; cases fitted with dissecting instruments; cassette players; cathodes; cathodic anti-corrosion apparatus; cell phone straps; cell switches [electricity]; centering apparatus for photographic transparencies; chargers for electric batteries; choking coils [impedance]; chromatography apparatus for laboratory use; chronographs [time recording apparatus]; cinematographic film, exposed; cinematographic cameras; circuit breakers; circuit closers; clothing especially made for laboratories; coaxial cables; electric coils; electric collectors; electric apparatus for commutation; commutators; comparators; directional compasses; compasses [measuring instruments]; capacitors; electric conductors; connections for electric lines; connectors [electricity]; contact lenses; electric contacts; containers for contact lenses; containers for microscope slides; control panels [electricity]; electric converters; insulated copper wire; correcting lenses [optics]; counters; meters; couplers [data processing equipment]; electric couplings; electric connections; covers for electric outlets; crucibles [laboratory]; cupels [laboratory]; current rectifiers; cyclotrons; darkroom lamps [photography]; darkrooms [photography]; decompression chambers; demagnetising apparatus for magnetic tapes; densimeters; densitometers; detectors; diaphragms [photography]; diaphragms [acoustics]; digital photo frames; electric discharge tubes, other than for lighting; distance measuring apparatus; distance recording apparatus; distillation apparatus for scientific purposes; distribution boards [electricity]; distribution boxes [electricity]; distribution consoles [electricity]; dog whistles; dosage dispensers; dosimeters; downloadable ring tones for mobile phones; drainers for use in photography; drying apparatus for photographic prints; ducts [electricity]; DVD players; dynamometers; apparatus for editing cinematographic film; hourglasses; egg-candlers; electric loss indicators; electricity conduits; electrified rails for mounting spot lights; electrified fences; electrolyzers; electromagnetic coils; electronic notice boards; electronic pens [visual display units]; encoded magnetic cards; enlarging apparatus [photography]; ergometers; exposure meters; eyeglass chains; eyeglass cases; eyeglass cords; eyepieces; instruments containing eyepieces; facsimile machines; apparatus for fermentation [laboratory apparatus]; fibre optic cables; film cutting apparatus; films, exposed; filters [photography]; filters for ultraviolet rays, for photography; filters for respiratory masks; flash-bulbs [photography]; flashlights [photography]; frames for photographic transparencies; frequency meters; furnaces for laboratory use; ovens for laboratory use; furniture especially made for laboratories; fuse wire; fuses; galena crystals [detectors]; galvanic cells; galvanic batteries; galvanometers; gas testing instruments; petrol gauges; gasometers [measuring instruments]; gauges; glass covered with an electrical conductor; Global Position System [GPS] apparatus; grids for batteries; hands free kits for phones; head cleaning tapes [recording]; headphones; heat regulating high-frequency apparatus; holders for electric coils; holograms; horns for loudspeakers; hydrometers; hygrometers; magnetic identity cards; electric apparatus for remote ignition; incubators for bacteria culture; inductors [electricity]; intercommunication apparatus; inverters [electricity]; ionisation apparatus not for the treatment of air or water; juke boxes for computers; grids for batteries; hands free kits for phones; head cleaning tapes [recording]; headphones; heat regulating high-frequency apparatus; holders for electric coils; holograms; horns for loudspeakers; hydrometers; hygrometers; magnetic identity cards; electric apparatus for remote ignition; incubators for bacteria culture; inductors [electricity]; intercommunication apparatus; inverters [electricity]; ionisation apparatus not for the treatment of air or water; juke boxes for computers; musical juke boxes; junction sleeves for electric cables; junction boxes [electricity]; laboratory trays; laboratory centrifuges; lactodensimeters; lactometers; lasers, not for medical purposes; lens hoods; lenses for astrophotography; levelling staffs [surveying instruments]; levelling instruments; levels [instruments for determining the horizontal]; light-emitting electronic pointers; light-emitting diodes [LED]; lighting

ballasts; lightning conductors; limiters [electricity]; logs [measuring instruments]; loudspeakers; magic lanterns; magnetic encoders; magnetic wires; magnets; decorative magnets; magnifying glasses [optics]; marine compasses; marine depth finders; graduated glassware; measuring glassware; measuring spoons; mercury levels; metal detectors for industrial or military purposes; meteorological balloons; meteorological instruments; metronomes; micrometer screws for optical instruments; micrometers; microphones; microprocessors; microscopes; microtomes; mirrors for inspecting work; mirrors [optics]; navigation apparatus for vehicles [on-board computers]; needles for record players; objectives [lenses] [optics]; observation instruments; octants; ohmmeters; optical character readers; optical fibres; optical lenses; optical glass; optical lamps; optical goods; optical apparatus and instruments; optical condensers; oscillographs; oxygen transvasing apparatus; ozonisers; pedometers; periscopes; personal stereos; petri dishes; sound recording discs; photocopiers; photometers; phototelegraphy apparatus; photovoltaic cells; apparatus and instruments for physics; pince-nez; eyeglasses; eyeglass frames; pipettes; pitot tubes; plane tables [surveying instruments]; planimeters; plates for batteries; plotters; plumb lines; plumb bobs; precision balances; precision measuring apparatus; pressure measuring apparatus; pressure gauges; pressure indicators; pressure indicator plugs for valves; prisms [optics]; protective helmets for sports; protective masks; protective suits for aviators; protractors [measuring instruments]; pyrometers; quantity indicators; radar apparatus; radio pagers; radios; radiotelegraphy sets; radiotelephony sets; telemeters; range finders; audio- and video-receivers; record players; electric regulating apparatus; electric relays; remote control apparatus; electric resistances; respirators for filtering air; respiratory masks, other than for artificial respiration; respirators, other than for artificial respiration; resuscitation mannequins [teaching apparatus]; retorts; retorts' stands; revolution counters; rheostats; riding helmets; rulers [measuring instruments]; rules [measuring instruments]; satellite navigational apparatus; satellites for scientific purposes; scales; screens [photography] screw-tapping gauges; sextants; sheaths for electric cables; shutter releases [photography]; shutters [photography]; simulators for the steering and control of vehicles; slide projectors; slide calipers; slide-rules; inclinometers; smoke detectors; plugs, sockets and other contacts [electric connections]; socks, electrically heated; solar batteries, solderers' helmets; solenoid valves [electromagnetic switches]; sonars; sound transmitting apparatus; sound recording strips; sound recording carriers; sound locating instruments; sounding apparatus and machines; sounding lines; sounding leads; spark-guards; spectacle cases; spectacle frames; spectacle lenses; spectacles [optics]; spectrograph apparatus; spectroscopes; speed indicators; spherometers; stands for photographic apparatus; steering apparatus, automatic, for vehicles; step-up transformers; stereoscopes; stereoscopic apparatus; stills for laboratory experiments; stroboscopes; sulphitometers; sunglasses; surveying instruments; surveying apparatus and instruments; surveying chains; surveyors' levels; tachometers; tape recorders; taximeters; teeth protectors; telephone apparatus; telephone receivers; telephone transmitters; telephone wires; teleprinters; teleprompters; teleruptors; telescopes; television apparatus; temperature apparatus; temperature indicators; temperature indicator labels, not for medical purposes; terminals [electricity]; test tubes; testing apparatus not for medical purposes; theodolites; thermionic valves; thermometers, not for medical purposes; thermostats; totalizers, transformers [electricity]; transistors [electronic]; transmitters of electronic signals; transmitters [telecommunication]; transmitting sets [telecommunication]; transparencies [photography]; transponders; triodes; tripods for cameras; urinometers; vacuum gauges; variometers; vehicle radios; verniers; video telephones; video game cartridges; video recorders; video screens; videotapes; photographic viewfinders; viscosimeters; voltmeters; voting machines; walkie-talkies; water level indicators; wavemeters; weighing machines; wire connectors [electricity]; electric wires; wrist rests for use with computers; x-ray films, exposed; x-ray photographs, other than for medical purposes; x-ray apparatus, not for medical purposes; x-ray tubes not for medical purposes; apparatus and installations for the production of x-rays, not for medical purposes; safety spectacles; frames for spectacles and sunglasses; anaerobic chambers for laboratory or scientific use; anatomical models for instructional purposes; beakers [laboratory glassware]; cell culture apparatus for laboratory use; centrifuge separators for laboratory use; centrifuges for laboratory use; chemical reactors; containers for microscope slides; culture plates; equatorial telescopes; filtering units for laboratory use; flight simulators; fume cupboards for laboratory use; gas mixers for laboratory use; gasifiers for laboratory use; geoseismic apparatus; glassware specifically adapted for scientific use; holders for test tubes; hollow glass containers for laboratory use; immunostaining instruments [for scientific purposes]; incubators for laboratory use; laboratory optical apparatus; science sets for children being instructional apparatus; separating apparatus for laboratory use; ultrasonic cleaning instruments for laboratory use; ultrasonic diagnostic apparatus for laboratory use; vacuum probes for scientific use; vials for laboratory use; zenith telescopes; parts and fittings for all the aforesaid goods.

**Class 16:** Paper, cardboard and goods made from these materials, not included in other classes; 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 (not included in other classes); printers' type; printing blocks; adhesive tape dispensers [office requisites]; adhesive tapes for stationery or household purposes; adhesives [glues] for stationery or household purposes; albums/scrapbooks; almanacs; announcement cards [stationery]; arithmetical tables; atlases; binding strips [bookbinding]; biological samples for use in microscopy [teaching materials]; blackboards; blotters; bookbindings; bookends; booklets; bookmarkers; books; calendars; cards; charts; catalogues; charcoal pencils; clipboards; clips for offices; staples for offices; bookbinding cloth; comic books; compasses for drawing; composing frames [printing]; copying paper [stationery]; cords for bookbinding; correcting fluids [office requisites]; correcting tapes [office requisites]; diagrams; document laminators for office use; document files [stationery]; document holders [stationery]; drawing materials; drawing pads; drawing pens; drawing sets; drawing pins; elastic bands for offices; envelopes [stationery]; files [office requisites]; flyers; folders for papers; folders [stationery]; printed forms; fountain pens; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; index cards [stationery]; indexes; ledgers [books]; magazines [periodicals]; manuals; handbooks; marking pens; newsletters; newspapers; note books; numbers [type]; pads [stationery]; pamphlets; paper; paper sheets [stationery]; paper-clips; paperweights; pencil leads; pencil sharpeners, electric or non-electric; pencils; pens [office requisites]; periodicals; pictures; postcards; posters; printed matter; printed publications; printing type; printing blocks; prospectuses; rubber erasers; school supplies [stationery]; song books; stationery; stickers; teaching materials [except apparatus]; terrestrial globes; writing instruments; writing pads; writing cases [sets]; writing materials; writing cases [stationery]; writing or drawing books; writing paper; exercise books; Bibles; printed awards; printed certificates; reference books; dictionaries; directories; manuals; reports; magazines; journals, periodicals; newspapers; newsletters; exam papers; lecture notes; worksheets; quizzes; printed puzzles; educational assessment criteria; flashcards; vocabulary lists; paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials in Class 16 all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning

*programmes; parts and fittings for all the aforesaid goods.*

**Class 41:** Education; providing of training; entertainment; sporting and cultural activities; academies [education]; arranging and conducting of colloquiums; arranging and conducting of workshops [training]; arranging and conducting of congresses; arranging and conducting of conferences; arranging and conducting of seminars; arranging and conducting of symposiums; boarding schools; schools; club services [entertainment or education]; coaching [training]; correspondence courses; distance learning courses; education information; educational examination; electronic desktop publishing; game services provided on-line from a computer network; holiday camp services [entertainment]; holiday camp services [education]; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; language interpreter services; lending libraries; mobile library services; providing museum facilities; nursery schools; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; physical education; practical training; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books; publication of reference books; publication of directories; publication of manuals; publication of reports; publication of magazines; publication of journals; publication of periodicals; publication of dictionaries; publication of exam papers; publication of lecture notes; publication of worksheets; publication of quizzes; publication of puzzles; publication of examination marking criteria; publication of pamphlets; publication of booklets; publication of flashcards; publication of vocabulary lists; publication of educational material; publication of electronic books online; publication of electronic journals online; publication of electronic reference books online; publication of directories online; publication of manuals online; publication of reports online; publication of magazines online; publication of periodicals online; publication of dictionaries online; publication of exam papers online; publication of lecture notes online; publication of educational worksheets online; publication of quizzes online; publication of puzzles online; publication of examination marking criteria online; publication of pamphlets online; publication of booklets online; publication of flashcards online; publication of vocabulary lists online; publication of educational material online; publishing; services of schools [education]; sport camp services; teaching services; educational services; instruction services; tuition; translation; vocational guidance [education or training advice]; vocational retraining; writing of texts, other than publicity texts; academic examination services; adult education services; analysing educational test scores and data for others; arrangement of training courses; arranging of festivals for educational purposes; bibliographic information; business educational services; business training; certification of education and training awards; computer assisted education services; computer assisted examination services; design of educational courses, examinations and qualifications; development of educational material; educational assessment services; educational examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of training, teaching, examination and assessment services including such services being provided via computer assisted and computer mediated means and via on-line means; provision of distance learning programmes; information, advisory and consultancy services relating to the aforesaid services.

**UK 3015696 CAMBRIDGE**

Filing date: 29 July 2013

Date of entry in register: 18 July 2014

**Class 9:** 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; audiovisual teaching apparatus; bags adapted for laptops; electronic pocket translators; mouse pads; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching and learning; portable electronic devices for teaching and learning; handheld electronic devices for examination and assessment; portable electronic devices for examination and assessment; handheld electronic devices for reading; portable electronic devices for reading; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; stands for computer equipment; digital book readers; parts and fittings for all the aforesaid goods.

**EU 000896449 UNIVERSITY OF CAMBRIDGE**

Filing date: 4 August 1998

Date of entry in register: 7 March 2000

**Class 21:** Glassware; tableware; kitchenware; mugs, plates, ornaments included this class; pottery.

**Class 25:** Clothing, footwear, headgear.

**Class 41:** University education services, academic and vocational educational services; provision of courses of instruction, lectures and seminars all relating to academic or vocational subjects; arranging and conducting conferences and seminars; library services; publication of books, texts and journals; provision of correspondence courses; provision of recreational and sporting facilities; publication services

UK 3015610



# CAMBRIDGE

Filing date: 19 June 2013

Date of entry in register: 12 November 2013

**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; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; audiovisual teaching apparatus; bags adapted for laptops; calculating machines; CDs; CD-ROMs; compact disc players; computer game software; software for playing games on mobile phones, tablets or portable computers; computer software, recorded; computer programs, recorded; computer programs [downloadable software]; software for mobile phones, tablets and portable computers; downloadable software for mobile devices; computer keyboards; computer peripheral devices; computer memory devices; computers; data processing apparatus; disk drives for computers; disks, magnetic; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; interfaces for computers; laptop computers; magnetic data media; magnetic tapes; magnetic disks; monitors [computer hardware]; mouse pads; notebook computers; tablet computers; portable computers; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching and learning; portable electronic devices for teaching and learning; handheld electronic devices for examination and assessment; portable electronic devices for examination and assessment; handheld electronic devices for entertainment and reading; portable electronic devices for entertainment and reading; portable media players; printers for use with computers; central processing units; projection screens; projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; testing apparatus not for medical purposes; USB flash drives; video cassettes; videotapes; non-printed publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; application software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; digital tablets; computer apparatus; graphics tablets; handheld computers; mobile computers; on-board computers; pocket computers for note-taking; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; abacuses; acid hydrometers; acidimeters for batteries; actinometers; adding machines; aerometers; electronic agendas; air analysis apparatus; alcoholmeters; alidades; altimeters; ammeters; amplifiers; amplifying tubes; anemometers; animated cartoons; anode batteries; anodes, anti-glare visors; anti-glare glasses; anti-interference devices [electricity]; anticathodes; apertometers [optics]; armatures [electricity]; apparatus and instruments for astronomy; azimuth instruments; barometers; batteries for lighting; electric batteries; battery jars; battery boxes; battery chargers; betatrons; binoculars; blueprint apparatus; boiler control instruments; breathing apparatus, except for artificial respiration; cabinets for loudspeakers; electric cables; calibrating rings; calipers; camcorders; cameras; capillary tubes; carriers for dark plates [photography]; cases especially made for photographic apparatus and instruments; cases fitted with dissecting instruments; cassette players; cathodes; cathodic anti-corrosion apparatus; cell phone straps; cell switches [electricity]; centering apparatus for photographic transparencies; chargers for electric batteries; chemistry apparatus and instruments; chips [integrated circuits]; choking coils [impedance]; chromatography apparatus for laboratory use; chronographs [time recording apparatus]; cinematographic film, exposed; cinematographic cameras; circuit breakers; circuit closers; clothing especially made for laboratories; coaxial cables; electric coils; electric collectors; electric apparatus for commutation; commutators; comparators; directional compasses; compasses [measuring instruments]; capacitors; electric conductors; connections for electric lines; connectors [electricity]; contact lenses; electric contacts; containers for contact lenses; containers for microscope slides; control panels [electricity]; electric converters; insulated copper wire; correcting lenses [optics]; cosmographic instruments; counters; meters; couplers [data processing equipment]; electric couplings; electric connections; covers for electric outlets; crucibles [laboratory]; cupels [laboratory]; current rectifiers; cyclotrons; darkroom lamps [photography]; darkrooms [photography]; decompression chambers; demagnetising apparatus for magnetic tapes; densimeters; densitometers; detectors; diagnostic apparatus, not for medical purposes; diaphragms [photography]; diaphragms [acoustics]; diaphragms for scientific apparatus; diffraction apparatus [microscopy]; digital photo frames; electric discharge tubes, other than for lighting; distance measuring apparatus; distance recording apparatus; distillation*



apparatus for scientific purposes; distribution boards [electricity]; distribution boxes [electricity]; distribution consoles [electricity]; DNA chips; dog whistles; dosage dispensers; dosimeters; downloadable ring tones for mobile phones; drainers for use in photography; drying apparatus for photographic prints; ducts [electricity]; DVD players; dynamometers; apparatus for editing cinematographic film; hourglasses; egg-candlers; electric loss indicators; electricity conduits; electrified rails for mounting spot lights; electrified fences; electrolyzers; electromagnetic coils; electronic notice boards; electronic pens [visual display units]; encoded magnetic cards; enlarging apparatus [photography]; epidiascopes; ergometers; exposure meters; eyeglass chains; eyeglass cases; eyeglass cords; eyepieces; instruments containing eyepieces; facsimile machines; apparatus for fermentation [laboratory apparatus]; fibre optic cables; film cutting apparatus; films, exposed; filters [photography]; filters for ultraviolet rays, for photography; filters for respiratory masks; flash-bulbs [photography]; flashlights [photography]; food analysis apparatus; frames for photographic transparencies; frequency meters; furnaces for laboratory use; ovens for laboratory use; furniture especially made for laboratories; fuse wire; fuses; galena crystals [detectors]; galvanic cells; galvanic batteries; galvanometers; gas testing instruments; petrol gauges; gasometers [measuring instruments]; gauges; glass covered with an electrical conductor; Global Position System [GPS] apparatus; grids for batteries; hands free kits for phones; head cleaning tapes [recording]; headphones; heat regulating apparatus; heliographic apparatus; high-frequency apparatus; holders for electric coils; holograms; horns for loudspeakers; hydrometers; hygrometers; magnetic identity cards; electric apparatus for remote ignition; incubators for bacteria culture; inductors [electricity]; smart cards [integrated circuit cards]; integrated circuits; intercommunication apparatus; inverters [electricity]; ionisation apparatus not for the treatment of air or water; juke boxes for computers; musical juke boxes; junction sleeves for electric cables; junction boxes [electricity]; laboratory trays; laboratory centrifuges; lactodensimeters; lactometers; lasers, not for medical purposes; lens hoods; lenses for astrophotography; levelling staffs [surveying instruments]; levelling instruments; levels [instruments for determining the horizontal]; light-emitting electronic pointers; light-emitting diodes [LED]; lighting ballasts; lightning conductors; limiters [electricity]; logs [measuring instruments]; loudspeakers; magic lanterns; magnetic encoders; magnetic wires; magnets; decorative magnets; magnifying glasses [optics]; marine compasses; marine depth finders; material testing instruments and machines; mathematical instruments; measures; measuring apparatus; measuring instruments; electric measuring devices; graduated glassware; measuring glassware; measuring spoons; mercury levels; metal detectors for industrial or military purposes; meteorological balloons; meteorological instruments; metronomes; micrometer screws for optical instruments; micrometers; microphones; microprocessors; microscopes; microtomes; mirrors for inspecting work; mirrors [optics]; modems; electric monitoring apparatus; navigation apparatus for vehicles [on-board computers]; needles for record players; objectives [lenses] [optics]; observation instruments; octants; ohmmeters; optical character readers; optical fibres; optical lenses; optical glass; optical lamps; optical goods; optical apparatus and instruments; optical condensers; oscillographs; oxygen transvasing apparatus; ozonisers; particle accelerators; pedometers; periscopes; personal stereos; petri dishes; sound recording discs; photocopiers; photometers; phototelegraphy apparatus; photovoltaic cells; apparatus and instruments for physics; pince-nez; eyeglasses; eyeglass frames; pipettes; pitot tubes; plane tables [surveying instruments]; planimeters; plates for batteries; plotters; plumb lines; plumb bobs; polarimeters; precision balances; precision measuring apparatus; pressure measuring apparatus; pressure gauges; pressure indicators; pressure indicator plugs for valves; printed circuits; printed circuit boards; prisms [optics]; probes for scientific purposes; protection devices against X-rays, not for medical purposes; protective helmets for sports; protective masks; protective suits for aviators; protractors [measuring instruments]; pyrometers; quantity indicators; radar apparatus; radio pagers; radiological apparatus for industrial purposes; radiology screens for industrial purposes; radios; radiotelegraphy sets; radiotelephony sets; telemeters; range finders; readers [data processing equipment]; audio- and video-receivers; record players; refractometers; refractors; electric regulating apparatus; electric relays; remote control apparatus; electric resistances; respirators for filtering air; respiratory masks, other than for artificial respiration; respirators, other than for artificial respiration; resuscitation mannequins [teaching apparatus]; retorts; retorts' stands; revolution counters; rheostats; riding helmets; rulers [measuring instruments]; rules [measuring instruments]; saccharometers; salinometers; satellite navigational apparatus; satellites for scientific purposes; scales; scanners [data processing equipment]; screens [photography]; screw-tapping gauges; semi-conductors; sextants; sheaths for electric cables; shutter releases [photography]; shutters [photography]; simulators for the steering and control of vehicles; slide projectors; slide calipers; slide-rules; inclinometers; smoke detectors; plugs, sockets and other contacts [electric connections]; socks, electrically heated; solar batteries; solderers' helmets; solenoid valves [electromagnetic switches]; sonars; sound transmitting apparatus; sound recording strips; sound recording carriers; sound locating instruments; sounding apparatus and machines; sounding lines; sounding leads; spark-guards; spectacle cases; spectacle frames; spectacle lenses; spectacles [optics]; spectrograph apparatus; spectrometers; speed indicators; spherometers; stands for photographic apparatus; steering apparatus, automatic, for vehicles; step-up transformers; stereoscopes; stereoscopic apparatus; stills for laboratory experiments; stroboscopes; sulphimeters; sunglasses; surveying instruments; surveying apparatus and instruments; surveying chains; surveyors' levels; tachometers; tape recorders; taximeters; teeth protectors; telephone apparatus; telephone receivers; telephone transmitters; telephone wires; teleprinters; teleprompters; teleruptors; telescopes; television apparatus; temperature apparatus; temperature indicators; temperature indicator labels, not for medical purposes; terminals [electricity]; test tubes; testing apparatus not for medical purposes; theodolites; thermionic valves; thermometers, not for medical purposes; thermostats; totalizers, transformers [electricity]; transistors [electronic]; transmitters of electronic signals; transmitters [telecommunication]; transmitting sets [telecommunication]; transparencies [photography]; transponders; triodes; tripods for cameras; urinometers; vacuum gauges; variometers; vehicle radios; verniers; video telephones; video game cartridges; video recorders; video screens; videotapes; photographic viewfinders; viscosimeters; voltmeters; voting machines; wafers for integrated circuits; walkie-talkies; water level indicators; wavemeters; weighing machines; wire connectors [electricity]; electric wires; wrist rests for use with computers; x-ray films, exposed; x-ray photographs, other than for medical purposes; x-ray apparatus, not for medical purposes; x-ray tubes not for medical purposes; apparatus and installations for the production of x-rays, not for medical purposes; safety spectacles; frames for spectacles and sunglasses; anaerobic chambers for laboratory or scientific use; anatomical models for instructional purposes; beakers [laboratory glassware]; cell culture apparatus for laboratory use; centrifuge separators for laboratory use; centrifuges for laboratory use; chemical reactors; containers for microscope slides; culture plates; diffraction apparatus [microscopy]; electron beam accelerators; environmental test chambers; temperature simulation equipment; equatorial telescopes; filtering units for laboratory use; flight simulators; fraction collectors; fume cupboards for laboratory use; gas mixers for laboratory use; gasifiers for laboratory use; genetic probe assay apparatus; geophysical research apparatus; geoseismic apparatus; glassware specifically adapted for scientific use; holders for test tubes; hollow glass containers for laboratory use; immunostaining instruments [for scientific purposes]; incubators for laboratory use;



laboratory optical apparatus; macroscopes; medical simulators [teaching aids]; microtitration instruments [other than for medical use]; nuclear resonance spectrometers [other than for medical use]; particle classifying apparatus; particle generators; radioisotope apparatus, other than for medical use; science sets for children being instructional apparatus; separating apparatus for laboratory use; ultrasonic cleaning instruments for laboratory use; ultrasonic diagnostic apparatus for laboratory use; vacuum probes for scientific use; vials for laboratory use; zenith telescopes; parts and fittings for all the aforesaid goods.

**Class 16:** Paper, cardboard and goods made from these materials, not included in other classes; 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 (not included in other classes); printers' type; printing blocks; adhesive tape dispensers [office requisites]; adhesive tapes for stationery or household purposes; adhesives [glues] for stationery or household purposes; albums/scrapbooks; almanacs; announcement cards [stationery]; arithmetical tables; atlases; binding strips [bookbinding]; biological samples for use in microscopy [teaching materials]; blackboards; blotters; bookbindings; bookends; booklets; bookmarkers; books; calendars; cards; charts; catalogues; charcoal pencils; clipboards; clips for offices; staples for offices; bookbinding cloth; comic books; compasses for drawing; composing frames [printing]; copying paper [stationery]; cords for bookbinding; correcting fluids [office requisites]; correcting tapes [office requisites]; diagrams; document laminators for office use; document files [stationery]; document holders [stationery]; drawing materials; drawing pads; drawing pens; drawing sets; drawing pins; elastic bands for offices; envelopes [stationery]; files [office requisites]; flyers; folders for papers; folders [stationery]; printed forms; fountain pens; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; index cards [stationery]; indexes; ledgers [books]; magazines [periodicals]; manuals; handbooks; marking pens; newsletters; newspapers; note books; numbers [type]; pads [stationery]; pamphlets; paper; paper sheets [stationery]; paper-clips; paperweights; pencil leads; pencil sharpeners, electric or non-electric; pencils; pens [office requisites]; periodicals; pictures; postcards; posters; printed matter; printed publications; printing type; printing blocks; prospectuses; rubber erasers; school supplies [stationery]; song books; stationery; stickers; teaching materials [except apparatus]; terrestrial globes; writing instruments; writing pads; writing cases [sets]; writing materials; writing cases [stationery]; writing or drawing books; writing paper; exercise books; Bibles; printed awards; printed certificates; reference books; dictionaries; directories; manuals; reports; magazines; journals, periodicals; newspapers; newsletters; exam papers; lecture notes; worksheets; quizzes; printed puzzles; educational assessment criteria; flashcards; vocabulary lists; paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials in Class 16 all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; parts and fittings for all the aforesaid goods.

**Class 41:** Education; providing of training; entertainment; sporting and cultural activities; academies [education]; arranging and conducting of colloquiums; arranging and conducting of workshops [training]; arranging and conducting of congresses; arranging and conducting of conferences; arranging and conducting of seminars; arranging and conducting of symposiums; boarding schools; schools; club services [entertainment or education]; coaching [training]; correspondence courses; distance learning courses; education information; educational examination; electronic desktop publishing; game services provided on-line from a computer network; holiday camp services [entertainment]; holiday camp services [education]; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; language interpreter services; lending libraries; mobile library services; providing museum facilities; nursery schools; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; physical education; practical training; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books; publication of reference books; publication of directories; publication of manuals; publication of reports; publication of magazines; publication of journals; publication of periodicals; publication of dictionaries; publication of exam papers; publication of lecture notes; publication of worksheets; publication of quizzes; publication of puzzles; publication of examination marking criteria; publication of pamphlets; publication of booklets; publication of flashcards; publication of vocabulary lists; publication of educational material; publication of electronic books online; publication of electronic journals online; publication of electronic reference books online; publication of directories online; publication of manuals online; publication of reports online; publication of magazines online; publication of periodicals online; publication of dictionaries online; publication of exam papers online; publication of lecture notes online; publication of educational worksheets online; publication of quizzes online; publication of puzzles online; publication of examination marking criteria online; publication of pamphlets online; publication of booklets online; publication of flashcards online; publication of vocabulary lists online; publication of educational material online; publishing; services of schools [education]; sport camp services; teaching services; educational services; instruction services; tuition; translation; vocational guidance [education or training advice]; vocational retraining; writing of texts, other than publicity texts; academic examination services; adult education services; analysing educational test scores and data for others; arrangement of training courses; arranging of festivals for educational purposes; bibliographic information; business educational services; business training; certification of education and training awards; computer assisted education services; computer assisted examination services; design of educational courses, examinations and qualifications; development of educational material; educational assessment services; educational examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of training, teaching, examination and assessment services including such services being provided via computer assisted and computer mediated means and via on-line means; provision of distance learning programmes; information, advisory and consultancy services relating to the aforesaid services.

## UK 3060815 CAMBRIDGE CLASS SERVER

Filing date: 20 June 2014

Date of entry in register: 5 December 2014

**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; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; audiovisual teaching apparatus; bags adapted for laptops; calculating machines; CDs; CD-ROMs; compact disc players; computer game software; software for playing games on mobile phones, tablets or portable computers; computer software, recorded; computer programs, recorded; computer programs [downloadable software]; software for mobile phones, tablets and portable computers; downloadable software for mobile devices; computer keyboards; computer peripheral devices; computer memory devices; computers; data processing apparatus; disk drives for computers; disks, magnetic; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; interfaces for computers; laptop computers; magnetic data media; magnetic tapes; magnetic disks; monitors [computer hardware]; mouse pads; notebook computers; tablet computers; portable computers; optical discs; optical data media; pocket calculators; portable telephones; mobile telephones; smartphones; handheld electronic devices for teaching and learning; portable electronic devices for teaching and learning; handheld electronic devices for examination and assessment; portable electronic devices for examination and assessment; handheld electronic devices for entertainment and reading; portable electronic devices for entertainment and reading; portable media players; printers for use with computers; central processing units; projection screens; projection apparatus; sleeves for laptops; sleeves for tablet computers; sleeves for portable computers; cases for mobile phones, tablets or portable computers; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; testing apparatus not for medical purposes; USB flash drives; video cassettes; videotapes; non-printed publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; application software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; satellite telephones; solar powered telephones; video communications apparatus; wireless telephony apparatus; digital tablets; computer apparatus; graphics tablets; handheld computers; mobile computers; on-board computers; pocket computers for note-taking; stands for computer equipment; wearable computers; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; abacuses; Global Position System [GPS] apparatus; hands free kits for phones; head cleaning tapes [recording]; headphones; parts and fittings for the aforesaid goods.*

**Class 16:** *Paper, cardboard; 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 (not included in other classes); printers' type; printing blocks; adhesive tape dispensers [office requisites]; adhesive tapes for stationery or household purposes; adhesives [glues] for stationery or household purposes; albums/scrapbooks; almanacs; announcement cards [stationery]; arithmetical tables; atlases; binding strips [bookbinding]; biological samples for use in microscopy [teaching materials]; blackboards; blotters; bookbindings; bookends; booklets; bookmarkers; books; calendars; cards; charts; catalogues; charcoal pencils; clipboards; clips for offices; staples for offices; bookbinding cloth; comic books; compasses for drawing; composing frames [printing]; copying paper [stationery]; cords for bookbinding; correcting fluids [office requisites]; correcting tapes [office requisites]; diagrams; document laminators for office use; document files [stationery]; document holders [stationery]; drawing materials; drawing pads; drawing pens; drawing sets; drawing pins; elastic bands for offices; envelopes [stationery]; files [office requisites]; flyers; folders for papers; folders [stationery]; printed forms; fountain pens; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; index cards [stationery]; indexes; ledgers [books]; magazines [periodicals]; manuals; handbooks; marking pens; newsletters; newspapers; note books; numbers [type]; pads [stationery]; pamphlets; paper; paper sheets [stationery]; paper-clips; paperweights; pencil leads; pencil sharpeners, electric or non-electric; pencils; pens [office requisites]; periodicals; pictures; postcards; posters; printed matter; printed publications; printing type; printing blocks; prospectuses; rubber erasers; school supplies [stationery]; song books; stationery; stickers; teaching materials [except apparatus]; terrestrial globes; writing instruments; writing pads; writing cases [sets]; writing materials; writing cases [stationery]; writing or drawing books; writing paper; exercise books; Bibles; printed awards; printed certificates; reference books; dictionaries; directories; manuals; reports; magazines; journals, periodicals; newspapers; newsletters; exam papers; worksheets; quizzes being printed matter; printed puzzles; educational assessment criteria and lecture notes; all being printed matter; flashcards; vocabulary lists; paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials in Class 16 all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; parts and fittings for all the aforesaid goods.*

**Class 35:** *Advertising; business management; business administration; office functions; provision of business advice and*

consultancy relating to franchising; retail services connected with the sale of compact discs, DVDs and other digital recording media; retail services connected with the sale of audio-visual teaching apparatus; retail services connected with the sale of computer programmes for interactive games or quizzes; retail services connected with the sale of podcasts and talking books; retail services connected with the sale of printed publications in electronically readable form; retail services connected with the sale of printed publications in optically recorded form; retail services connected with the sale of printed and downloadable educational materials including worksheets, flashcards, vocabulary lists, slide presentations, quizzes, reference books, text books, exam papers, assessment criteria, course materials and lecture notes; retail services connected with the sale of software; retail services connected with the sale of educational software; retail services connected with the sale of books; retail services connected with the sale of printed publications; retail services connected with the sale of printed matter; Rental services connected with the sale of advertising space; rental of advertising time on communication media; advertising by mail order; publicity; publicity agencies; production of advertising films; business management of performing artists; business management of sports people; business management of writers; business management for freelance service providers; providing business information via a web site; direct mail advertising; dissemination of advertising matter; distribution of samples; online advertising; marketing; marketing research; marketing studies; organisation of exhibitions for commercial or advertising purposes; public relations; publication of publicity texts; publicity material rental; radio advertising; sales promotion for others; rental of sales stands; search engine optimisation; sponsorship search; telemarketing services; television advertising; updating of advertising material; web site traffic optimisation; writing of publicity texts; Direct marketing; marketing consultancy; promotional marketing; marketing assistance; marketing services; marketing management advice; marketing consultation services; preparation of marketing plans; analysis relating to marketing; provision of marketing information; production of sound recordings for marketing purposes; production of video recordings for marketing purposes; arranging and conducting marketing promotional events for others; promotion, advertising and marketing of online websites; promotion services; promotional management of celebrities; promotional management of performing artists; promotional management of sports people; promotional management of writers; developing promotional campaigns for business; brand creation services (advertising and promotion); advisory services relating to promotional activities; distribution of advertising, marketing and promotional material; advertising, marketing and promotional consultancy, advisory and assistance services; Information, advisory and consultancy services relating to the aforesaid services.

**Class 41:** Education; providing of training; entertainment; sporting and cultural activities; provision of educational information via an online platform; academies [education]; arranging and conducting of colloquiums; arranging and conducting of workshops [training]; arranging and conducting of congresses; arranging and conducting of conferences; arranging and conducting of seminars; arranging and conducting of symposiums; boarding schools; schools; club services [entertainment or education]; coaching [training]; correspondence courses; distance learning courses; education information; educational examination; electronic desktop publishing; game services provided on-line from a computer network; holiday camp services [entertainment]; holiday camp services [education]; publishing consultancy services; advisory services relating to publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; language interpreter services; lending libraries; mobile library services; providing museum facilities; nursery schools; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; physical education; practical training; production of radio and television programmes; providing online electronic publications, not downloadable; publication of texts, other than publicity texts; publication of books; publication of reference books; publication of directories; publication of manuals; publication of reports; publication of magazines; publication of journals; publication of periodicals; publication of dictionaries; publication of exam papers; publication of lecture notes; publication of worksheets; publication of quizzes; publication of puzzles; publication of examination marking criteria; publication of pamphlets; publication of booklets; publication of flashcards; publication of vocabulary lists; publication of educational material; publication of electronic books online; publication of electronic journals online; publication of electronic reference books online; publication of directories online; publication of manuals online; publication of reports online; publication of magazines online; publication of periodicals online; publication of dictionaries online; publication of exam papers online; publication of lecture notes online; publication of educational worksheets online; publication of quizzes online; publication of puzzles online; publication of examination marking criteria online; publication of pamphlets online; publication of booklets online; publication of flashcards online; publication of vocabulary lists online; publication of educational material online; publishing; services of schools [education]; sport camp services; teaching services; educational services; instruction services; tuition; translation; vocational guidance [education or training advice]; vocational retraining; writing of texts, other than publicity texts; academic examination services; adult education services; analysing educational test scores and data for others; arrangement of training courses; arranging of festivals for educational purposes; bibliographic information; business educational services; business training; certification of education and training awards; computer assisted education services; computer assisted examination services; design of educational courses, examinations and qualifications; development of educational material; educational assessment services; educational examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; provision of training, teaching, examination and assessment services including such services being provided via computer assisted and computer mediated means and via on-line means; provision of distance learning programmes; organisation of conferences for commercial or advertising purposes; information, advisory and consultancy services relating to the aforesaid services.

**Class 42:** Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; Creating and maintaining web sites for others; digitisation of documents; hosting web sites; IT consultancy; providing information on computer technology via a website; website design consultancy; Designing, managing and monitoring online forums for discussion; creating electronically stored web pages for online services and the internet; hosting of digital content; information provided on-line from a computer database or from the internet; computer services; design of websites; online hosted computer services; managing web sites for others; constructing an internet platform for the exchange of information; providing an internet platform for the exchange of information; provision of a website containing advice and information relating to advertising, marketing and promotion; information, advisory and consultancy services relating to the aforesaid services.

**Class 45:** Legal services; security services for the protection of property and individuals; licensing of intellectual property; licensing services; licensing of software; legal advice relating to franchising; consultancy services relating to the legal aspects of franchising; information, advisory and consultancy services relating to the aforesaid services.

## UK3080031 CAMBRIDGE ELEVATE

Filing Date: 4 November 2014

Date of entry on the register: 10 April 2015

**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; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; audio-visual teaching apparatus; bags adapted for laptops; calculating machines; CDs; CD-ROMs; compact disc players; downloadable music files; downloadable image files; downloadable text files; downloadable video files; downloadable exam papers; downloadable quizzes; downloadable assessment criteria; downloadable books; downloadable educational materials; downloadable periodical publications; downloadable journals; downloadable dictionaries; downloadable reference books; downloadable lecture notes; downloadable educational worksheets; downloadable slide presentations; downloadable flashcards; downloadable vocabulary lists; DVDs; electronic publications, downloadable; electronic pocket translators; floppy disks; magnetic data media; magnetic tapes; magnetic disks; mouse pads; optical discs; optical data media; handheld electronic devices for teaching and learning; portable electronic devices for teaching and learning; handheld electronic devices for examination and assessment; portable electronic devices for examination and assessment; handheld electronic devices for reading; portable electronic devices for reading; portable media players; sound transmitting apparatus; sound recording apparatus; sound reproduction apparatus; teaching apparatus; video cassettes; videotapes; non-printed publications; printed publications in electronically readable form; printed publications in optically recorded form; databases; podcasts; talking books; training manuals in the form of a computer program; educational software; computer programmes for interactive games or quizzes; computer software for communicating with users of hand-held computers; computer software in the field of electronic publishing; electronic whiteboards; video communications apparatus; computer software for the provision of training, education, examination and assessment; computer software for the provision of training, education, examination and assessment for operation over computer networks; computer software for the provision of training, education, examination and assessment for operation by remote computer access; magnetic, optical and other disks, magnetic tape and other media for electronically recording data or software carrying computer data or computer software for the provision of training, education, examination and assessment; downloadable publications; downloadable educational materials including exam papers, course materials and lecture notes; downloadable computer software; electronic notice boards; optical character readers; parts and fittings for all the aforesaid goods.

**Class 16:** Paper; cardboard; 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 (not included in other classes); printers' type; printing blocks; albums/scrapbooks; almanacs; announcement cards [stationery]; arithmetical tables; atlases; binding strips [bookbinding]; blackboards; blotters; bookbindings; bookends; booklets; bookmarkers; books; brochures; calendars; cards; charts; catalogues; charcoal pencils; clipboards; clips for offices; staples for offices; bookbinding cloth; comic books; compasses for drawing; composing frames [printing]; copying paper [stationery]; cords for bookbinding; correcting fluids [office requisites]; correcting tapes [office requisites]; diagrams; document laminators for office use; document files [stationery]; document holders [stationery]; drawing materials; drawing pads; drawing pens; drawing sets; drawing pins; elastic bands for offices; envelopes [stationery]; files [office requisites]; flyers; folders for papers; folders [stationery]; printed forms; fountain pens; geographical maps; handwriting specimens for copying; histological sections for teaching purposes; index cards [stationery]; indexes; ledgers [books]; magazines [periodicals]; manuals; handbooks; marking pens; newsletters; newspapers; note books; numbers [type]; pads [stationery]; pamphlets; paper; paper sheets [stationery]; paper-clips; paperweights; pencil leads; pencil sharpeners, electric or non-electric; pencils; pens [office requisites]; periodicals; pictures; postcards; posters; printed matter; printed publications; printing type; printing blocks; prospectuses; rubber erasers; school supplies [stationery]; song books; stationery; stickers; teaching materials [except apparatus]; terrestrial globes; writing instruments; writing pads; writing cases [sets]; writing materials; writing cases [stationery]; writing or drawing books; writing paper; exercise books; Bibles; printed awards; printed certificates; periodical publications; journals; journal articles; reference books; dictionaries; directories; manuals; reports; magazines; periodicals; newspapers; newsletters; exam papers; lecture notes; worksheets; quizzes; printed puzzles; educational assessment criteria; flashcards; vocabulary lists; paper, books, booklets, documents, forms, brochures, cards, instructional and teaching materials all relating to the training, testing, examination and assessment of candidates for educational achievement, and to the provision of training, testing, examination and assessment services, including computer assisted, computer mediated services and on-line services and to the provision of distance learning programmes; parts and fittings for all the aforesaid goods.

**Class 38:** Telecommunications; provision of access to databases; provision of access to computer databases; arrangement of access to databases on the internet; leasing of access time to databases; rental of access time to databases; provision of multiple-user access to an online database; provision of multiple-user access to proprietary collections of information by means of online databases; interactive telecommunication services; operating chat rooms; forums [chat rooms] for social networking; electronic bulletin board services; electronic message delivery services; providing an online interactive bulletin board; providing online forums; providing virtual facilities for real-time interaction among computer users; web messaging services; information, advisory and consultancy services relating to the aforesaid services.

**Class 41:** Education; providing of training; entertainment; sporting and cultural activities; academies [education]; arranging and conducting of colloquiums; arranging and conducting of online colloquiums; arranging and conducting of workshops [training]; arranging and conducting of online workshops [training]; arranging and conducting of congresses; arranging and conducting of online congresses; arranging and conducting of conferences; arranging and conducting of online conferences; arranging and conducting of seminars; arranging and conducting of online seminars; arranging and conducting of symposiums; arranging and conducting of online symposiums boarding schools; schools; online schools; universities; online universities; club services [entertainment or education]; coaching [training]; correspondence courses; distance learning courses; education information; educational examination; electronic desktop publishing; game services provided on-line from a computer network; holiday camp services [education]; publishing consultancy services; advisory services relating to

*publishing; publishing services; electronic publishing services; providing electronic publications; publication of printed matter and printed publications; language interpreter services; lending libraries; mobile library services; organisation of competitions [education or entertainment]; organisation of exhibitions for cultural or educational purposes; physical education; practical training; production of radio and television programmes; providing online electronic publications, not downloadable; providing downloadable electronic publications; publication of texts, other than publicity texts; publication of books; publication of reference books; publication of directories; publication of manuals; publication of reports; publication of magazines; publication of journals; publication of periodicals; publication of dictionaries; publication of exam papers; publication of lecture notes; publication of worksheets; publication of quizzes; publication of puzzles; publication of examination marking criteria; publication of pamphlets; publication of booklets; publication of flashcards; publication of vocabulary lists; publication of educational material; publication of electronic books online; publication of electronic journals online; publication of electronic reference books online; publication of directories online; publication of manuals online; publication of reports online; publication of magazines online; publication of periodicals online; publication of dictionaries online; publication of exam papers online; publication of lecture notes online; publication of educational worksheets online; publication of quizzes online; publication of puzzles online; publication of examination marking criteria online; publication of pamphlets online; publication of booklets online; publication of flashcards online; publication of vocabulary lists online; publication of educational material online; publishing; publishing of downloadable electronic publications; services of schools [education]; sport camp services; teaching services; educational services; instruction services; tuition; translation; vocational guidance [education or training advice]; vocational retraining; writing of texts, other than publicity texts; academic examination services; adult education services; analysing educational test scores and data for others; arrangement of training courses; arranging of festivals for educational purposes; bibliographic information; business educational services; business training; certification of education and training awards; computer assisted education services; computer assisted examination services; design of educational courses, examinations and qualifications; development of educational material; educational assessment services; educational examination services; educational research; provision of educational examination facilities; setting of educational standards; university education services; university services; online university services; online school services; provision of training, teaching, examination and assessment services including such services being provided via computer assisted and computer mediated means and via on-line means; provision of distance learning programmes; information, advisory and consultancy services relating to the aforesaid services.*

**Class 42:** *Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; Creating and maintaining web sites for others; digitisation of documents; hosting websites; IT consultancy; providing information on computer technology via a website; website design consultancy; designing, managing and monitoring online forums for discussion; creating electronically stored web pages for online services and the internet; hosting of digital content; information provided on-line from a computer database or from the internet; computer services; design of websites; online hosted computer services; managing web sites for others; constructing an internet platform for the exchange of information; providing an internet platform for the exchange of information; hosting an online interactive learning portal; designing and hosting an online educational website; designing and hosting an online interactive educational website; designing and hosting a website for online interactive teaching; information, advisory and consultancy services relating to the aforesaid services.*